



Sen. William Delgado

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09700HB3005sam001

LRB097 09026 AJ0 55805 a

1 AMENDMENT TO HOUSE BILL 3005

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3005 on page 5, by  
3 replacing lines 11 through 19 with the following:

4 "terminated in any manner provided by law. It does not include  
5 a person who has been or could be determined to be a parent  
6 under the Illinois Parentage Act of 1984, or similar parentage  
7 law in any other state, if that person has been convicted of or  
8 pled nolo contendere to a crime that resulted in the conception  
9 of the child under Section 11-1.20, 11-1.30, 11-1.40, 11-11,  
10 12-13, 12-14, 12-14.1, subsection (a) or (b) (but not  
11 subsection (c)) of Section 11-1.50 or 12-15, or subsection (a),  
12 (b), (c), (e), or (f) (but not subsection (d)) of Section  
13 11-1.60 or 12-16 of the Criminal Code of 1961 or similar  
14 statute in another jurisdiction unless upon motion of any  
15 party, other than the offender, to the juvenile court  
16 proceedings the court finds it is in the child's best interest  
17 to deem the offender a parent for purposes of the juvenile

1 court proceedings."; and

2 on page 11, by replacing lines 18 through 24 with the  
3 following:

4 "Section 10. The Illinois Parentage Act of 1984 is amended  
5 by changing Section 6.5 as follows:

6 (750 ILCS 45/6.5)

7 (Text of Section before amendment by P.A. 96-1551)

8 Sec. 6.5. Custody or visitation by sex offender prohibited.

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 has been  
11 convicted of or who has pled guilty or nolo contendere to a  
12 violation of Section 11-1.20 (criminal sexual assault),  
13 Section 11-1.30 (aggravated criminal sexual assault), Section  
14 11-1.40 (predatory criminal sexual assault of a child), Section  
15 11-1.50 (criminal sexual abuse), Section 11-1.60 (aggravated  
16 criminal sexual abuse), Section 11-11 (sexual relations within  
17 families), Section 12-13 (criminal sexual assault), Section  
18 12-14 (aggravated criminal sexual assault), Section 12-14.1  
19 (predatory criminal sexual assault of a child), Section 12-15  
20 (criminal sexual abuse), or Section 12-16 (aggravated criminal  
21 sexual abuse) of the Criminal Code of 1961, or a similar  
22 statute in another jurisdiction, for his conduct in fathering  
23 that child.

1       (b) A person described in subsection (a) shall not be  
2 entitled to custody of or visitation with that child without  
3 the consent of the child's mother or guardian. If the person  
4 described in subsection (a) is also the guardian of the child,  
5 he does not have the authority to consent to visitation or  
6 custody under this Section. If the mother of the child is a  
7 minor, and the person described in subsection (a) is also the  
8 father or guardian of the mother, then he does not have the  
9 authority to consent to custody or visitation.

10       (c) Notwithstanding any other provision of this Act,  
11 nothing in this Section shall be construed to relieve the  
12 father described in subsection (a) of any support and  
13 maintenance obligations to the child under this Act.

14 ~~A person found to be the father of a child under this Act, and~~  
15 ~~who has been convicted of or who has pled guilty to a violation~~  
16 ~~of Section 11-11 (sexual relations within families), Section~~  
17 ~~12-13 (criminal sexual assault), Section 12-14 (aggravated~~  
18 ~~criminal sexual assault), Section 12-14.1 (predatory criminal~~  
19 ~~sexual assault of a child), Section 12-15 (criminal sexual~~  
20 ~~abuse), or Section 12-16 (aggravated criminal sexual abuse) of~~  
21 ~~the Criminal Code of 1961 for his conduct in fathering that~~  
22 ~~child, shall not be entitled to custody of or visitation with~~  
23 ~~that child without the consent of the mother or guardian, other~~  
24 ~~than the father of the child who has been convicted of or pled~~  
25 ~~guilty to one of the offenses listed in this Section, or, in~~  
26 ~~cases where the mother is a minor, the guardian of the mother~~

1 ~~of the child. Notwithstanding any other provision of this Act,~~  
2 ~~nothing in this Section shall be construed to relieve the~~  
3 ~~father of any support and maintenance obligations to the child~~  
4 ~~under this Act.~~

5 (Source: P.A. 94-928, eff. 6-26-06.)

