



Sen. Wendell E. Jones

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LRB094 05993 LCB 44839 a

1 AMENDMENT TO SENATE BILL 98

2 AMENDMENT NO. _____. Amend Senate Bill 98 by replacing
3 everything after the enacting clause with the following:

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

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

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

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

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

9 (D) the stepparent provided for the care, control,
10 and welfare to the child prior to the initiation of
11 custody proceedings;

12 (E) the child wishes to live with the stepparent;
13 and

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

17 (4) When one of the parents is deceased, by a
18 grandparent who is a parent or stepparent of a deceased
19 parent, by filing a petition, if one or more of the
20 following existed at the time of the parent's death:

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

24 (B) the surviving parent was in State or federal
25 custody; or

26 (C) the surviving parent had: (i) received
27 supervision for or been convicted of any violation of
28 Article 12 of the Criminal Code of 1961 directed
29 towards the deceased parent or the child; or (ii)
30 received supervision or been convicted of violating an
31 order of protection entered under Section 217, 218, or
32 219 of the Illinois Domestic Violence Act of 1986 for
33 the protection of the deceased parent or the child.

34 (c) Notice of a child custody proceeding, including an

1 action for modification of a previous custody order, shall be
2 given to the child's parents, guardian and custodian, who may
3 appear, be heard, and file a responsive pleading. The court,
4 upon showing of good cause, may permit intervention of other
5 interested parties.

6 (d) Proceedings for modification of a previous custody
7 order commenced more than 30 days following the entry of a
8 previous custody order must be initiated by serving a written
9 notice and a copy of the petition for modification upon the
10 child's parent, guardian and custodian at least 30 days prior
11 to hearing on the petition. Nothing in this Section shall
12 preclude a party in custody modification proceedings from
13 moving for a temporary order under Section 603 of this Act.

14 (e) (Blank).

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

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

31 (750 ILCS 5/602) (from Ch. 40, par. 602)

32 Sec. 602. Best Interest of Child.

33 (a) The court shall determine custody in accordance with

1 the best interest of the child. The court shall consider all
2 relevant factors including:

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

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

6 (3) the interaction and interrelationship of the child
7 with his parent or parents, his siblings and any other
8 person who may significantly affect the child's best
9 interest;

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

12 (5) the mental and physical health of all individuals
13 involved;

14 (6) the physical violence or threat of physical
15 violence by the child's potential custodian, whether
16 directed against the child or directed against another
17 person;

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

22 (8) the willingness and ability of each parent to
23 facilitate and encourage a close and continuing
24 relationship between the other parent and the child.

25 In the case of a custody proceeding in which a stepparent
26 has standing under Section 601, it is presumed to be in the
27 best interest of the minor child that the natural parent have
28 the custody of the minor child unless the presumption is
29 rebutted by the stepparent.

30 (a-3) In any determination of custody where the court hears
31 evidence concerning item (6) or (7) of subsection (a) of this
32 Section, the court shall state in writing the reason that the
33 court determined that legal custody with that party is in the
34 best interest of the child.

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

4 (c) Unless the court finds the occurrence of ongoing abuse
5 as defined in Section 103 of the Illinois Domestic Violence Act
6 of 1986, the court shall presume that the maximum involvement
7 and cooperation of both parents regarding the physical, mental,
8 moral, and emotional well-being of their child is in the best
9 interest of the child. There shall be no presumption in favor
10 of or against joint custody.

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

12 (750 ILCS 5/602.1) (from Ch. 40, par. 602.1)

13 Sec. 602.1. (a) The dissolution of marriage, the
14 declaration of invalidity of marriage, the legal separation of
15 the parents, or the parents living separate and apart shall not
16 diminish parental powers, rights, and responsibilities except
17 as the court for good reason may determine under the standards
18 of Section 602.

19 (b) Upon the application of either or both parents, or upon
20 its own motion, the court shall consider an award of joint
21 custody. Joint custody means custody determined pursuant to a
22 Joint Parenting Agreement or a Joint Parenting Order. In such
23 cases, the court shall initially request the parents to produce
24 a Joint Parenting Agreement. Such Agreement shall specify each
25 parent's powers, rights and responsibilities for the personal
26 care of the child and for major decisions such as education,
27 health care, and religious training. The Agreement shall
28 further specify a procedure by which proposed changes, disputes
29 and alleged breaches may be mediated or otherwise resolved and
30 shall provide for a periodic review of its terms by the
31 parents. In producing a Joint Parenting Agreement, the parents
32 shall be flexible in arriving at resolutions which further the
33 policy of this State as expressed in Sections 102 and 602. For

1 the purpose of assisting the court in making a determination
2 whether an award of joint custody is appropriate, the court may
3 order mediation and may direct that an investigation be
4 conducted pursuant to the provisions of Section 605. If there
5 is a danger to the health or safety of a partner, joint
6 mediation shall not be required by the court. In the event the
7 parents fail to produce a Joint Parenting Agreement, the court
8 may enter an appropriate Joint Parenting Order under the
9 standards of Section 602 which shall specify and contain the
10 same elements as a Joint Parenting Agreement, or it may award
11 sole custody under the standards of Sections 602, 607, and 608.

