

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 601, 602, 602.1,
6 604, 604.5, 605, and 607 as follows:

7 (750 ILCS 5/601) (from Ch. 40, par. 601)

8 Sec. 601. Jurisdiction; Commencement of Proceeding.

9 (a) A court of this State competent to decide child custody
10 matters has jurisdiction to make a child custody determination
11 in original or modification proceedings as provided in Section
12 201 of the Uniform Child-Custody Jurisdiction and Enforcement
13 Act as adopted by this State.

14 (b) A child custody proceeding is commenced in the court:

15 (1) by a parent, by filing a petition:

16 (i) for dissolution of marriage or legal
17 separation or declaration of invalidity of marriage;
18 or

19 (ii) for custody of the child, in the county in
20 which he is permanently resident or found;

21 (2) by a person other than a parent, by filing a
22 petition for custody of the child in the county in which he
23 is permanently resident or found, but only if he is not in
24 the physical custody of one of his parents; or

25 (3) by a stepparent, by filing a petition, if all of
26 the following circumstances are met:

27 (A) the child is at least 12 years old;

28 (B) the custodial parent and stepparent were
29 married for at least 5 years during which the child
30 resided with the parent and stepparent;

31 (C) the custodial parent is deceased or is disabled
32 and cannot perform the duties of a parent to the child;

1 (D) the stepparent provided for the care, control,
2 and welfare to the child prior to the initiation of
3 custody proceedings;

4 (E) the child wishes to live with the stepparent;
5 and

6 (F) it is alleged to be in the best interests and
7 welfare of the child to live with the stepparent as
8 provided in Section 602 of this Act.

9 (4) When one of the parents is deceased, by a
10 grandparent who is a parent or stepparent of a deceased
11 parent, by filing a petition, if one or more of the
12 following existed at the time of the parent's death:

13 (A) the surviving parent had been absent from the
14 marital abode for more than one month without the
15 deceased spouse knowing his or her whereabouts;

16 (B) the surviving parent was in State or federal
17 custody; or

18 (C) the surviving parent had: (i) received
19 supervision for or been convicted of any violation of
20 Article 12 of the Criminal Code of 1961 directed
21 towards the deceased parent or the child; or (ii)
22 received supervision or been convicted of violating an
23 order of protection entered under Section 217, 218, or
24 219 of the Illinois Domestic Violence Act of 1986 for
25 the protection of the deceased parent or the child.

26 (c) Notice of a child custody proceeding, including an
27 action for modification of a previous custody order, shall be
28 given to the child's parents, guardian and custodian, who may
29 appear, be heard, and file a responsive pleading. The court,
30 upon showing of good cause, may permit intervention of other
31 interested parties.

32 (d) Proceedings for modification of a previous custody
33 order commenced more than 30 days following the entry of a
34 previous custody order must be initiated by serving a written
35 notice and a copy of the petition for modification upon the
36 child's parent, guardian and custodian at least 30 days prior

1 to hearing on the petition. Nothing in this Section shall
2 preclude a party in custody modification proceedings from
3 moving for a temporary order under Section 603 of this Act.

4 (e) (Blank).

5 (f) The court shall, at the court's discretion or upon the
6 request of any party entitled to petition for custody of the
7 child, appoint a guardian ad litem to represent the best
8 interest of the child for the duration of the custody
9 proceeding or for any modifications of any custody orders
10 entered. The guardian ad litem shall have completed 3 hours of
11 training that relates to the functions and duties of a guardian
12 ad litem and that includes training on the dynamics of domestic
13 violence on partners and children. The guardian ad litem shall
14 investigate whether there is evidence that either partner
15 engaged in domestic violence and shall report to the court on
16 the results of the investigation. Nothing in this Section shall
17 be construed to prevent the court from appointing the same
18 guardian ad litem for 2 or more children that are siblings or
19 half-siblings.

20 (Source: P.A. 93-108, eff. 1-1-04; 93-1026, eff. 1-1-05.)

