



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4961

by Rep. Anne Stava

SYNOPSIS AS INTRODUCED:

750 ILCS 5/609.2
750 ILCS 5/609.3 new

Amends the Illinois Marriage and Dissolution of Marriage Act. Provides that if parent files a relocation petition seeking to move the child and submits a sworn statement with documentation stating the parent's lawful status expires within 180 days and there is an inability or difficulty renewing that parent's status substantially caused by the other parent's immigration-status coercion or withholding necessary documentation, then the court must set the relocation petition for hearing as soon as practicable but no less than 30 days from its filing. Defines "immigration-status coercion" as conduct by a parent intended to control or intimidate the other parent by: (1) withholding immigration documents needed to maintain lawful status; (2) refusing to provide information necessary to file or renew lawful status if that parent has unique access; or (3) threatening to report or cause reporting to immigration authorities. Amends the relocation provisions to incorporate immigration-status coercion as a criterion for the court to consider in a petition for relocation.

LRB104 20032 JRC 33483 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 609.2 and by
6 adding Section 609.3 as follows:

7 (750 ILCS 5/609.2)

8 Sec. 609.2. Parent's relocation.

9 (a) A parent's relocation constitutes a substantial change
10 in circumstances for purposes of Section 610.5.

11 (b) A parent who has been allocated a majority of
12 parenting time or either parent who has been allocated equal
13 parenting time may seek to relocate with a child.

14 (c) A parent intending a relocation, as that term is
15 defined in paragraph (1), (2), or (3) of subsection (g) of
16 Section 600 of this Act, must provide written notice of the
17 relocation to the other parent under the parenting plan or
18 allocation judgment. A copy of the notice required under this
19 Section shall be filed with the clerk of the circuit court. The
20 court may waive or seal some or all of the information required
21 in the notice if there is a history of domestic violence.

22 (d) The notice must provide at least 60 days' written
23 notice before the relocation unless such notice is

1 impracticable (in which case written notice shall be given at
2 the earliest date practicable) or unless otherwise ordered by
3 the court. At a minimum, the notice must set forth the
4 following:

5 (1) the intended date of the parent's relocation;

6 (2) the address of the parent's intended new
7 residence, if known; and

8 (3) the length of time the relocation will last, if
9 the relocation is not for an indefinite or permanent
10 period.

11 The court may consider a parent's failure to comply with
12 the notice requirements of this Section without good cause (i)
13 as a factor in determining whether the parent's relocation is
14 in good faith; and (ii) as a basis for awarding reasonable
15 attorney's fees and costs resulting from the parent's failure
16 to comply with these provisions.

17 (e) If the non-relocating parent signs the notice that was
18 provided pursuant to subsection (c) and the relocating parent
19 files the notice with the court, relocation shall be allowed
20 without any further court action. The court shall modify the
21 parenting plan or allocation judgment to accommodate a
22 parent's relocation as agreed by the parents, as long as the
23 agreed modification is in the child's best interests.

24 (f) If the non-relocating parent objects to the
25 relocation, fails to sign the notice provided under subsection
26 (c), or the parents cannot agree on modification of the

1 parenting plan or allocation judgment, the parent seeking
2 relocation must file a petition seeking permission to
3 relocate.

4 (g) The court shall modify the parenting plan or
5 allocation judgment in accordance with the child's best
6 interests. The court shall consider the following factors:

7 (1) the circumstances and reasons for the intended
8 relocation;

9 (2) the reasons, if any, why a parent is objecting to
10 the intended relocation;

11 (3) the history and quality of each parent's
12 relationship with the child and specifically whether a
13 parent has substantially failed or refused to exercise the
14 parental responsibilities allocated to him or her under
15 the parenting plan or allocation judgment;

16 (4) the educational opportunities for the child at the
17 existing location and at the proposed new location;

18 (5) the presence or absence of extended family at the
19 existing location and at the proposed new location;

20 (6) the anticipated impact of the relocation on the
21 child;

22 (7) whether the court will be able to fashion a
23 reasonable allocation of parental responsibilities between
24 all parents if the relocation occurs;

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

1 independent preferences as to relocation;

2 (9) possible arrangements for the exercise of parental
3 responsibilities appropriate to the parents' resources and
4 circumstances and the developmental level of the child;

5 (10) minimization of the impairment to a parent-child
6 relationship caused by a parent's relocation; ~~and~~

7 (11) any other relevant factors bearing on the child's
8 best interests; and.

9 (12) whether a parent has engaged in
10 immigration-status coercion or has withheld
11 immigration-related documentation in a manner that is
12 reasonably likely to cause the child to be separated from
13 a parent, destabilize the child's primary caregiving, or
14 otherwise negatively affect the child's safety and
15 well-being.

16 (h) If a parent moves with the child 25 miles or less from
17 the child's current primary residence to a new primary
18 residence outside Illinois, Illinois continues to be the home
19 state of the child under subsection (c) of Section 202 of the
20 Uniform Child-Custody Jurisdiction and Enforcement Act. Any
21 subsequent move from the new primary residence outside
22 Illinois greater than 25 miles from the child's original
23 primary residence in Illinois must be in compliance with the
24 provisions of this Section.

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

1 (750 ILCS 5/609.3 new)

2 Sec. 609.3. Immigration-status coercion.

3 (a) As used in this Act, "immigration-status coercion" is
4 conduct by a parent intended to control or intimidate the
5 other parent by:

6 (1) withholding immigration documents needed to
7 maintain lawful status;

8 (2) refusing to provide information necessary to file
9 or renew lawful status if that parent has unique access;
10 or

11 (3) threatening to report or cause reporting to
12 immigration authorities.

13 (b) If a relocating parent files a petition under Section
14 609.2 and submits a sworn statement with documentation stating
15 the parent's lawful status expires within 180 days and there
16 is an inability or difficulty renewing that parent's status
17 substantially caused by the other parent's immigration-status
18 coercion or withholding necessary documentation, then the
19 court must set the relocation petition for hearing as soon as
20 practicable but no less than 30 days from its filing.