



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5548

Introduced 2/9/2024, by Rep. Mary Beth Canty

SYNOPSIS AS INTRODUCED:

750 ILCS 5/600
750 ILCS 5/602.5
750 ILCS 5/602.7
750 ILCS 5/603.10
750 ILCS 5/612 new
750 ILCS 36/102
750 ILCS 36/201
750 ILCS 36/204
750 ILCS 36/207
750 ILCS 36/208
750 ILCS 36/313.1 new

Amends the Illinois Marriage and Dissolution of Marriage Act. Excludes from the definition of "abuse" obtaining, seeking, or facilitating lawful health care for a minor child by a parent or person in loco parentis. Requires the court to consider in determining parental responsibilities and parenting time a parent's affirmation of the child's gender identity or gender expression in a way that promotes the child's overall health and well-being, including accessing lawful health care. Allows a court to modify an order restricting parental responsibilities if it finds persistent, continuing interference with the child's ability to access lawful health care. Declares it to be against the public policy of this State and shall not be enforced if a law of another state authorizes the removal of a child from the parent or acting as a parent for allowing a child to receive lawful health care. Amends the Uniform Child-Custody Jurisdiction and Enforcement Act. Provides that the presence of a child in this State for the purpose of obtaining lawful health care is sufficient to meet the jurisdiction of this State for an initial child custody determination for temporary emergency matters. Provides that this State is not an inconvenient forum if lawful health care to the child is at issue in which the law or policy of the other state that may take jurisdiction limits the ability of a parent or person acting as a parent to obtain lawful health care for the child. Effective immediately.

LRB103 38744 JRC 68881 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 5. The Illinois Marriage and Dissolution of
5 Marriage Act is amended by changing Sections 600, 602.5,
6 602.7, and 603.10 and by adding Section 612 as follows:

7 (750 ILCS 5/600)

8 Sec. 600. Definitions. For purposes of this Part VI:

9 (a) "Abuse" has the meaning ascribed to that term in
10 Section 103 of the Illinois Domestic Violence Act of 1986.
11 "Abuse" does not include obtaining, seeking, or facilitating
12 lawful health care for a minor child by a parent or person in
13 loco parentis.

14 (b) "Allocation judgment" means a judgment allocating
15 parental responsibilities.

16 (c) "Caretaking functions" means tasks that involve
17 interaction with a child or that direct, arrange, and
18 supervise the interaction with and care of a child provided by
19 others, or for obtaining the resources allowing for the
20 provision of these functions. The term includes, but is not
21 limited to, the following:

22 (1) satisfying a child's nutritional needs; managing a
23 child's bedtime and wake-up routines; caring for a child

1 when the child is sick or injured; being attentive to a
2 child's personal hygiene needs, including washing,
3 grooming, and dressing; playing with a child and ensuring
4 the child attends scheduled extracurricular activities;
5 protecting a child's physical safety; and providing
6 transportation for a child;

7 (2) directing a child's various developmental needs,
8 including the acquisition of motor and language skills,
9 toilet training, self-confidence, and maturation;

10 (3) providing discipline, giving instruction in
11 manners, assigning and supervising chores, and performing
12 other tasks that attend to a child's needs for behavioral
13 control and self-restraint;

14 (4) ensuring the child attends school, including
15 remedial and special services appropriate to the child's
16 needs and interests, communicating with teachers and
17 counselors, and supervising homework;

18 (5) helping a child develop and maintain appropriate
19 interpersonal relationships with peers, siblings, and
20 other family members;

21 (6) ensuring the child attends medical appointments
22 and is available for medical follow-up and meeting the
23 medical needs of the child in the home;

24 (7) providing moral and ethical guidance for a child;
25 and

26 (8) arranging alternative care for a child by a family

1 member, babysitter, or other child care provider or
2 facility, including investigating such alternatives,
3 communicating with providers, and supervising such care.

4 "Lawful health care" has the meaning ascribed to that term
5 in the Lawful Health Care Activity Act.

6 (e) ~~(d)~~ "Parental responsibilities" means both parenting
7 time and significant decision-making responsibilities with
8 respect to a child.

