

Rule 900. Purpose and Scope

(a) Purpose. Trial courts have a special responsibility in cases involving the care and custody or allocation of parental responsibilities of children. When a child is a ward of the court, the physical and emotional well-being of the child is literally the business of the court. The purpose of this article (Rules 900 *et seq.*) is to expedite cases affecting the custody or allocation of parental responsibilities of a child, to ensure the coordination of custody or allocation of parental responsibilities matters filed under different statutory Acts, and to focus child custody or allocation of parental responsibilities proceedings on the best interests of the child, while protecting the rights of other parties to the proceedings.

(b)(1) Definitions. For the purposes of this article, “child custody or allocation of parental responsibilities proceeding” means an action affecting child custody or allocation of parental responsibilities, visitation, or parenting time. “Relocation” means an action involving relocation of a minor child pursuant to section 609.2 of the Illinois Marriage and Dissolution of Marriage Act (750 ILCS 5/609). “Child” means a person who has not attained the age of 18.

(b)(2) Part A. Scope. Rules 900 through 920, except as stated therein, apply to all child custody or allocation of parental responsibilities proceedings initiated under article II, III, or IV of the Juvenile Court Act of 1987, the Illinois Marriage and Dissolution of Marriage Act, the Uniform Child Custody Jurisdiction and Enforcement Act, the Illinois Parentage Act of 2015, the Illinois Domestic Violence Act of 1986 and article 112A of the Code of Criminal Procedure of 1963, and guardianship matters involving a minor under article XI of the Probate Act of 1975.

(b)(3) Part B. Scope of Rules 921 through 940. Rules 921 through 940 apply to allocation of parental responsibilities proceedings initiated under the Illinois Marriage and Dissolution of Marriage Act, and the Illinois Parentage Act of 2015.

(b)(4) Part C. Scope of Rule 942. Rule 942 applies to child custody proceedings under articles II, III, and IV of the Juvenile Court Act of 1987.

(c) Applicability of Other Rules. Applicable provisions of articles I and II of these rules shall continue to apply in child custody or allocation of parental responsibilities proceedings except as noted in this article.

Adopted February 10, 2006, effective July 1, 2006; amended July 1, 2013, eff. Sept. 1, 2013; amended Mar. 8, 2016, eff. immediately.

Committee Comments
(Revised March 8, 2016)

Special Supreme Court Committee on Child Custody Issues

Rule 900 emphasizes the importance of child custody or allocation of parental responsibilities proceedings and highlights the purpose of the rules that follow, which is to ensure that child custody and allocation of parental responsibilities proceedings are expeditious, child-focused and fair to all parties.

The rules in the 900 series were written by the Special Supreme Court Committee on Child Custody Issues. The Special Committee was appointed shortly after our Supreme Court adopted the rules promulgated by the Special Supreme Court Committee on Capital Cases. See Rule 43 (judicial seminars on capital cases), Rule 411 (applicability of discovery rules to capital sentencing hearings), Rule 412(c) (State identification of material that may be exculpatory or mitigating), Rule 417 (DNA evidence), and Rules 701(b) and 714 (Capital Litigation Bar). These rules were designed to improve pretrial and trial procedures in capital cases. In appointing the Special Committee on Child Custody Issues, our Supreme Court indicated its strong desire to address problems which were apparent in the most significant cases courts must decide—those involving child custody or allocation of parental responsibilities.

Our Supreme Court and legislature have repeatedly stressed the need for child custody or allocation of parental responsibilities proceedings to be handled expeditiously, with great emphasis on the best interest of the child. As pointed out by our Supreme Court in *In re D.F.*, 208 Ill. 2d 223, 241 (2003), the Juvenile Court Act of 1987 (705 ILCS 405/2–14(a)), sets forth the “legislature’s stated policy and purpose of expediting juvenile court proceedings and seeking permanency for children in a ‘just and speedy’ manner.” Similarly, the Illinois Marriage and Dissolution of Marriage Act (750 ILCS 5/606(a)) provides: “Custody proceedings shall receive priority in being set for hearing.” As explained by our Supreme Court in *In re A.W.J.*, 197 Ill. 492, 497-98 (2001): “Like proceedings under the Adoption Act (750 ILCS 50/1 *et seq.* (West 1994)) and the Juvenile Court Act of 1987 (705 ILCS 405/2–1 *et seq.* (West 1994)) custody proceedings under the Marriage and Dissolution Act are guided by the overriding lodestar of the best interests of the child or children involved.”

The Special Committee noted that proceedings under the Adoption Act “shall receive priority over other civil cases in being set for hearing,” and that appealable orders under the Adoption Act “shall be prosecuted and heard on an expedited basis.” 750 ILCS 50/20.

The Special Committee also noted that, effective July 1, 2004, our Supreme Court adopted Rule 306 A, Expedited Appeals in Child Custody Cases. Rule 306 A (f) provides that “Except for good cause shown, the appellate court shall issue its decision within 150 days after the filing of the notice of appeal.” Rule 306 A (h) provides in part: “Requests for continuance are disfavored and shall be granted only for compelling circumstances.”

Paragraph (b)(1) defines “Child custody or allocation of parental responsibilities proceedings” broadly for the purposes of the rules. The broad definition is important, because the need to expedite custody and allocation of parental responsibilities decisions applies to all types of custody and allocation of parental responsibilities cases and coordination of these cases is essential.

The rest of Rule 900(b) sets out the scope of the Committee’s other rule proposals.

Paragraph (b)(2) explains that Part A of the rules, consisting of Rules 900 through 920, is applicable to all child custody and allocation of parental responsibilities proceedings, except as noted. Rules 909 through 920 are reserved.

Paragraph (b)(3) explains that Part B of the rules, consisting of Rules 921 through 940, deals with dissolution of marriage and paternity cases. Rules 925 through 940 are reserved.

Paragraph (b)(4) explains that Part C of the rules, consisting only of Rule 942, Court Family Conferences, applies to nondelinquency juvenile cases.

Other Supreme Court rules will continue to apply in child custody or allocation of parental responsibilities proceedings unless noted.

The 900 series of rules does not address proceedings arising under the Adoption Act (750 ILCS 50/1 *et seq.*). The Special Committee believes that adoption is qualitatively different from the child custody and allocation of parental responsibilities proceedings addressed in the Rule 900 series. Consequently, any rule changes applicable to proceedings under the Adoption Act will be addressed separately.

The Illinois Marriage and Dissolution of Marriage Act, Pub. Act 99-90 (eff. Jan. 1, 2016) (amending 750 ILCS 5/101 *et seq.*), has changed the terms “Custody,” “Visitation” (as to parents) and “Removal” to “Allocation of Parental Responsibilities,” “Parenting Time” and “Relocation.” These rules are being amended to reflect those changes. The rules utilize both “custody” and “allocation of parental responsibilities” in recognition that some legislative enactments covered by the rules utilize the term “custody” while the Illinois Marriage and Dissolution of Marriage Act and the Illinois Parentage Act of 2015 utilize the term “allocation of parental responsibilities.” The Special Committee has attempted to adhere to the usage found in the applicable legislative enactments.