

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 603, 606, 607, and
6 610 as follows:

7 (750 ILCS 5/603) (from Ch. 40, par. 603)

8 Sec. 603. Temporary Orders.

9 (a) A party to a custody proceeding, including a proceeding
10 to modify custody, may move for a temporary custody order. The
11 court may award temporary custody under the standards of
12 Section 602, ~~and~~ the standards and procedures of Section 602.1,
13 and the provisions of subsection (f) of Section 610 after a
14 hearing, or, if there is no objection, solely on the basis of
15 the affidavits or the agreement of the parties if the court
16 finds that the parties' agreement is in the best interest of
17 the child.

18 (b) If a proceeding for dissolution of marriage or legal
19 separation or declaration of invalidity of marriage is
20 dismissed, any temporary custody order is vacated unless a
21 parent or the child's custodian moves that the proceeding
22 continue as a custody proceeding and the court finds, after a
23 hearing, that the circumstances of the parents and the best

1 interest of the child requires that a custody judgment be
2 issued.

3 (c) If a custody proceeding commenced in the absence of a
4 petition for dissolution of marriage or legal separation, under
5 either subparagraph (ii) of paragraph (1), or paragraph (2), of
6 subsection (d) of Section 601, is dismissed, any temporary
7 custody order is vacated.

8 (Source: P.A. 86-530; 87-1255.)

9 (750 ILCS 5/606) (from Ch. 40, par. 606)

10 Sec. 606. Hearings.

11 (a) Custody proceedings shall receive priority in being set
12 for hearing.

13 (b) The court may tax as costs the payment of necessary
14 travel and other expenses incurred by any person whose presence
15 at the hearing the court deems necessary to determine the best
16 interest of the child.

17 (c) The court, without a jury, shall determine questions of
18 law and fact. If it finds that a public hearing may be
19 detrimental to the child's best interest, the court may exclude
20 the public from a custody hearing, but may admit any person who
21 has a direct and legitimate interest in the particular case or
22 a legitimate educational or research interest in the work of
23 the court.

24 (d) If the court finds it necessary, in order to protect
25 the child's welfare, that the record of any interview, report,

1 investigation, or testimony in a custody proceeding be kept
2 secret, the court may make an appropriate order sealing the
3 record.

4 (e) Previous statements made by the child relating to any
5 allegations that the child is an abused or neglected child
6 within the meaning of the Abused and Neglected Child Reporting
7 Act, or an abused or neglected minor within the meaning of the
8 Juvenile Court Act of 1987, shall be admissible in evidence in
9 a hearing concerning custody of or visitation with the child.
10 No such statement, however, if uncorroborated and not subject
11 to cross-examination, shall be sufficient in itself to support
12 a finding of abuse or neglect.

13 (f) Custody and visitation proceedings in which a parent is
14 a member of the United States Armed Forces who is deployed or
15 who has orders to be deployed shall, upon the request of either
16 party or on the court's own motion receive expedited priority
17 in being set for hearing.

18 (g) In any custody or visitation proceeding in which a
19 parent is a member of the United States Armed Forces who is
20 deployed or who has orders to be deployed, the court shall,
21 upon a request of the service member, permit the deployed
22 parent who is unavailable to appear for the proceeding to
23 testify by telephone, audiovisual means, or other electronic
24 means. The court shall cooperate with the deployed parent in
25 designating an appropriate location for the testimony.

26 (Source: P.A. 87-1081.)

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 (1) "Visitation" means in-person time spent between a
14 child and the child's parent. In appropriate
15 circumstances, it may include electronic communication
16 under conditions and at times determined by the court.

17 (2) "Electronic communication" means time that a
18 parent spends with his or her child during which the child
19 is not in the parent's actual physical custody, but which
20 is facilitated by the use of communication tools such as
21 the telephone, electronic mail, instant messaging, video
22 conferencing or other wired or wireless technologies via
23 the Internet, or another medium of communication.

24 (a-3) Grandparents, great-grandparents, and siblings of a
25 minor child, who is one year old or older, have standing to

1 bring an action in circuit court by petition, requesting
2 visitation in accordance with this Section. The term "sibling"
3 in this Section means a brother, sister, stepbrother, or
4 stepsister of the minor child. Grandparents,
5 great-grandparents, and siblings also have standing to file a
6 petition for visitation and any electronic communication
7 rights in a pending dissolution proceeding or any other
8 proceeding that involves custody or visitation issues,
9 requesting visitation in accordance with this Section. A
10 petition for visitation with a child by a person other than a
11 parent must be filed in the county in which the child resides.
12 Nothing in this subsection (a-3) and subsection (a-5) of this
13 Section shall apply to a child in whose interests a petition is
14 pending under Section 2-13 of the Juvenile Court Act of 1987 or
15 a petition to adopt an unrelated child is pending under the
16 Adoption Act.

