

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 Parentage Act of 1984 is amended by
5 changing Section 6.5 as follows:

6 (750 ILCS 45/6.5)

7 Sec. 6.5. Custody or visitation ~~by sex offender~~ prohibited
8 to men who father through sexual assault or sexual abuse.

9 (a) This Section applies to a person who has been found to
10 be the father of a child under this Act and who:

11 (1) has been convicted of or who has pled guilty or
12 nolo contendere to a violation of Section 11-1.20 (criminal
13 sexual assault), Section 11-1.30 (aggravated criminal
14 sexual assault), Section 11-1.40 (predatory criminal
15 sexual assault of a child), Section 11-1.50 (criminal
16 sexual abuse), Section 11-1.60 (aggravated criminal sexual
17 abuse), Section 11-11 (sexual relations within families),
18 Section 12-13 (criminal sexual assault), Section 12-14
19 (aggravated criminal sexual assault), Section 12-14.1
20 (predatory criminal sexual assault of a child), Section
21 12-15 (criminal sexual abuse), or Section 12-16
22 (aggravated criminal sexual abuse) of the Criminal Code of
23 1961 or the Criminal Code of 2012, or a similar statute in

1 another jurisdiction, for his conduct in fathering that
2 child; or -

3 (2) at a fact-finding hearing, is found by clear and
4 convincing evidence to have committed an act of
5 non-consensual sexual penetration for his conduct in
6 fathering that child.

7 (b) A person described in subsection (a) shall not be
8 entitled to custody of or visitation with that child without
9 the consent of the child's mother or guardian. If the person
10 described in subsection (a) is also the guardian of the child,
11 he does not have the authority to consent to visitation or
12 custody under this Section. If the mother of the child is a
13 minor, and the person described in subsection (a) is also the
14 father or guardian of the mother, then he does not have the
15 authority to consent to custody or visits.

16 (c) Notwithstanding any other provision of this Act,
17 nothing in this Section shall be construed to relieve the
18 father described in subsection (a) of any support and
19 maintenance obligations to the child under this Act. The
20 child's mother or guardian may decline support and maintenance
21 obligations from the father.

22 (d) Notwithstanding any other provision of law, the father
23 described in subsection (a) of this Section is not entitled to
24 any inheritance or other rights from the child without the
25 consent of the child's mother or guardian.

26 (e) Notwithstanding any provision of the Illinois Marriage

1 and Dissolution of Marriage Act, the parent, grandparent,
2 great-grandparent, or sibling of the person described in
3 subsection (a) of this Section does not have standing to bring
4 an action requesting custody or visitation with the child
5 without the consent of the child's mother or guardian.

6 (f) A petition under this Section may be filed by the
7 child's mother or guardian either as an affirmative petition in
8 circuit court or as an affirmative defense in any proceeding
9 filed by the person described in subsection (a) of this Section
10 regarding the child.

11 (Source: P.A. 96-1551, eff. 7-1-11; 97-568, eff. 8-25-11;
12 97-1150, eff. 1-25-13.)