イリノイ州の関連条文

原文	翻訳（抄訳）
Illinois Marriage and Dissolution of Marriage Act （ 750 Illinois Compiled Statutes 5）	イリノイ州婚姻および婚姻解消法
Part I General Provision	第一編　一般規定
Sec. 102. Purposes; Rules of Construction. This Act shall be liberally construed and applied to promote its underlying purposes, which are to: (1) provide adequate procedures for the solemnization and registration of marriage; (2) strengthen and preserve the integrity of marriage and safeguard family relationships; (3) promote the amicable settlement of disputes that have arisen between parties to a marriage; (4) mitigate the potential harm to the spouses and their children caused by the process of legal dissolution of marriage; (5) make reasonable provision for spouses and minor children during and after litigation, including provision for timely awards of interim fees to achieve substantial parity in parties' access to funds for litigation costs; (6) eliminate the consideration of marital misconduct in the adjudication of rights and duties incident to the legal dissolution of marriage, legal separation and	102 条　目的；解釈の準則 本法は、以下の目的を促進するために自由に解釈適用されなければならない。 (1) 婚姻の挙式と登録のための十分な手続きを提供すること (2) 婚姻の高潔さを強化、維持し、家族関係を保護すること (3) 婚姻の当事者間に生じた争いの円満な解決を促進すること (4) 法的な婚姻の解消の過程によって引き起こされた配偶者らとその子に対する可能性ある損害を軽減すること (5) 訴訟中ないし訴訟後において、配偶者らと未成年の子に相当な援助をすること。この援助は、訴訟費用のための資金に当事者らが接近するのと実質的に同等になるように時期を得た中間的費用を援助することを含む。 (6) 法的な婚姻の解消、法的な別居、婚姻の無効の宣言に伴う権利と義務の決定における婚姻の違反行為の考慮を排除すること (7) 訴訟中ないし訴訟後において、子の身体的、精神的、倫理的、情緒的幸福に関する親双方の関与と協力を最大限確保すること (8) 訴訟中、財産の維持管理を援助すること

declaration of invalidity of marriage; (7) secure the maximum involvement and cooperation of both parents regarding the physical, mental, moral and emotional well-being of the children during and after the litigation; and (8) make provision for the preservation and conservation of assets during the litigation.	
Part VI Custody	第六編　監護権
Sec. 601 Jurisdiction; Commencement of Proceeding	601 条　裁判管轄、手続きの開始
(a) A court of this State competent to decide child custody matters has jurisdiction to make a child custody determination in original or modification proceedings as provided in Section 201 of the Uniform Child-Custody Jurisdiction and Enforcement Act as adopted by this State. (b) A child custody proceeding is commenced in the court: (1) by a parent, by filing a petition: (i) for dissolution of marriage or legal separation or declaration of invalidity of marriage; or (ii) for custody of the child, in the county in which he is permanently resident or found; (2) by a person other than a parent, by filing a petition for custody of the child in the county in which he is permanently resident or found, but	(a) 子の監護事項を決定することのできる本州の裁判所は、本州が採択した統一子の監護に関する管轄権および執行法の 201 条に規定するように最初のあるいは変更の手続きにおける子の監護権について決定する管轄権を有する。 (b) 子の監護手続きは、以下の者のいずれかにより、裁判所において開始される。 (1) (i)(ii)いずれかの訴訟を提起する親 (i)婚姻の解消あるいは法的別居あるいは婚姻の無効の宣言に関して (ii)永住する国における子の監護権に関して (2) 親以外の者により、永住する国において子の監護権の申立てをすることにより、あるいは当該子がその親のひとりの身上監護にない場合のみ (3) 継親により、以下の(A)～(F)の要件をすべてみたした場合に、申立てにより、((A)～(F)省略) (4) 親の死亡時に以下の(A)～(C)のひとつ以上が存在すれば、親の一方が死

only if he is not in the physical custody of one of his parents; or (3) by a stepparent, by filing a petition, if all of the following circumstances are met: (A) the child is at least 12 years old; (B) the custodial parent and stepparent were married for at least 5 years during which the child resided with the parent and stepparent; (C) the custodial parent is deceased or is disabled and cannot perform the duties of a parent to the child; (D) the stepparent provided for the care, control, and welfare to the child prior to the initiation of custody proceedings; (E) the child wishes to live with the stepparent; And (F) it is alleged to be in the best interests and welfare of the child to live with the stepparent as provided in Section 602 of this Act. (4) When one of the parents is deceased, by a grandparent who is a parent or stepparent of a deceased parent, by filing a petition, if one or more of the following existed at the time of the parent's death: (A) the surviving parent had been absent from the marital abode for more than one month without the deceased spouse knowing his or her whereabouts; (B) the surviving parent was in State	亡したときに、申立てにより、死亡した親の親あるいは死亡した親の継親、((A)～(C)省略) (c) 先の監護権命令を変更する訴えを含む子の監護手続きの通知は、出廷することができ、聴聞されえ、訴答書面を提出することができる子の親、後見人、監護者に与えなければならない。裁判所は十分な理由を示すにあたり、他の利害関係人の訴訟参加を許可することができる。 (d) 省略 (e) (空白) (f) 裁判所は、その裁量権において、あるいは子の監護権の申立てができるいかなる当事者の要求において、子の最善の利益を代理するため、監護手続きの期間中にあるいはいかなる監護権命令の変更のためにも、訴訟後見人を指名しなければならない。・・・省略・・・。