9 (f) ~~(e)~~ "Parenting time" means the time during which a
10 parent is responsible for exercising caretaking functions and
11 non-significant decision-making responsibilities with respect
12 to the child.

13 (g) ~~(f)~~ "Parenting plan" means a written agreement that
14 allocates significant decision-making responsibilities,
15 parenting time, or both.

16 (h) ~~(g)~~ "Relocation" means:

17 (1) a change of residence from the child's current
18 primary residence located in the county of Cook, DuPage,
19 Kane, Lake, McHenry, or Will to a new residence within
20 this State that is more than 25 miles from the child's
21 current residence, as measured by an Internet mapping
22 service;

23 (2) a change of residence from the child's current
24 primary residence located in a county not listed in
25 paragraph (1) to a new residence within this State that is
26 more than 50 miles from the child's current primary

1 residence, as measured by an Internet mapping service; or

2 (3) a change of residence from the child's current
3 primary residence to a residence outside the borders of
4 this State that is more than 25 miles from the current
5 primary residence, as measured by an Internet mapping
6 service.

7 (i) ~~(h)~~ "Religious upbringing" means the choice of religion
8 or denomination of a religion, religious schooling, religious
9 training, or participation in religious customs or practices.

10 (j) ~~(i)~~ "Restriction of parenting time" means any
11 limitation or condition placed on parenting time, including
12 supervision.

13 (k) ~~(j)~~ "Right of first refusal" has the meaning provided
14 in subsection (b) of Section 602.3 of this Act.

15 (l) ~~(k)~~ "Significant decision-making" means deciding
16 issues of long-term importance in the life of a child.

17 (m) ~~(l)~~ "Step-parent" means a person married to a child's
18 parent, including a person married to the child's parent
19 immediately prior to the parent's death.

20 (n) ~~(m)~~ "Supervision" means the presence of a third party
21 during a parent's exercise of parenting time.

22 (Source: P.A. 99-90, eff. 1-1-16; 99-763, eff. 1-1-17.)

23 (750 ILCS 5/602.5)

24 Sec. 602.5. Allocation of parental responsibilities:
25 decision-making.

1 (a) Generally. The court shall allocate decision-making
2 responsibilities according to the child's best interests.
3 Nothing in this Act requires that each parent be allocated
4 decision-making responsibilities.

5 (b) Allocation of significant decision-making
6 responsibilities. Unless the parents otherwise agree in
7 writing on an allocation of significant decision-making
8 responsibilities, or the issue of the allocation of parental
9 responsibilities has been reserved under Section 401, the
10 court shall make the determination. The court shall allocate
11 to one or both of the parents the significant decision-making
12 responsibility for each significant issue affecting the child.
13 Those significant issues shall include, without limitation,
14 the following:

15 (1) Education, including the choice of schools and
16 tutors.

17 (2) Health, including all decisions relating to the
18 medical, dental, and psychological needs of the child and
19 to the treatments arising or resulting from those needs.

20 (3) Religion, subject to the following provisions:

21 (A) The court shall allocate decision-making
22 responsibility for the child's religious upbringing in
23 accordance with any express or implied agreement
24 between the parents.

25 (B) The court shall consider evidence of the
26 parents' past conduct as to the child's religious

1 upbringing in allocating decision-making
2 responsibilities consistent with demonstrated past
3 conduct in the absence of an express or implied
4 agreement between the parents.

5 (C) The court shall not allocate any aspect of the
6 child's religious upbringing if it determines that the
7 parents do not or did not have an express or implied
8 agreement for such religious upbringing or that there
9 is insufficient evidence to demonstrate a course of
10 conduct regarding the child's religious upbringing
11 that could serve as a basis for any such order.

12 (4) Extracurricular activities.

