

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Marriage and Dissolution of
5 Marriage Act is amended by changing Section 602 and adding
6 Section 609.5 as follows:

7 (750 ILCS 5/602) (from Ch. 40, par. 602)

8 Sec. 602. Best Interest of Child.

9 (a) The court shall determine custody in accordance with
10 the best interest of the child. The court shall consider all
11 relevant factors including:

12 (1) the wishes of the child's parent or parents as to
13 his custody;

14 (2) the wishes of the child as to his custodian;

15 (3) the interaction and interrelationship of the child
16 with his parent or parents, his siblings and any other
17 person who may significantly affect the child's best
18 interest;

19 (4) the child's adjustment to his home, school and
20 community;

21 (5) the mental and physical health of all individuals
22 involved;

23 (6) the physical violence or threat of physical
24 violence by the child's potential custodian, whether
25 directed against the child or directed against another
26 person;

27 (7) the occurrence of ongoing abuse as defined in
28 Section 103 of the Illinois Domestic Violence Act of 1986,
29 whether directed against the child or directed against
30 another person; ~~and~~

31 (8) the willingness and ability of each parent to
32 facilitate and encourage a close and continuing

1 relationship between the other parent and the child; ~~and~~
2 (9) whether one of the parents is a sex offender.

3 In the case of a custody proceeding in which a stepparent
4 has standing under Section 601, it is presumed to be in the
5 best interest of the minor child that the natural parent have
6 the custody of the minor child unless the presumption is
7 rebutted by the stepparent.

8 (b) The court shall not consider conduct of a present or
9 proposed custodian that does not affect his relationship to the
10 child.

11 (c) Unless the court finds the occurrence of ongoing abuse
12 as defined in Section 103 of the Illinois Domestic Violence Act
13 of 1986, the court shall presume that the maximum involvement
14 and cooperation of both parents regarding the physical, mental,
15 moral, and emotional well-being of their child is in the best
16 interest of the child. There shall be no presumption in favor
17 of or against joint custody.

18 (Source: P.A. 90-782, eff. 8-14-98.)

19 (750 ILCS 5/609.5 new)

20 Sec. 609.5. Notification of remarriage or residency with a
21 sex offender. A parent who intends to marry or reside with a
22 sex offender, and knows or should know that the person with
23 whom he or she intends to marry or reside is a sex offender,
24 shall provide reasonable notice to the other parent with whom
25 he or she has a minor child prior to the marriage or the
26 commencement of the residency.