

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 Sections 602 and 610 and
6 adding 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.

27 (750 ILCS 5/610) (from Ch. 40, par. 610)

28 Sec. 610. Modification.

29 (a) Unless by stipulation of the parties or except as
30 provided in subsection (a-5), no motion to modify a custody
31 judgment may be made earlier than 2 years after its date,
32 unless the court permits it to be made on the basis of
33 affidavits that there is reason to believe the child's present
34 environment may endanger seriously his physical, mental, moral

1 or emotional health.

2 (a-5) A motion to modify a custody judgment may be made at
3 any time by a party who has been informed of the existence of
4 facts requiring notice to be given under Section 609.5.

5 (b) The court shall not modify a prior custody judgment
6 unless it finds by clear and convincing evidence, upon the
7 basis of facts that have arisen since the prior judgment or
8 that were unknown to the court at the time of entry of the
9 prior judgment, that a change has occurred in the circumstances
10 of the child or his custodian, or in the case of a joint
11 custody arrangement that a change has occurred in the
12 circumstances of the child or either or both parties having
13 custody, and that the modification is necessary to serve the
14 best interest of the child. The existence of facts requiring
15 notice to be given under Section 609.5 of this Act shall be
16 considered a change in circumstance. In the case of joint
17 custody, if the parties agree to a termination of a joint
18 custody arrangement, the court shall so terminate the joint
19 custody and make any modification which is in the child's best
20 interest. The court shall state in its decision specific
21 findings of fact in support of its modification or termination
22 of joint custody if either parent opposes the modification or
23 termination.

24 (c) Attorney fees and costs shall be assessed against a
25 party seeking modification if the court finds that the
26 modification action is vexatious and constitutes harassment.

27 (d) Notice under this Section shall be given as provided in
28 subsections (c) and (d) of Section 601.

29 (Source: P.A. 87-1255.)