13 (c) Determination of child's best interests. In
14 determining the child's best interests for purposes of
15 allocating significant decision-making responsibilities, the
16 court shall consider all relevant factors, including, without
17 limitation, the following:

18 (1) the wishes of the child, taking into account the
19 child's maturity and ability to express reasoned and
20 independent preferences as to decision-making;

21 (2) the child's adjustment to his or her home, school,
22 and community;

23 (3) the mental and physical health of all individuals
24 involved;

25 (4) a parent's affirmation of the child's gender
26 identity or gender expression in a way that promotes the

1 child's overall health and well-being, including accessing
2 lawful health care;

3 (5) ~~(4)~~ the ability of the parents to cooperate to
4 make decisions, or the level of conflict between the
5 parties that may affect their ability to share
6 decision-making;

7 (6) ~~(5)~~ the level of each parent's participation in
8 past significant decision-making with respect to the
9 child;

10 (7) ~~(6)~~ any prior agreement or course of conduct
11 between the parents relating to decision-making with
12 respect to the child;

13 (8) ~~(7)~~ the wishes of the parents;

14 (9) ~~(8)~~ the child's needs;

15 (10) ~~(9)~~ the distance between the parents' residences,
16 the cost and difficulty of transporting the child, each
17 parent's and the child's daily schedules, and the ability
18 of the parents to cooperate in the arrangement;

19 (11) ~~(10)~~ whether a restriction on decision-making is
20 appropriate under Section 603.10;

21 (12) ~~(11)~~ the willingness and ability of each parent to
22 facilitate and encourage a close and continuing
23 relationship between the other parent and the child;

24 (13) ~~(12)~~ the physical violence or threat of physical
25 violence by the child's parent directed against the child;

26 (14) ~~(13)~~ the occurrence of abuse against the child or

1 other member of the child's household;

2 (15) ~~(14)~~ whether one of the parents is a sex
3 offender, and if so, the exact nature of the offense and
4 what, if any, treatment in which the parent has
5 successfully participated; and

6 (16) ~~(15)~~ any other factor that the court expressly
7 finds to be relevant.

8 (d) A parent shall have sole responsibility for making
9 routine decisions with respect to the child and for emergency
10 decisions affecting the child's health and safety during that
11 parent's parenting time.

12 (e) In allocating significant decision-making
13 responsibilities, the court shall not consider conduct of a
14 parent that does not affect that parent's relationship to the
15 child.

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

17 (750 ILCS 5/602.7)

18 Sec. 602.7. Allocation of parental responsibilities:
19 parenting time.

20 (a) Best interests. The court shall allocate parenting
21 time according to the child's best interests.

22 (b) Allocation of parenting time. Unless the parents
23 present a mutually agreed written parenting plan and that plan
24 is approved by the court, the court shall allocate parenting
25 time. It is presumed both parents are fit and the court shall

1 not place any restrictions on parenting time as defined in
2 Section 600 and described in Section 603.10, unless it finds
3 by a preponderance of the evidence that a parent's exercise of
4 parenting time would seriously endanger the child's physical,
5 mental, moral, or emotional health.

6 In determining the child's best interests for purposes of
7 allocating parenting time, the court shall consider all
8 relevant factors, including, without limitation, the
9 following:

10 (1) the wishes of each parent seeking parenting time;

11 (2) the wishes of the child, taking into account the
12 child's maturity and ability to express reasoned and
13 independent preferences as to parenting time;

14 (3) the amount of time each parent spent performing
15 caretaking functions with respect to the child in the 24
16 months preceding the filing of any petition for allocation
17 of parental responsibilities or, if the child is under 2
18 years of age, since the child's birth;

19 (4) any prior agreement or course of conduct between
20 the parents relating to caretaking functions with respect
21 to the child;

22 (5) the interaction and interrelationship of the child
23 with his or her parents and siblings and with any other
24 person who may significantly affect the child's best
25 interests;

26 (6) the child's adjustment to his or her home, school,

1 and community;

2 (7) the mental and physical health of all individuals
3 involved;

4 (8) the child's needs;

5 (9) the distance between the parents' residences, the
6 cost and difficulty of transporting the child, each
7 parent's and the child's daily schedules, and the ability
8 of the parents to cooperate in the arrangement;

9 (10) whether a restriction on parenting time is
10 appropriate;

