

HB5309



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5309

Introduced 2/9/2024, by Rep. La Shawn K. Ford

SYNOPSIS AS INTRODUCED:

750 ILCS 46/204

750 ILCS 46/601

Amends the Parentage Act of 2015. Provides that a civil or administrative proceeding may be maintained to adjudicate the parentage of a child and allocate parent responsibilities under this Act. Provides that nothing in the presumption of parentage Section may be construed as to limit the rights of an unmarried parent.

LRB103 38810 JRC 68947 b

A BILL FOR

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 1. This Act may be referred to as the Good Dad's
5 Act.

6 Section 5. The Illinois Parentage Act of 2015 is amended
7 by changing Sections 204 and 601 as follows:

8 (750 ILCS 46/204)

9 Sec. 204. Presumption of parentage.

10 (a) A person is presumed to be the parent of a child if:

11 (1) the person and the mother of the child have
12 entered into a marriage, civil union, or substantially
13 similar legal relationship, and the child is born to the
14 mother during the marriage, civil union, or substantially
15 similar legal relationship, except as provided in the
16 Gestational Surrogacy Act or other law;

17 (2) the person and the mother of the child were in a
18 marriage, civil union, or substantially similar legal
19 relationship and the child is born to the mother within
20 300 days after the marriage, civil union, or substantially
21 similar legal relationship is terminated by death,
22 declaration of invalidity of marriage, judgment for

1 dissolution of marriage, civil union, or substantially
2 similar legal relationship, or after a judgment for legal
3 separation, except as provided in the Gestational
4 Surrogacy Act or other law;

5 (3) before the birth of the child, the person and the
6 mother of the child entered into a marriage, civil union,
7 or substantially similar legal relationship in apparent
8 compliance with law, even if the attempted marriage, civil
9 union, or substantially similar legal relationship is or
10 could be declared invalid, and the child is born during
11 the invalid marriage, civil union, or substantially
12 similar legal relationship or within 300 days after its
13 termination by death, declaration of invalidity of
14 marriage, judgment for dissolution of marriage, civil
15 union, or substantially similar legal relationship, or
16 after a judgment for legal separation, except as provided
17 in the Gestational Surrogacy Act or other law; or

18 (4) after the child's birth, the person and the
19 child's mother have entered into a marriage, civil union,
20 or substantially similar legal relationship, even if the
21 marriage, civil union, or substantially similar legal
22 relationship is or could be declared invalid, and the
23 person is named, with the person's written consent, as the
24 child's parent on the child's birth certificate.

25 (b) If 2 or more conflicting presumptions arise under this
26 Section, the presumption which on the facts is founded on the

1 weightier considerations of policy and logic, especially the
2 policy of promoting the child's best interests, controls.

3 (c) Nothing in this Section may be construed as to limit
4 the rights of an unmarried parent.

5 (Source: P.A. 99-85, eff. 1-1-16; 99-769, eff. 1-1-17.)

6 (750 ILCS 46/601)

7 Sec. 601. Proceeding authorized. A civil or administrative
8 proceeding may be maintained to adjudicate the parentage of a
9 child and allocate parental responsibilities and child support
10 under this Act as provided in Parts V and VI of the Illinois
11 Marriage and Dissolution of Marriage Act. The proceeding is
12 governed by the Code of Civil Procedure and Illinois Supreme
13 Court Rules. Administrative proceedings adjudicating paternity
14 shall be governed by Section 10-17.7 of the Illinois Public
15 Aid Code.

16 (Source: P.A. 99-85, eff. 1-1-16.)