



Rep. Kelly Burke

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09800HB4124ham001

LRB098 15680 HEP 58278 a

1 AMENDMENT TO HOUSE BILL 4124

2 AMENDMENT NO. _____. Amend House Bill 4124 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. If and only if House Bill 1452 of the 98th
5 General Assembly becomes law, the Illinois Marriage and
6 Dissolution of Marriage Act is amended by changing Section 102
7 as follows:

8 (750 ILCS 5/102) (from Ch. 40, par. 102)

9 Sec. 102. Purposes; Rules of Construction. This Act shall
10 be liberally construed and applied to promote its underlying
11 purposes, which are to:

12 (1) provide adequate procedures for the solemnization and
13 registration of marriage;

14 (2) strengthen and preserve the integrity of marriage and
15 safeguard family relationships;

16 (3) promote the amicable settlement of disputes that have

1 arisen between parties to a marriage;

2 (4) mitigate the potential harm to spouses and their
3 children caused by the process of an action brought under this
4 Act, and protect children from exposure to conflict and
5 violence;

6 (5) ensure predictable decision-making for the care of
7 children and for the allocation of parenting time and other
8 parental responsibilities, and avoid prolonged uncertainty by
9 expeditiously resolving issues involving children;

10 (6) recognize the right of children to a healthy
11 relationship with parents, and the responsibility of parents to
12 ensure such a relationship;

13 (7) acknowledge that the determination of children's best
14 interests, and the allocation of parenting time and significant
15 decision-making responsibilities, are among the paramount
16 responsibilities of our system of justice, and to that end:

17 (A) recognize children's right to a strong and healthy
18 relationship with parents, and parents' concomitant right
19 and responsibility to create and maintain such
20 relationships;

21 (B) recognize that, in the absence of domestic violence
22 or any other factor that the court expressly finds to be
23 relevant, proximity to, and frequent contact with, both
24 parents promotes healthy development of children;

25 (C) facilitate parental planning and agreement about
26 the children's upbringing and allocation of parenting time

1 and other parental responsibilities;

2 (D) continue existing parent-child relationships, and
3 secure the maximum involvement and cooperation of parents
4 regarding the physical, mental, moral, and emotional
5 well-being of the children during and after the litigation;
6 ~~and~~

7 (D-5) recognize that, in order to maximize the
8 opportunity for each child to maintain and strengthen the
9 child's relationship with each parent, the child's best
10 interests may be served with a minimum amount of
11 residential parenting time for each parent of not less than
12 35% of available residential parenting time; the minimum
13 percentage of parenting time shall not, in and of itself,
14 constitute a reason for deviation from the child support
15 guidelines; and

16 (E) promote or order parents to participate in programs
17 designed to educate parents to:

18 (i) minimize or eliminate rancor and the
19 detrimental effect of litigation in any proceeding
20 involving children; and

21 (ii) facilitate the maximum cooperation of parents
22 in raising their children;

23 (8) make reasonable provision for support during and after
24 an underlying dissolution of marriage, parentage, or parental
25 responsibility allocation action, including provision for
26 timely advances of interim fees and costs to all attorneys,

1 experts, and opinion witnesses including guardians ad litem and
2 children's representatives, to achieve substantial parity in
3 parties' access to funds for pre-judgment litigation costs in
4 an action for dissolution of marriage;

5 (9) eliminate the consideration of marital misconduct in
6 the adjudication of rights and duties incident to dissolution
7 of marriage, legal separation and declaration of invalidity of
8 marriage; and

9 (10) make provision for the preservation and conservation
10 of marital assets during the litigation.

11 (Source: P.A. 89-712, eff. 6-1-97; LRB09802948HEP58277a.)".