11 (11) the physical violence or threat of physical
12 violence by the child's parent directed against the child
13 or other member of the child's household;

14 (12) the willingness and ability of each parent to
15 place the needs of the child ahead of his or her own needs;

16 (13) the willingness and ability of each parent to
17 facilitate and encourage a close and continuing
18 relationship between the other parent and the child;

19 (14) the occurrence of abuse against the child or
20 other member of the child's household;

21 (15) whether one of the parents is a convicted sex
22 offender or lives with a convicted sex offender and, if
23 so, the exact nature of the offense and what if any
24 treatment the offender has successfully participated in;
25 the parties are entitled to a hearing on the issues raised
26 in this paragraph (15);

1 (16) the terms of a parent's military family-care plan
2 that a parent must complete before deployment if a parent
3 is a member of the United States Armed Forces who is being
4 deployed; ~~and~~

5 (17) a parent's affirmation of the child's gender
6 identity or gender expression in a way that promotes the
7 child's overall health and well-being, including accessing
8 lawful health care; and

9 (18) ~~(17)~~ any other factor that the court expressly
10 finds to be relevant.

11 (c) In allocating parenting time, the court shall not
12 consider conduct of a parent that does not affect that
13 parent's relationship to the child.

14 (d) Upon motion, the court may allow a parent who is
15 deployed or who has orders to be deployed as a member of the
16 United States Armed Forces to designate a person known to the
17 child to exercise reasonable substitute visitation on behalf
18 of the deployed parent, if the court determines that
19 substitute visitation is in the best interests of the child.
20 In determining whether substitute visitation is in the best
21 interests of the child, the court shall consider all of the
22 relevant factors listed in subsection (b) of this Section and
23 apply those factors to the person designated as a substitute
24 for the deployed parent for visitation purposes. Visitation
25 orders entered under this subsection are subject to
26 subsections (e) and (f) of Section 602.9 and subsections (c)

1 and (d) of Section 603.10.

2 (e) If the street address of a parent is not identified
3 pursuant to Section 708 of this Act, the court shall require
4 the parties to identify reasonable alternative arrangements
5 for parenting time by the other parent including, but not
6 limited to, parenting time of the minor child at the residence
7 of another person or at a local public or private facility.

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

9 (750 ILCS 5/603.10)

10 Sec. 603.10. Restriction of parental responsibilities.

11 (a) After a hearing, if the court finds by a preponderance
12 of the evidence that a parent engaged in any conduct that
13 seriously endangered the child's mental, moral, or physical
14 health or that significantly impaired the child's emotional
15 development, the court shall enter orders as necessary to
16 protect the child. Such orders may include, but are not
17 limited to, orders for one or more of the following:

18 (1) a reduction, elimination, or other adjustment of
19 the parent's decision-making responsibilities or parenting
20 time, or both decision-making responsibilities and
21 parenting time;

22 (2) supervision, including ordering the Department of
23 Children and Family Services to exercise continuing
24 supervision under Section 5 of the Children and Family
25 Services Act;

1 (3) requiring the exchange of the child between the
2 parents through an intermediary or in a protected setting;

3 (4) restraining a parent's communication with or
4 proximity to the other parent or the child;

5 (5) requiring a parent to abstain from possessing or
6 consuming alcohol or non-prescribed drugs while exercising
7 parenting time with the child and within a specified
8 period immediately preceding the exercise of parenting
9 time;

10 (6) restricting the presence of specific persons while
11 a parent is exercising parenting time with the child;

12 (7) requiring a parent to post a bond to secure the
13 return of the child following the parent's exercise of
14 parenting time or to secure other performance required by
15 the court;

16 (8) requiring a parent to complete a treatment program
17 for perpetrators of abuse, for drug or alcohol abuse, or
18 for other behavior that is the basis for restricting
19 parental responsibilities under this Section; and

20 (9) any other constraints or conditions that the court
21 deems necessary to provide for the child's safety or
22 welfare.

