



Rep. Ann Williams

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09800HB3128ham001

LRB098 08706 HEP 43122 a

1 AMENDMENT TO HOUSE BILL 3128

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3128 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Parentage Act of 1984 is amended  
5 by 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

1 abuse), Section 11-11 (sexual relations within families),  
2 Section 12-13 (criminal sexual assault), Section 12-14  
3 (aggravated criminal sexual assault), Section 12-14.1  
4 (predatory criminal sexual assault of a child), Section  
5 12-15 (criminal sexual abuse), or Section 12-16  
6 (aggravated criminal sexual abuse) of the Criminal Code of  
7 1961 or the Criminal Code of 2012, or a similar statute in  
8 another jurisdiction, for his conduct in fathering that  
9 child; or -

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

14 (b) A person described in subsection (a) shall not be  
15 entitled to custody of or visitation with that child without  
16 the consent of the child's mother or guardian. If the person  
17 described in subsection (a) is also the guardian of the child,  
18 he does not have the authority to consent to visitation or  
19 custody under this Section. If the mother of the child is a  
20 minor, and the person described in subsection (a) is also the  
21 father or guardian of the mother, then he does not have the  
22 authority to consent to custody or visits.

23 (c) Notwithstanding any other provision of this Act,  
24 nothing in this Section shall be construed to relieve the  
25 father described in subsection (a) of any support and  
26 maintenance obligations to the child under this Act. The

1 child's mother or guardian may decline support and maintenance  
2 obligations from the father.

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

7 (e) Notwithstanding any provision of the Illinois Marriage  
8 and Dissolution of Marriage Act, the parent, grandparent,  
9 great-grandparent, or sibling of the person described in  
10 subsection (a) of this Section does not have standing to bring  
11 an action requesting custody or visitation with the child  
12 without the consent of the child's mother or guardian.

13 (f) A petition under this Section may be filed by the  
14 child's mother or guardian either as an affirmative petition in  
15 circuit court or as an affirmative defense in any proceeding  
16 filed by the person described in subsection (a) of this Section  
17 regarding the child.

18 (Source: P.A. 96-1551, eff. 7-1-11; 97-568, eff. 8-25-11;  
19 97-1150, eff. 1-25-13.)".