



Rep. La Shawn K. Ford

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LRB101 04712 LNS 57578 a

1 AMENDMENT TO HOUSE BILL 185

2 AMENDMENT NO. _____. Amend House Bill 185 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 602.5 and 602.7 as
6 follows:

7 (750 ILCS 5/602.5)

8 Sec. 602.5. Allocation of parental responsibilities:
9 decision-making.

10 (a) Generally. The court shall allocate decision-making
11 responsibilities according to the child's best interests.
12 ~~Nothing in this Act requires that each parent be allocated~~
13 ~~decision-making responsibilities.~~

14 (b) Allocation of significant decision-making
15 responsibilities. Unless the parents otherwise agree in
16 writing on an allocation of significant decision-making

1 responsibilities, or the issue of the allocation of parental
2 responsibilities has been reserved under Section 401, the court
3 shall make the determination. The court shall allocate to one
4 or both of the parents the significant decision-making
5 responsibility for each significant issue affecting the child.
6 Those significant issues shall include, without limitation,
7 the following:

8 (1) Education, including the choice of schools and
9 tutors.

10 (2) Health, including all decisions relating to the
11 medical, dental, and psychological needs of the child and
12 to the treatments arising or resulting from those needs.

13 (3) Religion, subject to the following provisions:

14 (A) The court shall allocate decision-making
15 responsibility for the child's religious upbringing in
16 accordance with any express or implied agreement
17 between the parents.

18 (B) The court shall consider evidence of the
19 parents' past conduct as to the child's religious
20 upbringing in allocating decision-making
21 responsibilities consistent with demonstrated past
22 conduct in the absence of an express or implied
23 agreement between the parents.

24 (C) The court shall not allocate any aspect of the
25 child's religious upbringing if it determines that the
26 parents do not or did not have an express or implied

1 agreement for such religious upbringing or that there
2 is insufficient evidence to demonstrate a course of
3 conduct regarding the child's religious upbringing
4 that could serve as a basis for any such order.

5 (4) Extracurricular activities.

6 (c) Determination of child's best interests. In
7 determining the child's best interests for purposes of
8 allocating significant decision-making responsibilities, the
9 court shall consider all relevant factors, including, without
10 limitation, the following:

11 (1) the wishes of the child, taking into account the
12 child's maturity and ability to express reasoned and
13 independent preferences as to decision-making;

14 (2) the child's adjustment to his or her home, school,
15 and community;

16 (3) the mental and physical health of all individuals
17 involved;

18 (4) the ability of the parents to cooperate to make
19 decisions, or the level of conflict between the parties
20 that may affect their ability to share decision-making;

21 (5) the level of each parent's participation in past
22 significant decision-making with respect to the child;

23 (6) any prior agreement or course of conduct between
24 the parents relating to decision-making with respect to the
25 child;

26 (7) the wishes of the parents;

1 (8) the child's needs;

2 (9) the distance between the parents' residences, the
3 cost and difficulty of transporting the child, each
4 parent's and the child's daily schedules, and the ability
5 of the parents to cooperate in the arrangement;

6 (10) whether a restriction on decision-making is
7 appropriate under Section 603.10;

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

11 (12) the physical violence or threat of physical
12 violence by the child's parent directed against the child;

13 (13) the occurrence of abuse against the child or other
14 member of the child's household;

15 (14) whether one of the parents is a sex offender, and
16 if so, the exact nature of the offense and what, if any,
17 treatment in which the parent has successfully
18 participated; and

19 (15) any other factor that the court expressly finds to
20 be relevant.

21 (d) A parent shall have sole responsibility for making
22 routine decisions with respect to the child and for emergency
23 decisions affecting the child's health and safety during that
24 parent's parenting time.

25 (e) In allocating significant decision-making
26 responsibilities, the court shall not consider conduct of a

1 parent that does not affect that parent's relationship to the
2 child.

3 (Source: P.A. 99-90, eff. 1-1-16.)