21 (750 ILCS 5/602) (from Ch. 40, par. 602)

22 Sec. 602. Best Interest of Child.

23 (a) The court shall determine custody in accordance with
24 the best interest of the child. The court shall consider all
25 relevant factors including:

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

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

29 (3) the interaction and interrelationship of the child
30 with his parent or parents, his siblings and any other
31 person who may significantly affect the child's best
32 interest;

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

35 (5) the mental and physical health of all individuals

1 involved;

2 (6) the physical violence or threat of physical
3 violence by the child's potential custodian, whether
4 directed against the child or directed against another
5 person;

6 (7) the occurrence of ongoing or repeated abuse as
7 defined in Section 103 of the Illinois Domestic Violence
8 Act of 1986, whether directed against the child or directed
9 against another person; and

10 (8) the willingness and ability of each parent to
11 facilitate and encourage a close and continuing
12 relationship between the other parent and the child.

13 In the case of a custody proceeding in which a stepparent
14 has standing under Section 601, it is presumed to be in the
15 best interest of the minor child that the natural parent have
16 the custody of the minor child unless the presumption is
17 rebutted by the stepparent.

18 (a-3) In any determination of custody where the court hears
19 evidence concerning item (6) or (7) of subsection (a) of this
20 Section, the court shall state in writing the reason that the
21 court determined that legal custody with that party is in the
22 best interest of the child.

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

26 (c) Unless the court finds the occurrence of ongoing abuse
27 as defined in Section 103 of the Illinois Domestic Violence Act
28 of 1986, the court shall presume that the maximum involvement
29 and cooperation of both parents regarding the physical, mental,
30 moral, and emotional well-being of their child is in the best
31 interest of the child. There shall be no presumption in favor
32 of or against joint custody.

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

34 (750 ILCS 5/602.1) (from Ch. 40, par. 602.1)

35 Sec. 602.1. (a) The dissolution of marriage, the

1 declaration of invalidity of marriage, the legal separation of
2 the parents, or the parents living separate and apart shall not
3 diminish parental powers, rights, and responsibilities except
4 as the court for good reason may determine under the standards
5 of Section 602.

6 (b) Upon the application of either or both parents, or upon
7 its own motion, the court shall consider an award of joint
8 custody. Joint custody means custody determined pursuant to a
9 Joint Parenting Agreement or a Joint Parenting Order. In such
10 cases, the court shall initially request the parents to produce
11 a Joint Parenting Agreement. Such Agreement shall specify each
12 parent's powers, rights and responsibilities for the personal
13 care of the child and for major decisions such as education,
14 health care, and religious training. The Agreement shall
15 further specify a procedure by which proposed changes, disputes
16 and alleged breaches may be mediated or otherwise resolved and
17 shall provide for a periodic review of its terms by the
18 parents. In producing a Joint Parenting Agreement, the parents
19 shall be flexible in arriving at resolutions which further the
20 policy of this State as expressed in Sections 102 and 602. For
21 the purpose of assisting the court in making a determination
22 whether an award of joint custody is appropriate, the court may
23 order mediation and may direct that an investigation be
24 conducted pursuant to the provisions of Section 605. If there
25 is a danger to the health or safety of a partner, joint
26 mediation shall not be required by the court. In the event the
27 parents fail to produce a Joint Parenting Agreement, the court
28 may enter an appropriate Joint Parenting Order under the
29 standards of Section 602 which shall specify and contain the
30 same elements as a Joint Parenting Agreement, or it may award
31 sole custody under the standards of Sections 602, 607, and 608.

32 (c) The court may enter an order of joint custody if it
33 determines that joint custody would be in the best interests of
34 the child, taking into account the following:

- 35 (1) the ability of the parents to cooperate effectively
36 and consistently in matters that directly affect the joint

1 parenting of the child. "Ability of the parents to
2 cooperate" means the parents' capacity to substantially
3 comply with a Joint Parenting Order. The court shall not
4 consider the inability of the parents to cooperate
5 effectively and consistently in matters that do not
6 directly affect the joint parenting of the child;

7 (2) The residential circumstances of each parent; and

8 (3) all other factors which may be relevant to the best
9 interest of the child.

10 (c-3) In any determination of joint custody where the court
11 hears evidence concerning physical violence or threat of
12 physical violence by the child's potential custodian or the
13 occurrence of ongoing or repeated abuse as defined in Section
14 103 of the Illinois Domestic Violence Act of 1986, whether
15 directed against the child or directed against another person,
16 the court shall state in writing the reason that the court
17 determined that joint custody with that party is in the best
18 interest of the child.

19 (d) Nothing within this section shall imply or presume that
20 joint custody shall necessarily mean equal parenting time. The
21 physical residence of the child in joint custodial situations
22 shall be determined by:

23 (1) express agreement of the parties; or

24 (2) order of the court under the standards of this
25 Section.

