

HB6197



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB6197

Introduced 2/11/2010, by Rep. Michael J. Zalewski

SYNOPSIS AS INTRODUCED:

750 ILCS 5/602

from Ch. 40, par. 602

Amends the Illinois Marriage and Dissolution of Marriage Act. Makes a technical change in a Section concerning the best interest of the child.

LRB096 19574 AJO 34966 b

A BILL FOR

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 as follows:

6 (750 ILCS 5/602) (from Ch. 40, par. 602)

7 Sec. 602. Best Interest of Child.

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

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

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

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

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

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

22 (6) the physical violence or threat of physical
23 violence by the child's potential custodian, whether

1 directed against the child or directed against another
2 person;

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

7 (8) the willingness and ability of each parent to
8 facilitate and encourage a close and continuing
9 relationship between the other parent and the child;

10 (9) whether one of the parents is a sex offender; and

11 (10) the terms of a parent's military family-care plan
12 that a parent must complete before deployment if a parent
13 is a member of the United States Armed Forces who is being
14 deployed.

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

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

23 (c) Unless the court finds the occurrence of ongoing abuse
24 as defined in Section 103 of the Illinois Domestic Violence Act
25 of 1986, the court shall presume that the maximum involvement
26 and cooperation of both parents regarding the physical, mental,

1 moral, and emotional well-being of their child is in the best
2 interest of the child. There shall be no presumption in favor
3 of or against joint custody.

4 (Source: P.A. 95-331, eff. 8-21-07; 96-676, eff. 1-1-10.)