or federal custody; or (C) the surviving parent had: (i) received supervision for or been convicted of any violation of Article 12 of the Criminal Code of 1961 directed towards the deceased parent or the child; or (ii) received supervision or been convicted of violating an order of protection entered under Section 217, 218, or 219 of the Illinois Domestic Violence Act of 1986 for the protection of the deceased parent or the child. (c) Notice of a child custody proceeding, including an action for modification of a previous custody order, shall be given to the child's parents, guardian and custodian, who may appear, be heard, and file a responsive pleading. The court, upon showing of good cause, may permit intervention of other interested parties. (d) Proceedings for modification of a previous custody order commenced more than 30 days following the entry of a previous custody order must be initiated by serving a written notice and a copy of the petition for modification upon the child's parent, guardian and custodian at least 30 days prior to hearing on the petition. Nothing in this Section shall preclude a party in custody modification proceedings from moving	

for a temporary order under Section 603 of this Act. (e) (Blank). (f) The court shall, at the court's discretion or upon the request of any party entitled to petition for custody of the child, appoint a guardian ad litem to represent the best interest of the child for the duration of the custody proceeding or for any modifications of any custody orders entered. Nothing in this Section shall be construed to prevent the court from appointing the same guardian ad litem for 2 or more children that are siblings or half-siblings.	
Sec. 602 Best Interest of Child	602 条　子の最善の利益
(a) The court shall determine custody in accordance with the best interest of the child. The court shall consider all relevant factors including: (1) the wishes of the child's parent or parents as to his custody; (2) the wishes of the child as to his custodian; (3) the interaction and interrelationship of the child with his parent or parents, his siblings and any other person who may significantly affect the child's best interest; (4) the child's adjustment to his home, school and (5) the mental and physical health of	602 条　子の最善の利益 (a)　裁判所は子の最善の利益に合致して監護権を決定しなければならない。裁判所は以下の関連するファクターすべてを考慮しなければならない。 (1)　子の監護権に関するその親の希望（wishes） (2)　子の監護者に関する子の希望 (3)　子の最善の利益に著しく影響しうるその親、兄弟、その他の者と子との交流や相互関係 (4)　家庭、学校、地域社会への子の適応 (5)　関係者すべての精神的身体的健康 (6)　子に対して直接あるいは他の者に対して指示するか否かに関わらず、子の監護者となりうる者による身体的暴力、身体的暴力の恐れ (7)　子に対して直接あるいは他の者に

all individuals (6) the physical violence or threat of physical violence by the child's potential custodian, whether directed against the child or directed against another person; (7) the occurrence of ongoing or repeated abuse as defined in Section 103 of the Illinois Domestic Violence Act of 1986, whether directed against the child or directed against another person; (8) the willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the other parent and the child; (9) whether one of the parents is a sex offender; and (10) the terms of a 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. In the case of a custody proceeding in which a stepparent has standing under Section 601, it is presumed to be in the best interest of the minor child that the natural parent have the custody of the minor child unless the presumption is rebutted by the stepparent. (b) The court shall not consider conduct of a present or proposed custodian that does not affect his relationship to the child.	対して指示するか否かに関わらず、1986 年のイリノイ州ドメスティック・バイオレンス法の 103 条に規定される継続的あるいは反復的虐待の存在 (8) 一方の親と子との密接で継続的な関係を促進し奨励することに対するそれぞれの親の意思と可能性 (9) 親のひとりが性犯罪者であるかどうか (10) 親が配備されているアメリカ国軍のメンバーである場合、親は配置される前に完了していなければならない親の軍部のファミリー・ケア・プランの期間。継親が 601 条のもと当事者適格を有する監護手続きの場合には、継親により覆されなければ、実親が未成年の子の監護権を有することが当該子の最善の利益になると推定される。 (b) 裁判所は、子に対する関係に影響しない現在のあるいは提案された監護者の行為を考慮してはならない。 (c) 裁判所が 1986 年のイリノイ州ドメスティック・バイオレンス法の 103 条に規定される継続的虐待の存在を発見しなければ、裁判所は子の身体的、精神的、倫理的、情緒的幸福に関する最大限の親双方の関与と協力が子の最善の利益であると推定しなければならない。共同監護の賛否を推定してはならない。