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

22 (A) (Blank);

23 (A-5) the child's other parent is deceased or has been
24 missing for at least 3 months. For the purposes of this
25 Section a parent is considered to be missing if the
26 parent's location has not been determined and the parent

1 has been reported as missing to a law enforcement agency;

2 (A-10) a parent of the child is incompetent as a matter
3 of law;

4 (A-15) a parent has been incarcerated in jail or prison
5 during the 3 month period preceding the filing of the
6 petition;

7 (B) the child's mother and father are divorced or have
8 been legally separated from each other or there is pending
9 a dissolution proceeding involving a parent of the child or
10 another court proceeding involving custody or visitation
11 of the child (other than any adoption proceeding of an
12 unrelated child) and at least one parent does not object to
13 the grandparent, great-grandparent, or sibling having
14 visitation with the child. The visitation of the
15 grandparent, great-grandparent, or sibling must not
16 diminish the visitation of the parent who is not related to
17 the grandparent, great-grandparent, or sibling seeking
18 visitation;

19 (C) (Blank);

20 (D) the child is born out of wedlock, the parents are
21 not living together, and the petitioner is a maternal
22 grandparent, great-grandparent, or sibling of the child
23 born out of wedlock; or

24 (E) the child is born out of wedlock, the parents are
25 not living together, the petitioner is a paternal
26 grandparent, great-grandparent, or sibling, and the

1 paternity has been established by a court of competent
2 jurisdiction.

3 (2) Any visitation rights granted pursuant to this Section
4 before the filing of a petition for adoption of a child shall
5 automatically terminate by operation of law upon the entry of
6 an order terminating parental rights or granting the adoption
7 of the child, whichever is earlier. If the person or persons
8 who adopted the child are related to the child, as defined by
9 Section 1 of the Adoption Act, any person who was related to
10 the child as grandparent, great-grandparent, or sibling prior
11 to the adoption shall have standing to bring an action pursuant
12 to this Section requesting visitation with the child.

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

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

23 (A) the preference of the child if the child is
24 determined to be of sufficient maturity to express a
25 preference;

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

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

3 (D) the length and quality of the prior relationship
4 between the child and the grandparent, great-grandparent,
5 or sibling;

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

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

8 (G) the quantity of the visitation time requested and
9 the potential adverse impact that visitation would have on
10 the child's customary activities;

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

14 (I) whether the petitioner had frequent or regular
15 contact or visitation with the child for at least 12
16 consecutive months;

17 (J) any other fact that establishes that the loss of
18 the relationship between the petitioner and the child is
19 likely to harm the child's mental, physical, or emotional
20 health; and

21 (K) whether the grandparent, great-grandparent, or
22 sibling was a primary caretaker of the child for a period
23 of not less than 6 consecutive months.

24 (5) The court may order visitation rights for the
25 grandparent, great-grandparent, or sibling that include
26 reasonable access without requiring overnight or possessory

1 visitation.

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

9 (2) The court shall not modify an order that grants
10 visitation to a grandparent, great-grandparent, or sibling
11 unless it finds by clear and convincing evidence, upon the
12 basis of facts that have arisen since the prior visitation
13 order or that were unknown to the court at the time of entry of
14 the prior visitation, that a change has occurred in the
15 circumstances of the child or his or her custodian, and that
16 the modification is necessary to protect the mental, physical,
17 or emotional health of the child. The court shall state in its
18 decision specific findings of fact in support of its
19 modification or termination of the grandparent,
20 great-grandparent, or sibling visitation. A child's parent may
21 always petition to modify visitation upon changed
22 circumstances when necessary to promote the child's best
23 interest.

24 (3) Attorney fees and costs shall be assessed against a
25 party seeking modification of the visitation order if the court
26 finds that the modification action is vexatious and constitutes

1 harassment.

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

4 (b) (1) (Blank.)

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

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

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

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

20 (D) the child wishes to have reasonable visitation with
21 the stepparent; and

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

25 (2) (A) A petition for visitation privileges shall not be
26 filed pursuant to this subsection (b) by the parents or

1 grandparents of a putative father if the paternity of the
2 putative father has not been legally established.

3 (B) A petition for visitation privileges may not be filed
4 under this subsection (b) if the child who is the subject of
5 the grandparents' or great-grandparents' petition has been
6 voluntarily surrendered by the parent or parents, except for a
7 surrender to the Illinois Department of Children and Family
8 Services or a foster care facility, or has been previously
9 adopted by an individual or individuals who are not related to
10 the biological parents of the child or is the subject of a
11 pending adoption petition by an individual or individuals who
12 are not related to the biological parents of the child.

13 (3) (Blank).

