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- (f) No child's grandparent, great-grandparent, sibling, or step-parent, or any person to whom the court is considering granting visitation privileges pursuant to subsection (d) of Section 602.7, may be granted visitation if he or she has been convicted of first degree murder of a parent, grandparent, great-grandparent, or sibling of the child who is the subject of the visitation request. Pursuant to a motion to modify visitation, the court shall revoke visitation rights previously granted to any person who would otherwise be entitled to petition for visitation rights under this Section or granted visitation under subsection (d) of Section 602.7, if the person has been convicted of first degree murder of a parent, grandparent, great-grandparent, or sibling of the child who is the subject of the visitation order. Until an order is entered pursuant to this subsection, no person may visit, with the child present, a person who has been convicted of first degree murder of the parent, grandparent, great-grandparent, or sibling of the child without the consent of the child's parent, other than a parent convicted of first degree murder as set forth herein, or legal guardian.

## WHO MAY FILE???

- grandparents
- great-grandparents
- step-parents
- or
- siblings (including half- and step-siblings) of a minor child

## WHEN MAY NON-PARENT FILE???

- the child is at least one year old (750 ILCS 5/602.9(c)(1)),
- there has been an unreasonable denial of visitation by a parent, (750 ILCS 5/602.9(b)(3)), and
- the denial has caused undue mental, physical, or emotional harm to the child (750 ILCS 5/602.9(b)(3));
- AND

## WHEN NON-PARENT MAY FILE CONT.

- AND ONE OF THE FOLLOWING . . .
- the parents never married, are not living together, and parentage has been established;
- the parents are divorcing or divorced and one parent does not object to the 3rd party visitation (but the 3rd party visitation may not disrupt the objecting parent's parenting time);
- OR
- a parent has been incarcerated for more than 90 days;
- a parent is adjudicated incompetent;
- The child's other parent is deceased or has been missing for at least 90 days.

## IF THE NON-BIOLOGICAL PARENT MEETS THE CRITERIA TO FILE,

- the Court is presented with SOME OF the best interests factors in 750 ILCS 602.9(b)(5):
  - (A) the wishes of the child, taking into account the child's maturity and ability to express reasoned and independent preferences as to visitation;
  - (B) the mental and physical health of the child;
  - (C) the mental and physical health of the grandparent, great grand-grandparent, sibling, or step-parent;

## IF THE NON-BIOLOGICAL PARENT MEETS THE CRITERIA TO FILE,

- the Court is presented with SOME OF the best interests factors in 750 ILCS 602.9(b)(5):
  - (D) the length and quality of the prior relationship between the child and the grandparent, great-grandparent, sibling, or step-parent;
  - (E) the good faith of the party in filing the petition;
  - (F) the good faith of the person denying visitation;

## IF THE NON-BIOLOGICAL PARENT MEETS THE CRITERIA TO FILE,

- the Court is presented with SOME OF the best interests factors in 750 ILCS 602.9(b)(5):
- (G) the quality of the visitation time requested and the potential adverse impact that visitation would have on the child's customary activities;
- (H) any other fact that establishes that the loss of the relationship between the petitioner and the child is likely to unduly harm the child's mental, physical, or emotional health; and
- (I) whether visitation can be structured in a way to minimize the child's exposure to conflicts between the adults.

# QUESTIONS?