26 (e) Notwithstanding any other provision of law, access to
27 records and information pertaining to a child, including but
28 not limited to medical, dental, child care and school records,
29 shall not be denied to a parent for the reason that such parent
30 is not the child's custodial parent; however, no parent shall
31 have access to the school records of a child if the parent is
32 prohibited by an order of protection from inspecting or
33 obtaining such records pursuant to the Illinois Domestic
34 Violence Act of 1986, as now or hereafter amended.

35 (Source: P.A. 88-409.)

1 (750 ILCS 5/604) (from Ch. 40, par. 604)

2 Sec. 604. Interviews.) (a) The court may interview the
3 child in chambers to ascertain the child's wishes as to his
4 custodian and as to visitation. Counsel shall be present at the
5 interview unless otherwise agreed upon by the parties. The
6 court shall cause a court reporter to be present who shall make
7 a complete record of the interview instantaneously to be part
8 of the record in the case.

9 (b) The court may seek the advice of professional
10 personnel, whether or not employed by the court on a regular
11 basis. The professional personnel must have completed 3 hours
12 of training in domestic violence and its effects on the partner
13 and the child. The advice given shall be in writing and made
14 available by the court to counsel. Counsel may examine, as a
15 witness, any professional personnel consulted by the court,
16 designated as a court's witness.

17 (Source: P.A. 80-923.)

18 (750 ILCS 5/604.5)

19 Sec. 604.5. Evaluation of child's best interest.

20 (a) In a proceeding for custody, visitation, or removal of
21 a child from Illinois, upon notice and motion made within a
22 reasonable time before trial, the court may order an evaluation
23 concerning the best interest of the child as it relates to
24 custody, visitation, or removal. All evaluators must have
25 completed 3 hours of training in domestic violence and its
26 effects on the partner and the child. The motion may be made by
27 a party, a parent, the child's custodian, the attorney for the
28 child, the child's guardian ad litem, or the child's
29 representative. The requested evaluation may be in place of or
30 in addition to an evaluation conducted under subsection (b) of
31 Section 604.

32 The motion shall state the identity of the proposed
33 evaluator and set forth the evaluator's specialty or
34 discipline. The court may refuse to order an evaluation by the
35 proposed evaluator, but in that event, the court may permit the

1 party seeking the evaluation to propose one or more other
2 evaluators.

3 (b) An order for an evaluation shall fix the time, place,
4 conditions, and scope of the evaluation and shall designate the
5 evaluator. A party or person shall not be required to travel an
6 unreasonable distance for the evaluation.

7 (c) The person requesting an evaluator shall pay the fee
8 for the evaluation unless otherwise ordered by the court.

9 (d) Within 21 days after the completion of the evaluation,
10 if the moving party or person intends to call the evaluator as
11 a witness, the evaluator shall prepare and mail or deliver to
12 the attorneys of record duplicate originals of the written
13 evaluation. The evaluation shall set forth the evaluator's
14 findings, the results of all tests administered, and the
15 evaluator's conclusions and recommendations. If the written
16 evaluation is not delivered or mailed to the attorneys within
17 21 days or within any extensions or modifications granted by
18 the court, the written evaluation and the evaluator's
19 testimony, conclusions, and recommendations may not be
20 received into evidence.

21 (e) The person calling an evaluator to testify at trial
22 shall disclose the evaluator as an opinion witness in
23 accordance with the Supreme Court Rules.

24 (f) Subject to compliance with the Supreme Court Rules,
25 nothing in this Section bars a person who did not request the
26 evaluation from calling the evaluator as a witness. In that
27 case, however, that person shall pay the evaluator's fee for
28 testifying unless otherwise ordered by the court.

29 (Source: P.A. 91-746, eff. 6-2-00.)

30 (750 ILCS 5/605) (from Ch. 40, par. 605)

31 Sec. 605. Investigations and Reports. (a) In contested
32 custody proceedings, and in other custody proceedings if a
33 parent or the child's custodian so requests, the court may
34 order an investigation and report concerning custodial
35 arrangements for the child. The investigation and report may be

1 made by a child welfare agency approved by the Department of
2 Children and Family Services, but shall not be made by that
3 Department unless the court determines either that there is no
4 child welfare agency available or that the parent or the
5 child's custodian is financially unable to pay for the
6 investigation or report.

