

1 AN ACT concerning children.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 1961 is amended by changing
5 Section 10-5.5 as follows:

6 (720 ILCS 5/10-5.5)

7 Sec. 10-5.5. Unlawful visitation or parenting time
8 interference.

9 (a) As used in this Section, the terms "child", "detain",
10 and "lawful custodian" shall have the meanings ascribed to them
11 in Section 10-5 of this Code.

12 (b) Every person who, in violation of the visitation,
13 parenting time, or custody time provisions of a court order
14 relating to child custody, detains or conceals a child with the
15 intent to deprive another person of his or her rights to
16 visitation, parenting time, or custody time shall be guilty of
17 unlawful visitation or parenting time interference.

18 (c) A person committing unlawful visitation or parenting
19 time interference is guilty of a petty offense. However, any
20 person violating this Section after 2 prior convictions of
21 unlawful visitation interference or unlawful visitation or
22 parenting time interference is guilty of a Class A misdemeanor.

23 (d) Any law enforcement officer who has probable cause to

1 believe that a person has committed or is committing an act in
2 violation of this Section shall issue to that person a notice
3 to appear.

4 (e) The notice shall:

5 (1) be in writing;

6 (2) state the name of the person and his address, if
7 known;

8 (3) set forth the nature of the offense;

9 (4) be signed by the officer issuing the notice; and

10 (5) request the person to appear before a court at a
11 certain time and place.

12 (f) Upon failure of the person to appear, a summons or
13 warrant of arrest may be issued.

14 (g) It is an affirmative defense that:

15 (1) a person or lawful custodian committed the act to
16 protect the child from imminent physical harm, provided
17 that the defendant's belief that there was physical harm
18 imminent was reasonable and that the defendant's conduct in
19 withholding visitation rights, parenting time, or custody
20 time was a reasonable response to the harm believed
21 imminent;

22 (2) the act was committed with the mutual consent of
23 all parties having a right to custody and visitation of the
24 child or parenting time with the child; or

25 (3) the act was otherwise authorized by law.

26 (h) A person convicted of unlawful visitation or parenting

1 time interference shall not be subject to a civil contempt
2 citation for the same conduct for violating visitation,
3 parenting time, or custody time provisions of a court order
4 issued under the Illinois Marriage and Dissolution of Marriage
5 Act.

6 (Source: P.A. 88-96.)

7 Section 10. The Illinois Marriage and Dissolution of
8 Marriage Act is amended by changing Section 607.1 as follows:

9 (750 ILCS 5/607.1) (from Ch. 40, par. 607.1)

10 Sec. 607.1. Enforcement of visitation orders; visitation
11 abuse.

12 (a) The circuit court shall provide an expedited procedure
13 for enforcement of court ordered visitation in cases of
14 visitation abuse. Visitation abuse occurs when a party has
15 willfully and without justification: (1) denied another party
16 visitation as set forth by the court; or (2) exercised his or
17 her visitation rights in a manner that is harmful to the child
18 or child's custodian.

19 (b) An Action may be commenced by filing a petition setting
20 forth: (i) the petitioner's name, residence address or mailing
21 address, and telephone number; (ii) respondent's name and place
22 of residence, place of employment, or mailing address; (iii)
23 the nature of the visitation abuse, giving dates and other
24 relevant information; (iv) that a reasonable attempt was made

1 to resolve the dispute; and (v) the relief sought.

2 Notice of the filing of the petitions shall be given as
3 provided in Section 511.

4 (c) After hearing all of the evidence, the court may order
5 one or more of the following:

6 (1) Modification of the visitation order to
7 specifically outline periods of visitation or restrict
8 visitation as provided by law.

9 (2) Supervised visitation with a third party or public
10 agency.

11 (3) Make up visitation of the same time period, such as
12 weekend for weekend, holiday for holiday.

13 (4) Counseling or mediation, except in cases where
14 there is evidence of domestic violence, as defined in
15 Section 1 of the Domestic Violence Shelters Act, occurring
16 between the parties.

17 (5) Other appropriate relief deemed equitable.

18 (d) Nothing contained in this Section shall be construed to
19 limit the court's contempt power, except as provided in
20 subsection (g) of this Section.

21 (e) When the court issues an order holding a party in
22 contempt of court for violation of a visitation order, the
23 clerk shall transmit a copy of the contempt order to the
24 sheriff of the county. The sheriff shall furnish a copy of each
25 contempt order to the Department of State Police on a daily
26 basis in the form and manner required by the Department. The

1 Department shall maintain a complete record and index of the
2 contempt orders and make this data available to all local law
3 enforcement agencies.

4 (f) Attorney fees and costs shall be assessed against a
5 party if the court finds that the enforcement action is
6 vexatious and constitutes harassment.

7 (g) A person convicted of unlawful visitation or parenting
8 time interference under Section 10-5.5 of the Criminal Code of
9 1961 shall not be subject to the provisions of this Section and
10 the court may not enter a contempt order for visitation abuse
11 against any person for the same conduct for which the person
12 was convicted of unlawful visitation interference or subject
13 that person to the sanctions provided for in this Section.

14 (Source: P.A. 87-895; 88-96.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.