



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB5647

Introduced 2/15/2012, by Rep. Michael P. McAuliffe

#### SYNOPSIS AS INTRODUCED:

750 ILCS 5/609

from Ch. 40, par. 609

Amends the Illinois Marriage and Dissolution of Marriage Act. Provides that if a parent removes a child from the State, without leave of court, or fails to inform, or knowingly provides false or misleading information to, the other parent about the address and telephone number where the child may be reached during a period of temporary removal from Illinois, the court shall enter an order that terminates the terms of that parent's visitation with the child or terminates the parent's custody of the child.

LRB097 18730 AJO 63965 b

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 609 as follows:

6 (750 ILCS 5/609) (from Ch. 40, par. 609)  
7 Sec. 609. Leave to Remove Children.)

8 (a) The court may grant leave, before or after judgment, to  
9 any party having custody of any minor child or children to  
10 remove such child or children from Illinois whenever such  
11 approval is in the best interests of such child or children.  
12 The burden of proving that such removal is in the best  
13 interests of such child or children is on the party seeking the  
14 removal. When such removal is permitted, the court may require  
15 the party removing such child or children from Illinois to give  
16 reasonable security guaranteeing the return of such children.

17 (b) Before a minor child is temporarily removed from  
18 Illinois, the parent responsible for the removal shall inform  
19 the other parent, or the other parent's attorney, of the  
20 address and telephone number where the child may be reached  
21 during the period of temporary removal, and the date on which  
22 the child shall return to Illinois.

23 The State of Illinois retains jurisdiction when the minor

1 child is absent from the State pursuant to this subsection.

2 (b-5) If a parent removes a child from Illinois without  
3 leave of court as required in subsection (a) or fails to  
4 inform, or knowingly provides false or misleading information  
5 to, the other parent as required in subsection (b), the court  
6 shall enter an order that terminates the terms of the parent's  
7 visitation with the child or terminates the parent's custody of  
8 the child.

9 (c) The court may not use the availability of electronic  
10 communication as a factor in support of a removal of a child by  
11 the custodial parent from Illinois.

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