23 (b) The court may modify an order restricting parental
24 responsibilities if, after a hearing, the court finds by a
25 preponderance of the evidence that a modification is in the
26 child's best interests based on (i) a change of circumstances

1 that occurred after the entry of an order restricting parental
2 responsibilities; or (ii) conduct of which the court was
3 previously unaware that seriously endangers the child. In
4 determining whether to modify an order under this subsection,
5 the court must consider factors that include, but need not be
6 limited to, the following:

7 (1) abuse, neglect, or abandonment of the child;

8 (2) abusing or allowing abuse of another person that
9 had an impact upon the child;

10 (3) use of drugs, alcohol, or any other substance in a
11 way that interferes with the parent's ability to perform
12 caretaking functions with respect to the child; ~~and~~

13 (4) persistent continuing interference with the other
14 parent's access to the child, except for actions taken
15 with a reasonable, good-faith belief that they are
16 necessary to protect the child's safety pending
17 adjudication of the facts underlying that belief, provided
18 that the interfering parent initiates a proceeding to
19 determine those facts as soon as practicable; and -

20 (5) persistent continuing interference with the
21 child's ability to access lawful health care.

22 (c) An order granting parenting time to a parent or
23 visitation to another person may be revoked by the court if
24 that parent or other person is found to have knowingly used his
25 or her parenting time or visitation to facilitate contact
26 between the child and a parent who has been barred from contact

1 with the child or to have knowingly used his or her parenting
2 time or visitation to facilitate contact with the child that
3 violates any restrictions imposed on a parent's parenting time
4 by a court of competent jurisdiction. Nothing in this
5 subsection limits a court's authority to enforce its orders in
6 any other manner authorized by law.

7 (d) If parenting time of a parent is restricted, an order
8 granting visitation to a non-parent with a child or an order
9 granting parenting time to the other parent shall contain the
10 following language:

11 "If a person granted parenting time or visitation
12 under this order uses that time to facilitate contact
13 between the child and a parent whose parenting time is
14 restricted, or if such a person violates any restrictions
15 placed on parenting time or visitation by the court, the
16 parenting time or visitation granted under this order
17 shall be revoked until further order of court."

18 (e) A parent who, after a hearing, is determined by the
19 court to have been convicted of any offense involving an
20 illegal sex act perpetrated upon a victim less than 18 years of
21 age, including but not limited to an offense under Article 11
22 of the Criminal Code of 2012, is not entitled to parenting time
23 while incarcerated or while on parole, probation, conditional
24 discharge, periodic imprisonment, or mandatory supervised
25 release for a felony offense, until the parent complies with
26 such terms and conditions as the court determines are in the

1 child's best interests, taking into account the exact nature
2 of the offense and what, if any, treatment in which the parent
3 successfully participated.

4 (f) A parent may not, while the child is present, visit any
5 person granted visitation or parenting time who has been
6 convicted of first degree murder, unless the court finds,
7 after considering all relevant factors, including those set
8 forth in subsection (b) of Section 602.7, that it would be in
9 the child's best interests to allow the child to be present
10 during such a visit.

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

12 (750 ILCS 5/612 new)

13 Sec. 612. Legislative declaration of public policy. A law
14 of another state that authorizes the removal of a child from a
15 parent or person acting as a parent based on the parent or
16 person acting as a parent allowing a child to receive lawful
17 health care is against the public policy of this State and
18 shall not be enforced or applied in a case pending in a court
19 in this State.

20 Section 10. The Uniform Child-Custody Jurisdiction and
21 Enforcement Act is amended by changing Sections 102, 201, 204,
22 207, and 208 and by adding Section 313.1 as follows:

23 (750 ILCS 36/102)

1 Sec. 102. Definitions. In this Act:

2 (1) "Abandoned" means left without provision for
3 reasonable and necessary care or supervision.

4 (2) "Child" means an individual who has not attained 18
5 years of age.

6 (3) "Child-custody determination" means a judgment,
7 decree, or other order of a court providing for the legal
8 custody, physical custody, or visitation with respect to a
9 child. The term includes a permanent, temporary, initial, and
10 modification order. The term does not include an order
11 relating to child support or other monetary obligation of an
12 individual.