14 (c) The court may modify an order granting or denying
15 visitation rights of a parent whenever modification would serve
16 the best interest of the child; but the court shall not
17 restrict a parent's visitation rights unless it finds that the
18 visitation would endanger seriously the child's physical,
19 mental, moral or emotional health.

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

24 (1) If an order has been entered granting visitation
25 privileges with the child to a grandparent or
26 great-grandparent who is related to the child through the

1 non-custodial parent, the visitation privileges of the
2 grandparent or great-grandparent may be revoked if:

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

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

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

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

23 "If the (grandparent or great-grandparent, whichever
24 is applicable) who has been granted visitation privileges
25 under this order uses the visitation privileges to
26 facilitate contact between the child and the child's

1 non-custodial parent, the visitation privileges granted
2 under this order shall be permanently revoked."

3 (e) No parent, not granted custody of the child, or
4 grandparent, or great-grandparent, or stepparent, or sibling
5 of any minor child, convicted of any offense involving an
6 illegal sex act perpetrated upon a victim less than 18 years of
7 age including but not limited to offenses for violations of
8 Article 12 of the Criminal Code of 1961, is entitled to
9 visitation rights while incarcerated or while on parole,
10 probation, conditional discharge, periodic imprisonment, or
11 mandatory supervised release for that offense, and upon
12 discharge from incarceration for a misdemeanor offense or upon
13 discharge from parole, probation, conditional discharge,
14 periodic imprisonment, or mandatory supervised release for a
15 felony offense, visitation shall be denied until the person
16 successfully completes a treatment program approved by the
17 court.

18 (f) Unless the court determines, after considering all
19 relevant factors, including but not limited to those set forth
20 in Section 602(a), that it would be in the best interests of
21 the child to allow visitation, the court shall not enter an
22 order providing visitation rights and pursuant to a motion to
23 modify visitation shall revoke visitation rights previously
24 granted to any person who would otherwise be entitled to
25 petition for visitation rights under this Section who has been
26 convicted of first degree murder of the parent, grandparent,

1 great-grandparent, or sibling of the child who is the subject
2 of the order. Until an order is entered pursuant to this
3 subsection, no person shall visit, with the child present, a
4 person who has been convicted of first degree murder of the
5 parent, grandparent, great-grandparent, or sibling of the
6 child without the consent of the child's parent, other than a
7 parent convicted of first degree murder as set forth herein, or
8 legal guardian.

9 (g) (Blank).

10 (h) Upon motion, the court may allow a parent who is
11 deployed or who has orders to be deployed as a member of the
12 United States Armed Forces to designate a person known to the
13 child to exercise reasonable substitute visitation on behalf of
14 the deployed parent, if the court determines that substitute
15 visitation is in the best interest of the child.

16 (Source: P.A. 96-331, eff. 1-1-10.)

17 (750 ILCS 5/610) (from Ch. 40, par. 610)

18 Sec. 610. Modification.

19 (a) Unless by stipulation of the parties or except as
20 provided in subsection (a-5), no motion to modify a custody
21 judgment may be made earlier than 2 years after its date,
22 unless the court permits it to be made on the basis of
23 affidavits that there is reason to believe the child's present
24 environment may endanger seriously his physical, mental, moral
25 or emotional health.

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

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

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

26 (d) Notice under this Section shall be given as provided in

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

2 (e) (Blank). ~~A party's absence, relocation, or failure to~~
3 ~~comply with the court's orders on custody, visitation, or~~
4 ~~parenting time may not, by itself, be sufficient to justify a~~
5 ~~modification of a prior order if the reason for the absence,~~
6 ~~relocation, or failure to comply is the party's deployment as a~~
7 ~~member of the United States Armed Forces.~~

8 (f) A court may only provide for a temporary modification
9 of a custody or visitation order during a period of a parent's
10 deployment by the United States Armed Forces in order to make
11 reasonable accommodations necessitated by the deployment. The
12 temporary order shall specify that deployment is the basis for
13 the order and shall include provisions for:

14 (1) custody or reasonable visitation during a period of
15 leave granted to the deployed parent if the custody or
16 reasonable visitation is in the child's best interest;

17 (2) the court's reservation of jurisdiction to modify
18 or terminate the temporary modification order upon the
19 termination of the deployed parent's deployment upon such
20 terms and conditions as the court may deem necessary to
21 serve the child's best interest at the time of the
22 termination of the deployment.

23 (g) A party's past, current, or possible future absence or
24 relocation, or failure to comply with the court's orders on
25 custody, visitation, or parenting time may not, by itself, be
26 sufficient to justify a modification of a prior order if the

1 reason for the absence, relocation or failure to comply is the
2 party's deployment as a member of the United States Armed
3 Forces.

4 (Source: P.A. 96-676, eff. 1-1-10.)