7 (b) An investigator who makes a report to the court must
8 have completed 3 hours of training in domestic violence and its
9 effects on the partner and the child. In preparing his report
10 concerning a child, the investigator may consult any person who
11 may have information about the child and his potential
12 custodial arrangements. Under order of the court, the
13 investigator may refer the child to professional personnel for
14 diagnosis. The investigator may consult with and obtain
15 information from medical, psychiatric or other expert persons
16 who have served the child in the past, without obtaining the
17 consent of the parent or the child's custodian. The child's
18 consent must be obtained if he has reached the age of 16,
19 unless the court finds that he lacks mental capacity to
20 consent.

21 (c) The investigator shall mail the report to counsel, and
22 to any party not represented by counsel, at least 10 days prior
23 to the hearing. The court may examine and consider the
24 investigator's report in determining custody. The investigator
25 shall make available to counsel, and to any party not
26 represented by counsel, the investigator's file of underlying
27 data, reports, and the complete texts of diagnostic reports
28 made to the investigator pursuant to the provisions of
29 subsection (b) of this Section, and the names and addresses of
30 all persons whom the investigator has consulted. Any party to
31 the proceeding may call the investigator, or any person whom he
32 has consulted, as a court's witness, for cross-examination. A
33 party may not waive his right of cross-examination prior to the
34 hearing.

35 (Source: P.A. 86-659.)

1 (750 ILCS 5/607) (from Ch. 40, par. 607)

2 Sec. 607. Visitation.

3 (a) A parent not granted custody of the child is entitled
4 to reasonable visitation rights unless the court finds, after a
5 hearing, that visitation would endanger seriously the child's
6 physical, mental, moral or emotional health. If the custodian's
7 street address is not identified, pursuant to Section 708, the
8 court shall require the parties to identify reasonable
9 alternative arrangements for visitation by a non-custodial
10 parent, including but not limited to visitation of the minor
11 child at the residence of another person or at a local public
12 or private facility.

13 (a-3) Nothing in subsection (a-5) of this Section shall
14 apply to a child in whose interests a petition under Section
15 2-13 of the Juvenile Court Act of 1987 is pending.

16 (a-5) (1) Except as otherwise provided in this subsection
17 (a-5), any grandparent, great-grandparent, or sibling may file
18 a petition for visitation rights to a minor child if there is
19 an unreasonable denial of visitation by a parent and at least
20 one of the following conditions exists:

21 (A) one parent of the child is incompetent as a matter
22 of law or deceased or has been sentenced to a period of
23 imprisonment for more than 1 year;

24 (B) the child's mother and father are divorced or have
25 been legally separated from each other during the 3 month
26 period prior to the filing of the petition and at least one
27 parent does not object to the grandparent,
28 great-grandparent, or sibling having visitation with the
29 child. The visitation of the grandparent,
30 great-grandparent, or sibling must not diminish the
31 visitation of the parent who is not related to the
32 grandparent, great-grandparent, or sibling seeking
33 visitation;

34 (C) the court, other than a Juvenile Court, has
35 terminated a parent-child relationship and the
36 grandparent, great-grandparent, or sibling is the parent

1 of the person whose parental rights have been terminated,
2 except in cases of adoption. The visitation must not be
3 used to allow the parent who lost parental rights to
4 unlawfully visit with the child;

5 (D) the child is illegitimate, the parents are not
6 living together, and the petitioner is a maternal
7 grandparent, great-grandparent, or sibling of the
8 illegitimate child; or

9 (E) the child is illegitimate, the parents are not
10 living together, the petitioner is a paternal grandparent,
11 great-grandparent, or sibling, and the paternity has been
12 established by a court of competent jurisdiction.

13 (2) The grandparent, great-grandparent, or sibling of a
14 parent whose parental rights have been terminated through an
15 adoption proceeding may not petition for visitation rights.

16 (3) In making a determination under this subsection (a-5),
17 there is a rebuttable presumption that a fit parent's actions
18 and decisions regarding grandparent, great-grandparent, or
19 sibling visitation are not harmful to the child's mental,
20 physical, or emotional health. The burden is on the party
21 filing a petition under this Section to prove that the parent's
22 actions and decisions regarding visitation times are harmful to
23 the child's mental, physical, or emotional health.