13 (4) "Child-custody proceeding" means a proceeding in which
14 legal custody, physical custody, or visitation with respect to
15 a child is an issue. The term includes a proceeding for
16 divorce, separation, neglect, abuse, dependency, guardianship,
17 paternity, termination of parental rights, and protection from
18 domestic violence, in which the issue may appear. The term
19 does not include a proceeding involving juvenile delinquency,
20 contractual emancipation, or enforcement under Article 3.

21 (5) "Commencement" means the filing of the first pleading
22 in a proceeding.

23 (6) "Court" means an entity authorized under the law of a
24 state to establish, enforce, or modify a child-custody
25 determination.

26 (7) "Home state" means the state in which a child lived

1 with a parent or a person acting as a parent for at least six
2 consecutive months immediately before the commencement of a
3 child-custody proceeding. In the case of a child less than six
4 months of age, the term means the state in which the child
5 lived from birth with any of the persons mentioned. A period of
6 temporary absence of any of the mentioned persons is part of
7 the period.

8 (8) "Initial determination" means the first child-custody
9 determination concerning a particular child.

10 (9) "Issuing court" means the court that makes a
11 child-custody determination for which enforcement is sought
12 under this Act.

13 (10) "Issuing state" means the state in which a
14 child-custody determination is made.

15 (11) "Lawful health care" has the meaning ascribed to that
16 term in the Lawful Health Care Activity Act.

17 (12) ~~(11)~~ "Modification" means a child-custody
18 determination that changes, replaces, supersedes, or is
19 otherwise made after a previous determination concerning the
20 same child, whether or not it is made by the court that made
21 the previous determination.

22 (13) ~~(12)~~ "Person" means an individual, corporation,
23 business trust, estate, trust, partnership, limited liability
24 company, association, joint venture, government; governmental
25 subdivision, agency, or instrumentality; public corporation;
26 or any other legal or commercial entity.

1 (14) ~~(13)~~ "Person acting as a parent" means a person,
2 other than a parent, who:

3 (A) has physical custody of the child or has had
4 physical custody for a period of six consecutive months,
5 including any temporary absence, within one year
6 immediately before the commencement of a child-custody
7 proceeding; and

8 (B) has been awarded legal custody by a court or
9 claims a right to legal custody under the law of this
10 State.

11 (15) ~~(14)~~ "Physical custody" means the physical care and
12 supervision of a child.

13 (16) ~~(15)~~ "State" means a state of the United States, the
14 District of Columbia, Puerto Rico, the United States Virgin
15 Islands, or any territory or insular possession subject to the
16 jurisdiction of the United States.

17 (17) ~~(16)~~ "Tribe" means an Indian tribe or band, or
18 Alaskan Native village, which is recognized by federal law or
19 formally acknowledged by a state.

20 (18) ~~(17)~~ "Warrant" means an order issued by a court
21 authorizing law enforcement officers to take physical custody
22 of a child.

23 (Source: P.A. 93-108, eff. 1-1-04.)

24 (750 ILCS 36/201)

25 Sec. 201. Initial Child-Custody Jurisdiction.

1 (a) Except as otherwise provided in Section 204, a court
2 of this State has jurisdiction to make an initial
3 child-custody determination only if:

4 (1) this State is the home state of the child on the
5 date of the commencement of the proceeding, or was the
6 home state of the child within six months before the
7 commencement of the proceeding and the child is absent
8 from this State but a parent or person acting as a parent
9 continues to live in this State;

10 (2) a court of another state does not have
11 jurisdiction under paragraph (1), or a court of the home
12 state of the child has declined to exercise jurisdiction
13 on the ground that this State is the more appropriate
14 forum under Section 207 or 208, and:

15 (A) the child and the child's parents, or the
16 child and at least one parent or a person acting as a
17 parent, have a significant connection with this State
18 other than mere physical presence; and

19 (B) substantial evidence is available in this
20 State concerning the child's care, protection,
21 training, and personal relationships;

22 (3) all courts having jurisdiction under paragraph (1)
23 or (2) have declined to exercise jurisdiction on the
24 ground that a court of this State is the more appropriate
25 forum to determine the custody of the child under Section
26 207 or 208; or

1 (4) no court of any other state would have
2 jurisdiction under the criteria specified in paragraph
3 (1), (2), or (3).

