

Wolkowitz Law Office

www.wolkowitz.com • 3750 Oakton St, Skokie, IL 60076 • 312-399-9522

The below is Section 602.10 of the Illinois Marriage and Dissolution of Marriage Act (the “IMDMA”) (750 ILCS 5/602.10); it lists requirements for what must be covered by a parenting plan. The law takes effect January 1, 2016.

(750 ILCS 5/602.10)

(This Section may contain text from a Public Act with a delayed effective date)

Sec. 602.10. Parenting plan.

- a) Filing of parenting plan. All parents, within 120 days after service or filing of any petition for allocation of parental responsibilities, must file with the court, either jointly or separately, a proposed parenting plan. The time period for filing a parenting plan may be extended by the court for good cause shown.
- b) No parenting plan filed. In the absence of filing of one or more parenting plans, the court must conduct an evidentiary hearing to allocate parental responsibilities.
- c) Mediation. The court shall order mediation to assist the parents in formulating or modifying a parenting plan or in implementing a parenting plan unless the court determines that impediments to mediation exist. Costs under this subsection shall be allocated between the parties pursuant to the applicable statute or Supreme Court Rule.
- d) Parents' agreement on parenting plan. The parenting plan must be in writing and signed by both parents. The parents must submit the parenting plan to the court for approval within 120 days after service of a petition for allocation of parental responsibilities or the filing of an appearance, except for good cause shown. Notwithstanding the provisions above, the parents may agree upon and submit a parenting plan at any time after the commencement of a proceeding until prior to the entry of a judgment of dissolution of marriage. The agreement is binding upon the court unless it finds, after considering the circumstances of the parties and any other relevant evidence produced by the parties, that the agreement is unconscionable. If the court does not approve the parenting plan, the court shall make express findings of the reason or reasons for its refusal to approve the plan. The court, on its own motion, may conduct an evidentiary hearing to determine whether the parenting plan is in the child's best interests.
- e) Parents cannot agree on parenting plan. When parents fail to submit an agreed parenting plan, each parent must file and submit a written, signed parenting plan to the court within 120 days after the filing of an appearance, except for good cause shown. The court's determination of parenting time should be based on the child's best interests. The filing of the plan may be excused by the court if:
 - 1) the parties have commenced mediation for the purpose of formulating a parenting plan; of the parents have agreed in writing to extend the
 - 2) time for filing a proposed plan and the court has approved such an extension; or
 - 3) the court orders otherwise for good cause shown.
- f) Parenting plan contents. At a minimum, a parenting plan must set forth the following:
 - 1) an allocation of significant decision-making responsibilities;
 - 2) provisions for the child's living arrangements and for each parent's parenting time, including either:
 - (A) a schedule that designates in which parent's home the minor child will reside on given days; or a formula or method for determining such a schedule in sufficient detail to be enforced in a subsequent proceeding;

- 3) a mediation provision addressing any proposed reallocation of parenting time or regarding the terms of allocation of parental responsibilities, except that this provision is not required if one parent is allocated all significant decision-making responsibilities;
 - 4) each parent's right of access to medical, dental, and psychological records (subject to the Mental Health and Developmental Disabilities Confidentiality Act), child care records, and school and extracurricular records, reports, and schedules, unless expressly denied by a court order or denied under subsection (g) of Section 602.5;
 - 5) a designation of the parent who will be denominated as the parent with the majority of parenting time for purposes of Section 606.10;
 - 6) the child's residential address for school enrollment purposes only;
 - 7) each parent's residence address and phone number, and each parent's place of employment and employment address and phone number;
 - 8) a requirement that a parent changing his or her residence provide at least 60 days prior written notice of the change to any other parent under the parenting plan or allocation judgment, unless such notice is impracticable or unless otherwise ordered by the court. If such notice is impracticable, written notice shall be given at the earliest date practicable. At a minimum, the notice shall set forth the following:
 - (A) the intended date of the change of residence; and
 - (B) the address of the new residence;
 - 9) provisions requiring each parent to notify the other of emergencies, health care, travel plans, or other significant child-related issues;
 - 10) transportation arrangements between the parents;
 - 11) provisions for communications, including electronic communications, with the child during the other parent's parenting time;
 - 12) provisions for resolving issues arising from a parent's future relocation, if applicable;
 - 13) provisions for future modifications of the parenting plan, if specified events occur;
 - 14) provisions for the exercise of the right of first refusal, if so desired, that are consistent with the best interests of the minor child; provisions in the plan for the exercise of the right of first refusal must include:
 - i. the length and kind of child-care requirements invoking the right of first refusal;
 - ii. notification to the other parent and for his or her response;
 - iii. transportation requirements; any
 - iv. any other provision related to the exercise of the right of first refusal necessary to protect and promote the best interests of the minor child; and
 - 15) any other provision that addresses the child's best interests or that will otherwise facilitate cooperation between the parents.

The personal information under items (6), (7), and (8) of this subsection is not required if there is evidence of or the parenting plan states that there is a history of domestic violence or abuse, or it is shown that the release of the information is not in the child's or parent's best interests.
- g) The court shall conduct a trial or hearing to determine a plan which maximizes the child's relationship and access to both parents and shall ensure that the access and the overall plan are in the best interests of the child. The court shall take the parenting plans into consideration when determining parenting time and responsibilities at trial or hearing.
- h) The court may consider, consistent with the best interests of the child as defined in Section 602.7 of this Act, whether to award to one or both of the parties the right of first refusal in accordance with Section 602.3 of this Act.

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