

Parenting Time: Best Interests

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Going through a divorce can be an emotional and stressful process. It can be even more stressful when there are children involved. In some cases parents are able to reach an agreement regarding the allocation of parenting time (formerly known as visitation). The agreement reached between the parties is usually outlined in an Allocation Judgment or Parenting Plan. We will discuss the contents of these agreements in an upcoming article. However, without a written agreement as to when each parent will spend time with the minor children, the court must allocate parenting time based on the best interests of the children.

Section 602.7 of the Illinois Marriage and Dissolution of Marriage Act outlines the factors that the court should consider in determining the best interests for the purposes of allocating parenting time. The court is to consider all relevant factors, including the following:

1. The wishes of each parent seeking parenting time;
2. The wishes of the child, taking into account the child's maturity and ability to express reasoned and independent preferences as to parenting time;
3. The amount of time each parent spent performing caretaking functions with respect to the child in the 24 months preceding the filing of any petition for allocation of parental responsibilities or, if the child is under 2 years of age, since the child's birth;
4. Any prior agreement or course of conduct between the parents relating to caretaking functions with respect to the child;
5. The interaction and interrelationship of the child with his or her parents and siblings and with any other person who may significantly affect the child's best interests;
6. The child's adjustment to his or her home, school and community;
7. The mental and physical health of all individuals involved;
8. The child's needs;
9. The distance between the parents' residences, the cost and difficulty of transporting the child, each parent's and the child's daily schedules, and the ability of the parents to cooperate in the arrangement;
10. Whether a restriction on parenting time is appropriate;
11. The physical violence or threat of physical violence by the child's parent directed against the child or other member of the child's household;
12. The willingness and ability of each parent to place the needs of the child ahead of his or her own needs;
13. The willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the other parent and the child;
14. The occurrence of abuse against the child or other member of the child's household;
15. Whether one of the parents is a convicted sex offender or lives with a convicted sex offender and, if so, the exact nature of the offense and what if any treatment the offender has successfully participated in; the parties are entitled to a hearing on the issues raised in this paragraph (15);
16. The terms of the parent's military family-care plan that a parent must complete before deployment if a parent is a member of the United States Armed Forces who is being deployed; and
17. Any other factors that the court expressly finds to be relevant.