

1 AN ACT in relation to families.

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

4 Section 5. The Illinois Parentage Act of 1984 is amended  
5 by adding Section 13.5 as follows:

6 (750 ILCS 45/13.5 new)

7 Sec. 13.5. Injunctive relief.

8 (a) In any action brought under this Act for the initial  
9 determination of custody of a child or for modification of a  
10 prior custody order, the court, upon application of either  
11 party or on its own motion, may enjoin a party having  
12 physical possession or custody of a child from temporarily or  
13 permanently removing the child from Illinois pending the  
14 adjudication of the issue of custody. In order to provide  
15 that relief, the court must find all of the following:

16 (1) That the court has jurisdiction to make a child  
17 custody determination pursuant to Section 4 of the  
18 Uniform Child Custody Jurisdiction Act.

19 (2) That the petitioner has a clearly ascertainable  
20 right to petition for custody of the child.

21 (3) If paternity has yet to be established, that  
22 there is a showing of clear and convincing evidence by  
23 the petitioner of paternity of the child and that the  
24 petitioner is likely to be successful in establishing  
25 paternity; or, if paternity has already been established,  
26 that the court has permitted custody to be modified  
27 pursuant to subsection (a) of Section 610 of the Illinois  
28 Marriage and Dissolution of Marriage Act or that the  
29 court otherwise has jurisdiction to entertain a custody  
30 modification proceeding.

31 (4) That the petitioner or the child will suffer

1 irreparable harm without the injunction.

2 (5) That the petitioner has no adequate remedy at  
3 law.

4 (b) If the court determines that the custody action was  
5 commenced in bad faith for the purpose of attempting to  
6 thwart a parent from removing a child from the State of  
7 Illinois, the court shall levy as sanctions against the  
8 offending party all reasonable attorney's fees, costs, and  
9 damages incurred by the other party in defending the action.

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law.