4 (b) Subsection (a) is the exclusive jurisdictional basis
5 for making a child-custody determination by a court of this
6 State.

7 (c) Physical presence of, or personal jurisdiction over, a
8 party or a child is not necessary or sufficient to make a
9 child-custody determination.

10 (d) The presence of a child in this State for the purpose
11 of obtaining lawful health care is sufficient to meet the
12 requirements of paragraphs 2(A) and (B) of subsection (a).

13 (Source: P.A. 93-108, eff. 1-1-04.)

14 (750 ILCS 36/204)

15 Sec. 204. Temporary Emergency Jurisdiction.

16 (a) A court of this State has temporary emergency
17 jurisdiction if the child is present in this State and the
18 child has been abandoned or it is necessary in an emergency to
19 protect the child because the child, or a sibling or parent of
20 the child, is subjected to or threatened with mistreatment or
21 abuse, or the child is present in this state because the child
22 has been unable to obtain lawful health care in another
23 state..

24 (b) If there is no previous child-custody determination
25 that is entitled to be enforced under this Act and a

1 child-custody proceeding has not been commenced in a court of
2 a state having jurisdiction under Sections 201 through 203, a
3 child-custody determination made under this Section remains in
4 effect until an order is obtained from a court of a state
5 having jurisdiction under Sections 201 through 203. If a
6 child-custody proceeding has not been or is not commenced in a
7 court of a state having jurisdiction under Sections 201
8 through 203, a child-custody determination made under this
9 Section becomes a final determination, if it so provides and
10 this State becomes the home state of the child.

11 (c) If there is a previous child-custody determination
12 that is entitled to be enforced under this Act, or a
13 child-custody proceeding has been commenced in a court of a
14 state having jurisdiction under Sections 201 through 203, any
15 order issued by a court of this State under this Section must
16 specify in the order a period that the court considers
17 adequate to allow the person seeking an order to obtain an
18 order from the state having jurisdiction under Sections 201
19 through 203. The order issued in this State remains in effect
20 until an order is obtained from the other state within the
21 period specified or the period expires.

22 (d) A court of this State which has been asked to make a
23 child-custody determination under this Section, upon being
24 informed that a child-custody proceeding has been commenced
25 in, or a child-custody determination has been made by, a court
26 of a state having jurisdiction under Sections 201 through 203,

1 shall immediately communicate with the other court. A court of
2 this State which is exercising jurisdiction pursuant to
3 Sections 201 through 203, upon being informed that a
4 child-custody proceeding has been commenced in, or a
5 child-custody determination has been made by, a court of
6 another state under a statute similar to this Section shall
7 immediately communicate with the court of that state to
8 resolve the emergency, protect the safety of the parties and
9 the child, and determine a period for the duration of the
10 temporary order.

11 (Source: P.A. 93-108, eff. 1-1-04.)

12 (750 ILCS 36/207)

13 Sec. 207. Inconvenient Forum.

14 (a) A court of this State which has jurisdiction under
15 this Act to make a child-custody determination may decline to
16 exercise its jurisdiction at any time if it determines that it
17 is an inconvenient forum under the circumstances and that a
18 court of another state is a more appropriate forum. The issue
19 of inconvenient forum may be raised upon motion of a party, the
20 court's own motion, or request of another court.

