



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

SB0443

Introduced 2/8/2007, by Sen. Matt Murphy

#### SYNOPSIS AS INTRODUCED:

750 ILCS 5/604.5

Amends the Illinois Marriage and Dissolution of Marriage Act. Requires that, prior to appointment by the court in a proceeding for custody, visitation, or removal of a child from Illinois, an evaluator must have completed 3 hours of training in domestic violence and its effects on the partner and the child, provided by a State-certified local domestic violence shelter or by a person who has completed the 40-hour training to become a domestic violence counselor, and must have registered a certificate of completion of the training with the clerk of the court. Effective immediately.

LRB095 09472 LCT 29670 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 604.5 as follows:

6 (750 ILCS 5/604.5)

7 Sec. 604.5. Evaluation of child's best interest.

8 (a) In a proceeding for custody, visitation, or removal of  
9 a child from Illinois, upon notice and motion made within a  
10 reasonable time before trial, the court may order an evaluation  
11 concerning the best interest of the child as it relates to  
12 custody, visitation, or removal. Prior to appointment by the  
13 court, an evaluator must have completed 3 hours of training in  
14 domestic violence and its effects on the partner and the child,  
15 provided by a State-certified local domestic violence shelter  
16 or by a person who has completed the 40-hour training to become  
17 a domestic violence counselor, and must have registered a  
18 certificate of completion of the training with the clerk of the  
19 court. The motion may be made by a party, a parent, the child's  
20 custodian, the attorney for the child, the child's guardian ad  
21 litem, or the child's representative. The requested evaluation  
22 may be in place of or in addition to an evaluation conducted  
23 under subsection (b) of Section 604.

1           The motion shall state the identity of the proposed  
2 evaluator and set forth the evaluator's specialty or  
3 discipline. The court may refuse to order an evaluation by the  
4 proposed evaluator, but in that event, the court may permit the  
5 party seeking the evaluation to propose one or more other  
6 evaluators.

7           (b) An order for an evaluation shall fix the time, place,  
8 conditions, and scope of the evaluation and shall designate the  
9 evaluator. A party or person shall not be required to travel an  
10 unreasonable distance for the evaluation.

11           (c) The person requesting an evaluator shall pay the fee  
12 for the evaluation unless otherwise ordered by the court.

13           (d) Within 21 days after the completion of the evaluation,  
14 if the moving party or person intends to call the evaluator as  
15 a witness, the evaluator shall prepare and mail or deliver to  
16 the attorneys of record duplicate originals of the written  
17 evaluation. The evaluation shall set forth the evaluator's  
18 findings, the results of all tests administered, and the  
19 evaluator's conclusions and recommendations. If the written  
20 evaluation is not delivered or mailed to the attorneys within  
21 21 days or within any extensions or modifications granted by  
22 the court, the written evaluation and the evaluator's  
23 testimony, conclusions, and recommendations may not be  
24 received into evidence.

25           (e) The person calling an evaluator to testify at trial  
26 shall disclose the evaluator as an opinion witness in

1 accordance with the Supreme Court Rules.

2 (f) Subject to compliance with the Supreme Court Rules,  
3 nothing in this Section bars a person who did not request the  
4 evaluation from calling the evaluator as a witness. In that  
5 case, however, that person shall pay the evaluator's fee for  
6 testifying unless otherwise ordered by the court.

7 (Source: P.A. 91-746, eff. 6-2-00.)

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law.