4 (750 ILCS 5/602.7)

5 Sec. 602.7. Allocation of parental responsibilities:
6 parenting time.

7 (a) Best interests. The court shall allocate parenting time
8 according to the child's best interests.

9 (b) Allocation of parenting time. Unless the parents
10 present a mutually agreed written parenting plan and that plan
11 is approved by the court, the court shall allocate parenting
12 time. It is presumed both parents are fit and fit parents act
13 in the best interest of their children, therefore the court
14 shall not place any restrictions on parenting time as defined
15 in Section 600 and described in Section 603.10, unless it finds
16 by a preponderance of the evidence that a parent's exercise of
17 parenting time would seriously endanger the child's physical,
18 mental, moral, or emotional health.

19 In determining the child's best interests for purposes of
20 allocating parenting time, the court shall consider all
21 relevant factors, including, without limitation, the
22 following:

23 (1) the wishes of each parent seeking parenting time;

24 (2) the wishes of the child, taking into account the
25 child's maturity and ability to express reasoned and

1 independent preferences as to parenting time;

2 (3) (blank); ~~the amount of time each parent spent~~
3 ~~performing caretaking functions with respect to the child~~
4 ~~in the 24 months preceding the filing of any petition for~~
5 ~~allocation of parental responsibilities or, if the child is~~
6 ~~under 2 years of age, since the child's birth;~~

7 (4) any prior agreement or course of conduct between
8 the parents relating to caretaking functions with respect
9 to the child;

10 (5) the interaction and interrelationship of the child
11 with his or her parents and siblings and with any other
12 person who may significantly affect the child's best
13 interests;

14 (6) the child's adjustment to his or her home, school,
15 and community;

16 (7) the mental and physical health of all individuals
17 involved;

18 (8) the child's needs;

19 (9) the distance between the parents' residences, the
20 cost and difficulty of transporting the child, each
21 parent's and the child's daily schedules, and the ability
22 of the parents to cooperate in the arrangement;

23 (10) whether a restriction on parenting time is
24 appropriate;

25 (11) the physical violence or threat of physical
26 violence by the child's parent directed against the child

1 or other member of the child's household;

2 (12) the willingness and ability of each parent to
3 place the needs of the child ahead of his or her own needs;

4 (13) the willingness and ability of each parent to
5 facilitate and encourage a close and continuing
6 relationship between the other parent and the child;

7 (14) the occurrence of abuse against the child or other
8 member of the child's household;

9 (15) whether one of the parents is a convicted sex
10 offender or lives with a convicted sex offender and, if so,
11 the exact nature of the offense and what if any treatment
12 the offender has successfully participated in; the parties
13 are entitled to a hearing on the issues raised in this
14 paragraph (15);

15 (16) the terms of a parent's military family-care plan
16 that a parent must complete before deployment if a parent
17 is a member of the United States Armed Forces who is being
18 deployed; and

19 (17) any other factor that the court expressly finds to
20 be relevant.

21 (c) In allocating parenting time, the court shall not
22 consider conduct of a parent that does not affect that parent's
23 relationship to the child.

24 (d) Upon motion, the court may allow a parent who is
25 deployed or who has orders to be deployed as a member of the
26 United States Armed Forces to designate a person known to the

1 child to exercise reasonable substitute visitation on behalf of
2 the deployed parent, if the court determines that substitute
3 visitation is in the best interests of the child. In
4 determining whether substitute visitation is in the best
5 interests of the child, the court shall consider all of the
6 relevant factors listed in subsection (b) of this Section and
7 apply those factors to the person designated as a substitute
8 for the deployed parent for visitation purposes. Visitation
9 orders entered under this subsection are subject to subsections
10 (e) and (f) of Section 602.9 and subsections (c) and (d) of
11 Section 603.10.

12 (e) If the street address of a parent is not identified
13 pursuant to Section 708 of this Act, the court shall require
14 the parties to identify reasonable alternative arrangements
15 for parenting time by the other parent including, but not
16 limited to, parenting time of the minor child at the residence
17 of another person or at a local public or private facility.

18 (Source: P.A. 99-90, eff. 1-1-16.)".