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

15 (1) the ability of the parents to cooperate effectively
16 and consistently in matters that directly affect the joint
17 parenting of the child. "Ability of the parents to
18 cooperate" means the parents' capacity to substantially
19 comply with a Joint Parenting Order. The court shall not
20 consider the inability of the parents to cooperate
21 effectively and consistently in matters that do not
22 directly affect the joint parenting of the child;

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

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

26 (c-3) In any determination of joint custody where the court
27 hears evidence concerning physical violence or threat of
28 physical violence by the child's potential custodian or the
29 occurrence of ongoing or repeated abuse as defined in Section
30 103 of the Illinois Domestic Violence Act of 1986, whether
31 directed against the child or directed against another person,
32 the court shall state in writing the reason that the court
33 determined that joint custody with that party is in the best
34 interest of the child.

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

5 (1) express agreement of the parties; or

6 (2) order of the court under the standards of this
7 Section.

8 (e) Notwithstanding any other provision of law, access to
9 records and information pertaining to a child, including but
10 not limited to medical, dental, child care and school records,
11 shall not be denied to a parent for the reason that such parent
12 is not the child's custodial parent; however, no parent shall
13 have access to the school records of a child if the parent is
14 prohibited by an order of protection from inspecting or
15 obtaining such records pursuant to the Illinois Domestic
16 Violence Act of 1986, as now or hereafter amended.

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

18 (750 ILCS 5/604) (from Ch. 40, par. 604)

19 Sec. 604. Interviews.) (a) The court may interview the
20 child in chambers to ascertain the child's wishes as to his
21 custodian and as to visitation. Counsel shall be present at the
22 interview unless otherwise agreed upon by the parties. The
23 court shall cause a court reporter to be present who shall make
24 a complete record of the interview instantaneously to be part
25 of the record in the case.

26 (b) The court may seek the advice of professional
27 personnel, whether or not employed by the court on a regular
28 basis. The professional personnel must have completed 3 hours
29 of training in domestic violence and its effects on the partner
30 and the child. The advice given shall be in writing and made
31 available by the court to counsel. Counsel may examine, as a
32 witness, any professional personnel consulted by the court,
33 designated as a court's witness.

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

2 (750 ILCS 5/604.5)

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

4 (a) In a proceeding for custody, visitation, or removal of
5 a child from Illinois, upon notice and motion made within a
6 reasonable time before trial, the court may order an evaluation
7 concerning the best interest of the child as it relates to
8 custody, visitation, or removal. All evaluators must have
9 completed 3 hours of training in domestic violence and its
10 effects on the partner and the child. The motion may be made by
11 a party, a parent, the child's custodian, the attorney for the
12 child, the child's guardian ad litem, or the child's
13 representative. The requested evaluation may be in place of or
14 in addition to an evaluation conducted under subsection (b) of
15 Section 604.

16 The motion shall state the identity of the proposed
17 evaluator and set forth the evaluator's specialty or
18 discipline. The court may refuse to order an evaluation by the
19 proposed evaluator, but in that event, the court may permit the
20 party seeking the evaluation to propose one or more other
21 evaluators.

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

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

28 (d) Within 21 days after the completion of the evaluation,
29 if the moving party or person intends to call the evaluator as
30 a witness, the evaluator shall prepare and mail or deliver to
31 the attorneys of record duplicate originals of the written
32 evaluation. The evaluation shall set forth the evaluator's
33 findings, the results of all tests administered, and the

1 evaluator's conclusions and recommendations. If the written
2 evaluation is not delivered or mailed to the attorneys within
3 21 days or within any extensions or modifications granted by
4 the court, the written evaluation and the evaluator's
5 testimony, conclusions, and recommendations may not be
6 received into evidence.

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

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

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

16 (750 ILCS 5/605) (from Ch. 40, par. 605)

17 Sec. 605. Investigations and Reports. (a) In contested
18 custody proceedings, and in other custody proceedings if a
19 parent or the child's custodian so requests, the court may
20 order an investigation and report concerning custodial
21 arrangements for the child. The investigation and report may be
22 made by a child welfare agency approved by the Department of
23 Children and Family Services, but shall not be made by that
24 Department unless the court determines either that there is no
25 child welfare agency available or that the parent or the
26 child's custodian is financially unable to pay for the
27 investigation or report.

28 (b) An investigator who makes a report to the court must
29 have completed 3 hours of training in domestic violence and its
30 effects on the partner and the child. In preparing his report
31 concerning a child, the investigator may consult any person who
32 may have information about the child and his potential
33 custodial arrangements. Under order of the court, the

1 investigator may refer the child to professional personnel for
2 diagnosis. The investigator may consult with and obtain
3 information from medical, psychiatric or other expert persons
4 who have served the child in the past, without obtaining the
5 consent of the parent or the child's custodian. The child's
6 consent must be obtained if he has reached the age of 16,
7 unless the court finds that he lacks mental capacity to
8 consent.