24 (4) In determining whether to grant visitation, the court
25 shall consider the following:

26 (A) the preference of the child if the child is
27 determined to be of sufficient maturity to express a
28 preference;

29 (B) the mental and physical health of the child;

30 (C) the mental and physical health of the grandparent,
31 great-grandparent, or sibling;

32 (D) the length and quality of the prior relationship
33 between the child and the grandparent, great-grandparent,
34 or sibling;

35 (E) the good faith of the party in filing the petition;

36 (F) the good faith of the person denying visitation;

1 (G) the quantity of the visitation time requested and
2 the potential adverse impact that visitation would have on
3 the child's customary activities;

4 (H) whether the child resided with the petitioner for
5 at least 6 consecutive months with or without the current
6 custodian present;

7 (I) whether the petitioner had frequent or regular
8 contact with the child for at least 12 consecutive months;
9 and

10 (J) any other fact that establishes that the loss of
11 the relationship between the petitioner and the child is
12 likely to harm the child's mental, physical, or emotional
13 health.

14 (5) The court may order visitation rights for the
15 grandparent, great-grandparent, or sibling that include
16 reasonable access without requiring overnight or possessory
17 visitation.

18 (a-7)(1) Unless by stipulation of the parties, no motion to
19 modify a grandparent, great-grandparent, or sibling visitation
20 order may be made earlier than 2 years after the date the order
21 was filed, unless the court permits it to be made on the basis
22 of affidavits that there is reason to believe the child's
23 present environment may endanger seriously the child's mental,
24 physical, or emotional health.

25 (2) The court shall not modify a prior grandparent,
26 great-grandparent, or sibling visitation order unless it finds
27 by clear and convincing evidence, upon the basis of facts that
28 have arisen since the prior visitation order or that were
29 unknown to the court at the time of entry of the prior
30 visitation, that a change has occurred in the circumstances of
31 the child or his or her custodian, and that the modification is
32 necessary to protect the mental, physical, or emotional health
33 of the child. The court shall state in its decision specific
34 findings of fact in support of its modification or termination
35 of the grandparent, great-grandparent, or sibling visitation.

36 (3) Attorney fees and costs shall be assessed against a

1 party seeking modification of the visitation order if the court
2 finds that the modification action is vexatious and constitutes
3 harassment.

4 (4) Notice under this subsection (a-7) shall be given as
5 provided in subsections (c) and (d) of Section 601.

6 (b) (1) (Blank.)

7 (1.5) The Court may grant reasonable visitation privileges
8 to a stepparent upon petition to the court by the stepparent,
9 with notice to the parties required to be notified under
10 Section 601 of this Act, if the court determines that it is in
11 the best interests and welfare of the child, and may issue any
12 necessary orders to enforce those visitation privileges. A
13 petition for visitation privileges may be filed under this
14 paragraph (1.5) whether or not a petition pursuant to this Act
15 has been previously filed or is currently pending if the
16 following circumstances are met:

17 (A) the child is at least 12 years old;

18 (B) the child resided continuously with the parent and
19 stepparent for at least 5 years;

20 (C) the parent is deceased or is disabled and is unable
21 to care for the child;

22 (D) the child wishes to have reasonable visitation with
23 the stepparent; and

24 (E) the stepparent was providing for the care, control,
25 and welfare to the child prior to the initiation of the
26 petition for visitation.

27 (2) (A) A petition for visitation privileges shall not be
28 filed pursuant to this subsection (b) by the parents or
29 grandparents of a putative father if the paternity of the
30 putative father has not been legally established.

31 (B) A petition for visitation privileges may not be filed
32 under this subsection (b) if the child who is the subject of
33 the grandparents' or great-grandparents' petition has been
34 voluntarily surrendered by the parent or parents, except for a
35 surrender to the Illinois Department of Children and Family
36 Services or a foster care facility, or has been previously

1 adopted by an individual or individuals who are not related to
2 the biological parents of the child or is the subject of a
3 pending adoption petition by an individual or individuals who
4 are not related to the biological parents of the child.

5 (3) (Blank).

6 (c) The court may modify an order granting or denying
7 visitation rights of a parent whenever modification would serve
8 the best interest of the child; but the court shall not
9 restrict a parent's visitation rights unless it finds that the
10 visitation would endanger seriously the child's physical,
11 mental, moral or emotional health. The court may modify an
12 order granting, denying, or limiting visitation rights of a
13 grandparent, great-grandparent, or sibling of any minor child
14 whenever a change of circumstances has occurred based on facts
15 occurring subsequent to the judgment and the court finds by
16 clear and convincing evidence that the modification is in the
17 best interest of the minor child.