21 (b) Before determining whether it is an inconvenient
22 forum, a court of this State shall consider whether it is
23 appropriate for a court of another state to exercise
24 jurisdiction. For this purpose, the court shall allow the
25 parties to submit information and shall consider all relevant

1 factors, including:

2 (1) whether domestic violence has occurred and is
3 likely to continue in the future and which state could
4 best protect the parties and the child;

5 (2) the length of time the child has resided outside
6 this State;

7 (3) the distance between the court in this State and
8 the court in the state that would assume jurisdiction;

9 (4) the relative financial circumstances of the
10 parties;

11 (5) any agreement of the parties as to which state
12 should assume jurisdiction;

13 (6) the nature and location of the evidence required
14 to resolve the pending litigation, including testimony of
15 the child;

16 (7) the ability of the court of each state to decide
17 the issue expeditiously and the procedures necessary to
18 present the evidence; and

19 (8) the familiarity of the court of each state with
20 the facts and issues in the pending litigation.

21 (c) If a court of this State determines that it is an
22 inconvenient forum and that a court of another state is a more
23 appropriate forum, it shall stay the proceedings upon
24 condition that a child-custody proceeding be promptly
25 commenced in another designated state and may impose any other
26 condition the court considers just and proper.

1 (d) A court of this State may decline to exercise its
2 jurisdiction under this Act if a child-custody determination
3 is incidental to an action for divorce or another proceeding
4 while still retaining jurisdiction over the divorce or other
5 proceeding.

6 (e) In a case where the provision of lawful health care to
7 the child is at issue, a court of this State shall not
8 determine that it is an inconvenient forum and must find that
9 it is a more appropriate forum where the law or policy of the
10 other state that may take jurisdiction limits the ability of a
11 parent or person acting as a parent to obtain lawful health
12 care for their child.

13 (Source: P.A. 93-108, eff. 1-1-04.)

14 (750 ILCS 36/208)

15 Sec. 208. Jurisdiction Declined By Reason Of Conduct.

16 (a) Except as otherwise provided in Section 204 or by
17 other law of this State, if a court of this State has
18 jurisdiction under this Act because a person seeking to invoke
19 its jurisdiction has engaged in unjustifiable conduct, the
20 court shall decline to exercise its jurisdiction unless:

21 (1) the parents and all persons acting as parents have
22 acquiesced in the exercise of jurisdiction;

23 (2) a court of the state otherwise having jurisdiction
24 under Sections 201 through 203 determines that this State
25 is a more appropriate forum under Section 207; or

1 (3) no court of any other state would have
2 jurisdiction under the criteria specified in Sections 201
3 through 203.

4 (b) If a court of this State declines to exercise its
5 jurisdiction pursuant to subsection (a), it may fashion an
6 appropriate remedy to ensure the safety of the child and
7 prevent a repetition of the unjustifiable conduct, including
8 staying the proceeding until a child-custody proceeding is
9 commenced in a court having jurisdiction under Sections 201
10 through 203.

11 (c) If a court dismisses a petition or stays a proceeding
12 because it declines to exercise its jurisdiction pursuant to
13 subsection (a), it shall assess against the party seeking to
14 invoke its jurisdiction necessary and reasonable expenses
15 including costs, communication expenses, attorney's fees,
16 investigative fees, expenses for witnesses, travel expenses,
17 and child care during the course of the proceedings, unless
18 the party from whom fees are sought establishes that the
19 assessment would be clearly inappropriate. The court may not
20 assess fees, costs, or expenses against this State unless
21 authorized by law other than this Act.

22 (d) In making a determination under this Section, a court
23 shall not consider as a factor weighing against the petitioner
24 any taking of the child, or retention of the child after a
25 visit or other temporary relinquishment of physical custody,
26 from the person who has legal custody, if there is a finding

1 that the taking or retention of the child was to protect the
2 petitioner from domestic violence or the child or sibling from
3 mistreatment or abuse, or for the purposes of obtaining lawful
4 health care for the child and the law or policy of the other
5 state limits the ability of a parent to obtain such lawful
6 health care for their child.

7 (Source: P.A. 93-108, eff. 1-1-04.)

8 (750 ILCS 36/313.1 new)

9 Sec. 313.1. Legislative declaration of public policy. A
10 law of another state that authorizes the removal of a child
11 from a parent or person acting as a parent based on the parent
12 or person acting as a parent allowing a child to receive lawful
13 health care is against the public policy of this State and
14 shall not be enforced or applied in a case pending in a court
15 in this State.

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