9 (c) The investigator shall mail the report to counsel, and
10 to any party not represented by counsel, at least 10 days prior
11 to the hearing. The court may examine and consider the
12 investigator's report in determining custody. The investigator
13 shall make available to counsel, and to any party not
14 represented by counsel, the investigator's file of underlying
15 data, reports, and the complete texts of diagnostic reports
16 made to the investigator pursuant to the provisions of
17 subsection (b) of this Section, and the names and addresses of
18 all persons whom the investigator has consulted. Any party to
19 the proceeding may call the investigator, or any person whom he
20 has consulted, as a court's witness, for cross-examination. A
21 party may not waive his right of cross-examination prior to the
22 hearing.

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

24 (750 ILCS 5/607) (from Ch. 40, par. 607)

25 Sec. 607. Visitation.

26 (a) A parent not granted custody of the child is entitled
27 to reasonable visitation rights unless the court finds, after a
28 hearing, that visitation would endanger seriously the child's
29 physical, mental, moral or emotional health. If the custodian's
30 street address is not identified, pursuant to Section 708, the
31 court shall require the parties to identify reasonable
32 alternative arrangements for visitation by a non-custodial
33 parent, including but not limited to visitation of the minor

1 child at the residence of another person or at a local public
2 or private facility.

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

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

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

14 (B) the child's mother and father are divorced or have
15 been legally separated from each other during the 3 month
16 period prior to the filing of the petition and at least one
17 parent does not object to the grandparent,
18 great-grandparent, or sibling having visitation with the
19 child. The visitation of the grandparent,
20 great-grandparent, or sibling must not diminish the
21 visitation of the parent who is not related to the
22 grandparent, great-grandparent, or sibling seeking
23 visitation;

24 (C) the court, other than a Juvenile Court, has
25 terminated a parent-child relationship and the
26 grandparent, great-grandparent, or sibling is the parent
27 of the person whose parental rights have been terminated,
28 except in cases of adoption. The visitation must not be
29 used to allow the parent who lost parental rights to
30 unlawfully visit with the child;

31 (D) the child is illegitimate, the parents are not
32 living together, and the petitioner is a maternal
33 grandparent, great-grandparent, or sibling of the
34 illegitimate child; or

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

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

8 (3) In making a determination under this subsection (a-5),
9 there is a rebuttable presumption that a fit parent's actions
10 and decisions regarding grandparent, great-grandparent, or
11 sibling visitation are not harmful to the child's mental,
12 physical, or emotional health. The burden is on the party
13 filing a petition under this Section to prove that the parent's
14 actions and decisions regarding visitation times are harmful to
15 the child's mental, physical, or emotional health.

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

18 (A) the preference of the child if the child is
19 determined to be of sufficient maturity to express a
20 preference;

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

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

24 (D) the length and quality of the prior relationship
25 between the child and the grandparent, great-grandparent,
26 or sibling;

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

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

29 (G) the quantity of the visitation time requested and
30 the potential adverse impact that visitation would have on
31 the child's customary activities;

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

1 (I) whether the petitioner had frequent or regular
2 contact with the child for at least 12 consecutive months;
3 and

4 (J) any other fact that establishes that the loss of
5 the relationship between the petitioner and the child is
6 likely to harm the child's mental, physical, or emotional
7 health.

8 (5) The court may order visitation rights for the
9 grandparent, great-grandparent, or sibling that include
10 reasonable access without requiring overnight or possessory
11 visitation.

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

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

30 (3) Attorney fees and costs shall be assessed against a
31 party seeking modification of the visitation order if the court
32 finds that the modification action is vexatious and constitutes
33 harassment.

34 (4) Notice under this subsection (a-7) shall be given as

1 provided in subsections (c) and (d) of Section 601.

2 (b) (1) (Blank.)

3 (1.5) The Court may grant reasonable visitation privileges
4 to a stepparent upon petition to the court by the stepparent,
5 with notice to the parties required to be notified under
6 Section 601 of this Act, if the court determines that it is in
7 the best interests and welfare of the child, and may issue any
8 necessary orders to enforce those visitation privileges. A
9 petition for visitation privileges may be filed under this
10 paragraph (1.5) whether or not a petition pursuant to this Act
11 has been previously filed or is currently pending if the
12 following circumstances are met:

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

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

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

18 (D) the child wishes to have reasonable visitation with
19 the stepparent; and

20 (E) the stepparent was providing for the care, control,
21 and welfare to the child prior to the initiation of the
22 petition for visitation.

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

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

1 pending adoption petition by an individual or individuals who
2 are not related to the biological parents of the child.

3 (3) (Blank).

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

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

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

30 (1) If an order has been entered granting visitation
31 privileges with the child to a grandparent or
32 great-grandparent who is related to the child through the
33 non-custodial parent, the visitation privileges of the
34 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

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

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

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

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

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".