18 (c-3) In any proceeding for the modification of an order
19 granting or denying visitation rights of a parent where the
20 court hears evidence concerning physical violence or threat of
21 physical violence by the child's potential custodian or the
22 occurrence of ongoing or repeated abuse as defined in Section
23 103 of the Illinois Domestic Violence Act of 1986, whether
24 directed against the child or directed against another person,
25 the court shall state in writing the evidence the reason that
26 the court determined that granting or denying visitation with
27 that party is in the best interest of the child.

28 (d) If any court has entered an order prohibiting a
29 non-custodial parent of a child from any contact with a child
30 or restricting the non-custodial parent's contact with the
31 child, the following provisions shall apply:

32 (1) If an order has been entered granting visitation
33 privileges with the child to a grandparent or
34 great-grandparent who is related to the child through the
35 non-custodial parent, the visitation privileges of the
36 grandparent or great-grandparent may be revoked if:

1 (i) a court has entered an order prohibiting the
2 non-custodial parent from any contact with the child,
3 and the grandparent or great-grandparent is found to
4 have used his or her visitation privileges to
5 facilitate contact between the child and the
6 non-custodial parent; or

7 (ii) a court has entered an order restricting the
8 non-custodial parent's contact with the child, and the
9 grandparent or great-grandparent is found to have used
10 his or her visitation privileges to facilitate contact
11 between the child and the non-custodial parent in a
12 manner that violates the terms of the order restricting
13 the non-custodial parent's contact with the child.

14 Nothing in this subdivision (1) limits the authority of
15 the court to enforce its orders in any manner permitted by
16 law.

17 (2) Any order granting visitation privileges with the
18 child to a grandparent or great-grandparent who is related
19 to the child through the non-custodial parent shall contain
20 the following provision:

21 "If the (grandparent or great-grandparent, whichever
22 is applicable) who has been granted visitation privileges
23 under this order uses the visitation privileges to
24 facilitate contact between the child and the child's
25 non-custodial parent, the visitation privileges granted
26 under this order shall be permanently revoked."

27 (e) No parent, not granted custody of the child, or
28 grandparent, or great-grandparent, or stepparent, or sibling
29 of any minor child, convicted of any offense involving an
30 illegal sex act perpetrated upon a victim less than 18 years of
31 age including but not limited to offenses for violations of
32 Article 12 of the Criminal Code of 1961, is entitled to
33 visitation rights while incarcerated or while on parole,
34 probation, conditional discharge, periodic imprisonment, or
35 mandatory supervised release for that offense, and upon
36 discharge from incarceration for a misdemeanor offense or upon

1 discharge from parole, probation, conditional discharge,
2 periodic imprisonment, or mandatory supervised release for a
3 felony offense, visitation shall be denied until the person
4 successfully completes a treatment program approved by the
5 court.

6 (f) Unless the court determines, after considering all
7 relevant factors, including but not limited to those set forth
8 in Section 602(a), that it would be in the best interests of
9 the child to allow visitation, the court shall not enter an
10 order providing visitation rights and pursuant to a motion to
11 modify visitation shall revoke visitation rights previously
12 granted to any person who would otherwise be entitled to
13 petition for visitation rights under this Section who has been
14 convicted of first degree murder of the parent, grandparent,
15 great-grandparent, or sibling of the child who is the subject
16 of the order. Until an order is entered pursuant to this
17 subsection, no person shall visit, with the child present, a
18 person who has been convicted of first degree murder of the
19 parent, grandparent, great-grandparent, or sibling of the
20 child without the consent of the child's parent, other than a
21 parent convicted of first degree murder as set forth herein, or
22 legal guardian.

23 (g) If an order has been entered limiting, for cause, a
24 minor child's contact or visitation with a grandparent,
25 great-grandparent, or sibling on the grounds that it was in the
26 best interest of the child to do so, that order may be modified
27 only upon a showing of a substantial change in circumstances
28 occurring subsequent to the entry of the order with proof by
29 clear and convincing evidence that modification is in the best
30 interest of the minor child.

31 (Source: P.A. 93-911, eff. 1-1-05.)

32 Section 99. Effective date. This Act takes effect upon
33 becoming law.