

1 AN ACT concerning family 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 607 as follows:

6 (750 ILCS 5/607) (from Ch. 40, par. 607)
7 Sec. 607. Visitation.

8 (a) A parent not granted custody of the child is
9 entitled to reasonable visitation rights unless the court
10 finds, after a hearing, that visitation would seriously
11 endanger ~~seriously~~ the child's physical, mental, moral or
12 emotional health. If the custodian's street address is not
13 identified, pursuant to Section 708, the court shall require
14 the parties to identify reasonable alternative arrangements
15 for visitation by a non-custodial parent, including but not
16 limited to visitation of the minor child at the residence of
17 another person or at a local public or private facility.

18 (b) (1) The court may grant reasonable visitation
19 privileges to a grandparent, great-grandparent, or sibling of
20 any minor child upon petition to the court by the
21 grandparents or great-grandparents or on behalf of the
22 sibling, with notice to the parties required to be notified
23 under Section 601 of this Act, if the court determines that
24 it is in the best interests and welfare of the child, and may
25 issue any necessary orders to enforce such visitation
26 privileges. Except as provided in paragraph (2) of this
27 subsection (b), a petition for visitation privileges may be
28 filed under this paragraph (1) whether or not a petition
29 pursuant to this Act has been previously filed or is
30 currently pending if one or more of the following
31 circumstances exist:

1 (A) the parents are not currently cohabiting on a
2 permanent or an indefinite basis;

3 (B) one of the parents has been absent from the
4 marital abode for more than one month without the spouse
5 knowing his or her whereabouts;

6 (C) one of the parents is deceased;

7 (D) one of the parents joins in the petition with
8 the grandparents, great-grandparents, or sibling; or

9 (E) a sibling is in State custody.

10 (1.5) The Court may grant reasonable visitation
11 privileges to a stepparent upon petition to the court by the
12 stepparent, with notice to the parties required to be
13 notified under Section 601 of this Act, if the court
14 determines that it is in the best interests and welfare of
15 the child, and may issue any necessary orders to enforce
16 those visitation privileges. A petition for visitation
17 privileges may be filed under this paragraph (1.5) whether or
18 not a petition pursuant to this Act has been previously filed
19 or is currently pending if the following circumstances are
20 met:

21 (A) the child is at least 12 years old;

22 (B) the child resided continuously with the parent
23 and stepparent for at least 5 years;

24 (C) the parent is deceased or is disabled and is
25 unable to care for the child;

26 (D) the child wishes to have reasonable visitation
27 with the stepparent; and

28 (E) the stepparent was providing for the care,
29 control, and welfare to the child prior to the initiation
30 of the petition for visitation.

31 (2)(A) A petition for visitation privileges shall not be
32 filed pursuant to this subsection (b) by the parents or
33 grandparents of a putative father if the paternity of the
34 putative father has not been legally established.

1 (B) A petition for visitation privileges may not be
2 filed under this subsection (b) if the child who is the
3 subject of the grandparents' or great-grandparents' petition
4 has been voluntarily surrendered by the parent or parents,
5 except for a surrender to the Illinois Department of Children
6 and Family Services or a foster care facility, or has been
7 previously adopted by an individual or individuals who are
8 not related to the biological parents of the child or is the
9 subject of a pending adoption petition by an individual or
10 individuals who are not related to the biological parents of
11 the child.

12 (3) When one parent is deceased, the surviving parent
13 shall not interfere with the visitation rights of the
14 grandparents.

15 (c) The court may modify an order granting or denying
16 visitation rights of a parent whenever modification would
17 serve the best interest of the child; but the court shall
18 not restrict a parent's visitation rights unless it finds
19 that the visitation would seriously endanger ~~seriously~~ the
20 child's physical, mental, moral or emotional health. The
21 court may modify an order granting, denying, or limiting
22 visitation rights of a grandparent, great-grandparent, or
23 sibling of any minor child whenever a change of circumstances
24 has occurred based on facts occurring subsequent to the
25 judgment and the court finds by clear and convincing evidence
26 that the modification is in the best interest of the minor
27 child.