6 (Text of Section after amendment by P.A. 96-1551)

7 Sec. 6.5. Custody or visitation by sex offender prohibited.

8 (a) This Section applies to a person who has been found to  
9 be the father of a child under this Act and who has been  
10 convicted of or who has pled guilty or nolo contendere to a  
11 violation of Section 11-1.20 (criminal sexual assault),  
12 Section 11-1.30 (aggravated criminal sexual assault), Section  
13 11-1.40 (predatory criminal sexual assault of a child), Section  
14 11-1.50 (criminal sexual abuse), Section 11-1.60 (aggravated  
15 criminal sexual abuse), Section 11-11 (sexual relations within  
16 families), Section 12-13 (criminal sexual assault), Section  
17 12-14 (aggravated criminal sexual assault), Section 12-14.1  
18 (predatory criminal sexual assault of a child), Section 12-15  
19 (criminal sexual abuse), or Section 12-16 (aggravated criminal  
20 sexual abuse) of the Criminal Code of 1961, or a similar  
21 statute in another jurisdiction, for his conduct in fathering  
22 that child.

23 (b) A person described in subsection (a) shall not be  
24 entitled to custody of or visitation with that child without  
25 the consent of the child's mother or guardian. If the person

1 described in subsection (a) is also the guardian of the child,  
2 he does not have the authority to consent to visitation or  
3 custody under this Section. If the mother of the child is a  
4 minor, and the person described in subsection (a) is also the  
5 father or guardian of the mother, then he does not have the  
6 authority to consent to custody or visits.

7 (c) Notwithstanding any other provision of this Act,  
8 nothing in this Section shall be construed to relieve the  
9 father described in subsection (a) of any support and  
10 maintenance obligations to the child under this Act.

11 ~~A person found to be the father of a child under this Act, and~~  
12 ~~who has been convicted of or who has pled guilty to a violation~~  
13 ~~of Section 11-11 (sexual relations within families), Section~~  
14 ~~11-1.20 or 12-13 (criminal sexual assault), Section 11-1.30 or~~  
15 ~~12-14 (aggravated criminal sexual assault), Section 11-1.40 or~~  
16 ~~12-14.1 (predatory criminal sexual assault of a child), Section~~  
17 ~~11-1.50 or 12-15 (criminal sexual abuse), or Section 11-1.60 or~~  
18 ~~12-16 (aggravated criminal sexual abuse) of the Criminal Code~~  
19 ~~of 1961 for his conduct in fathering that child, shall not be~~  
20 ~~entitled to custody of or visitation with that child without~~  
21 ~~the consent of the mother or guardian, other than the father of~~  
22 ~~the child who has been convicted of or pled guilty to one of~~  
23 ~~the offenses listed in this Section, or, in cases where the~~  
24 ~~mother is a minor, the guardian of the mother of the child.~~  
25 ~~Notwithstanding any other provision of this Act, nothing in~~  
26 ~~this Section shall be construed to relieve the father of any~~

1 ~~support and maintenance obligations to the child under this~~  
2 ~~Act.~~

3 (Source: P.A. 96-1551, eff. 7-1-11.)

4 Section 95. No acceleration or delay. Where this Act makes  
5 changes in a statute that is represented in this Act by text  
6 that is not yet or no longer in effect (for example, a Section  
7 represented by multiple versions), the use of that text does  
8 not accelerate or delay the taking effect of (i) the changes  
9 made by this Act or (ii) provisions derived from any other  
10 Public Act."; and

11 on page 12 by deleting lines 1 through 21.