**Major Changes Made to Illinois Child Custody Laws in 2016**

Prior to Senate Bill 57, the [Illinois Marriage and Dissolution of Marriage Act](http://www.ilga.gov/legislation/ilcs/ilcs5.asp?ActID=2086&ChapterID=59) (IMDMA) allowed the courts to provide either joint or sole custody of children. When one parent was granted custody, the other parent was given visitation rights to spend time with their children based on the individual circumstances of the case. However, new laws pertaining to child custody were introduced in 2015, and were put into effect on January 1, 2016, changing almost completely how the child custody determinations were made. If you are going through a divorce, it is essential for you to know about these changes and how they may affect your case.

**Why has the Law been Changed?**

One of the reasons to introduce these changes was to change the terminology used in child custody cases. Winning custody of children and letting the other parent just visit the children seemed harsh on both children and parents, as it had a profound effect on the children’s mental wellbeing. Since Illinois laws take best interests of children very seriously, the new bill eliminated the notion of losers and winners in this family law issue.

Another reason was to lessen the burden on each parent in terms of responsibilities and finances, and to allow each parent to play an active role in their child’s life. Thus, the new changes to the IMDMA pertaining to child custody have been deemed to be a more appropriate way of settling such sensitive matters.

**Allocation of Parental Responsibilities**

The new law has replaced the legal term child custody with allocation of parental responsibilities. Now both parents are given decision making authority pertaining to major subjects of their children’s life, including education, religion, medical, and extra-curricular activities. The court will still consider the long list of factors it used to before the new law for determining these responsibilities, and also the role each parent used to play when they lived as a single household. The court can also assign a single responsibility to both parents, depending on what would be in the best interest of the child.

Other factors that are considered during the allocation of parental responsibilities include:

* Wishes of the child
* The degree of cooperation between the parents
* The willingness of each parent for staying involved and participating in their child’s life
* Transportation and distance issues

**Parenting Time**

The new law has replaced the legal term visitation with parenting time. Since there is no longer any statute pertaining to residential custody, the courts are now required to determine parenting time issues. In addition to the child’s best interests, judges will take into account the following factors when determining a parenting time schedule in a child custody case:

1. The time both parents has spent over the past two years in taking care of the child
2. The child’s relationship with their siblings or parents or any other person that may have an effect on their best interests
3. Whether it is appropriate to put a restriction on parenting time

If you are contemplating divorce or facing difficulty in resolving child custody issues, you should consider obtaining legal counsel from an experienced and reliable family law attorney. Contact our law firm today at 630.920.8800 to schedule an initial consultation and discuss your case.