28 (d) If any court has entered an order prohibiting a
29 non-custodial parent of a child from any contact with a child
30 or restricting the non-custodial parent's contact with the
31 child, the following provisions shall apply:

32 (1) If an order has been entered granting
33 visitation privileges with the child to a grandparent or
34 great-grandparent who is related to the child through the

1 non-custodial parent, the visitation privileges of the
2 grandparent or great-grandparent may be revoked if:

3 (i) a court has entered an order prohibiting
4 the non-custodial parent from any contact with the
5 child, and the grandparent or great-grandparent is
6 found to have used his or her visitation privileges
7 to facilitate contact between the child and the
8 non-custodial parent; or

9 (ii) a court has entered an order restricting
10 the non-custodial parent's contact with the child,
11 and the grandparent or great-grandparent is found to
12 have used his or her visitation privileges to
13 facilitate contact between the child and the
14 non-custodial parent in a manner that violates the
15 terms of the order restricting the non-custodial
16 parent's contact with the child.

17 Nothing in this subdivision (1) limits the authority
18 of the court to enforce its orders in any manner
19 permitted by law.

20 (2) Any order granting visitation privileges with
21 the child to a grandparent or great-grandparent who is
22 related to the child through the non-custodial parent
23 shall contain the following provision:

24 "If the (grandparent or great-grandparent, whichever
25 is applicable) who has been granted visitation privileges
26 under this order uses the visitation privileges to
27 facilitate contact between the child and the child's
28 non-custodial parent, the visitation privileges granted
29 under this order shall be permanently revoked."

30 (e) No parent, not granted custody of the child, or
31 grandparent, or great-grandparent, or stepparent, or sibling
32 of any minor child, convicted of any offense involving an
33 illegal sex act perpetrated upon a victim less than 18 years
34 of age including but not limited to offenses for violations

1 of Article 12 of the Criminal Code of 1961, is entitled to
2 visitation rights while incarcerated or while on parole,
3 probation, conditional discharge, periodic imprisonment, or
4 mandatory supervised release for that offense, and upon
5 discharge from incarceration for a misdemeanor offense or
6 upon discharge from parole, probation, conditional discharge,
7 periodic imprisonment, or mandatory supervised release for a
8 felony offense, visitation shall be denied until the person
9 successfully completes a treatment program approved by the
10 court.

11 (f) Unless the court determines, after considering all
12 relevant factors, including but not limited to those set
13 forth in Section 602(a), that it would be in the best
14 interests of the child to allow visitation, the court shall
15 not enter an order providing visitation rights and pursuant
16 to a motion to modify visitation shall revoke visitation
17 rights previously granted to any person who would otherwise
18 be entitled to petition for visitation rights under this
19 Section who has been convicted of first degree murder of the
20 parent, grandparent, great-grandparent, or sibling of the
21 child who is the subject of the order. Until an order is
22 entered pursuant to this subsection, no person shall visit,
23 with the child present, a person who has been convicted of
24 first degree murder of the parent, grandparent,
25 great-grandparent, or sibling of the child without the
26 consent of the child's parent, other than a parent convicted
27 of first degree murder as set forth herein, or legal
28 guardian.

29 (g) If an order has been entered limiting, for cause, a
30 minor child's contact or visitation with a grandparent,
31 great-grandparent, or sibling on the grounds that it was in
32 the best interest of the child to do so, that order may be
33 modified only upon a showing of a substantial change in
34 circumstances occurring subsequent to the entry of the order

1 with proof by clear and convincing evidence that modification
2 is in the best interest of the minor child.

3 (Source: P.A. 90-782, eff. 8-14-98; 90-801, eff. 6-1-99;

4 91-357, eff. 7-29-99; 91-610, eff. 8-19-99.)