(c) Unless the court finds the occurrence of ongoing abuse as defined in Section 103 of the Illinois Domestic Violence Act of 1986, the court shall presume that the maximum involvement and cooperation of both parents regarding the physical, mental, moral, and emotional well-being of their child is in the best interest of the child. There shall be no presumption in favor of or against joint custody.	
Sec. 602.1	602.1 条
(a) The dissolution of marriage, the declaration of invalidity of marriage, the legal separation of the parents, or the parents living separate and apart shall not diminish parental powers, rights, and responsibilities except as the court for good reason may determine under the standards of Section 602. (b) Upon the application of either or both parents, or upon its own motion, the court shall consider an award of joint custody. Joint custody means custody determined pursuant to a Joint Parenting Agreement or a Joint Parenting Order. In such cases, the court shall initially request the parents to produce a Joint Parenting Agreement. Such Agreement shall specify each parent's powers, rights and responsibilities for the personal care of the child and for	(a)　婚姻の解消、婚姻の無効の宣言、親の法的別居あるいは事実上の別居は、裁判所が 602 条の基準のもと、もっともな理由で決定されうる場合を除き、親の権限、権利、義務を減じてはならない。 (b)　親の一方あるいは双方の申立てに際し、裁判所は共同監護の判断を考慮しなければならない。共同監護は、共同養育契約あるいは共同養育命令により決定する監護を意味する。この場合、裁判所はまず共同養育契約書を作成することを親双方に要求しなければならない。当該契約書は、子の個人的ケアおよび教育、ヘルス･ケア、宗教的トレーニングのような主要な決定に対するそれぞれの親の権限・権利・義務を特定しなければならない。さらに、当該契約書は、提案された変更や争い、主張された違反が調停され え、あるいは他の方法で解決されえることによる手続きを特定しなければならず、親によりその契約条項の定期的な検討をしなければならない。共同養育契約を作成するに際し、親は 102 条および 602 条に明示されて

major decisions such as education, health care, and religious training. The Agreement shall further specify a procedure by which proposed changes, disputes and alleged breaches may be mediated or otherwise resolved and shall provide for a periodic review of its terms by the parents. In producing a Joint Parenting Agreement, the parents shall be flexible in arriving at resolutions which further the policy of this State as expressed in Sections 102 and 602. For the purpose of assisting the court in making a determination whether an award of joint custody is appropriate, the court may order mediation and may direct that an investigation be conducted pursuant to the provisions of Section 605. If there is a danger to the health or safety of a partner, joint mediation shall not be required by the court. In the event the parents fail to produce a Joint Parenting Agreement, the court may enter an appropriate Joint Parenting Order under the standards of Section 602 which shall specify and contain the same elements as a Joint Parenting Agreement, or it may award sole custody under the standards of Sections 602, 607, and 608. (c) The court may enter an order of joint custody if it determines that joint custody would be in the best	いる本州の政策を促進する解決に至るように柔軟でなければならない。・・・略・・・親が共同養育契約を作成できなかった場合には、裁判所は共同養育契約と同じ要素を特定し含めなければならない 602 条の基準のもと適切に共同養育命令を出すか、602 条、607 条、608 条の基準のもと、単独監護権を付与しうる。 (c) 裁判所は、以下（(1)～(3)）を考慮して共同監護が子の最善の利益になると決定する場合に、共同監護の命令を出すことができる。 (1) 子の共同養育に直接影響する事柄に効果的にかつ継続的に親が関与できること (2) それぞれの親の居住環境 (3) 子の最善の利益に関連しうる他のすべてのファクター (d) 本条において、共同監護が必然的に等しい養育時間を意味しなければならないということを推定しない。共同監護の状況下における子の身体的居住は以下（(1)(2)）のいずれかによって決定されなければならない。 (1) 当事者の明示された合意 (2) 本条の基準のもとでの裁判所命令 (e) 法の他の規定にもかかわらず、医学的、歯学的、子のケア、学校の記録に限定されないがそれらを含む子に関する記録と情報への接近は、そのような親が子の監護親ではないという理由で親に対し否定されてはならない。しかしながら、親が 1986 年のイリノイ州ドメスティック・バイオレンス法あるいは 1963 年の刑事手続法に従いそのような記録を調べたり得ることを保護命令によって禁止されている場合には、親は子の学校記録へ接近してはならない。1986 年のイリノイ州ドメスティック・バイオレンス法あるいは

interests of the child, taking into account the following: (1) the ability of the parents to cooperate effectively and consistently in matters that directly affect the joint parenting of the child. "Ability of the parents to cooperate" means the parents' capacity to substantially comply with a Joint Parenting Order. The court shall not consider the inability of the parents to cooperate effectively and consistently in matters that do not directly affect the joint parenting of the child; (2) The residential circumstances of each parent; and (3) all other factors which may be relevant to the best interest of the child. (d) Nothing within this section shall imply or presume that joint custody shall necessarily mean equal parenting time. The physical residence of the child in joint custodial situations shall be determined by: (1) express agreement of the parties; or (2) order of the court under the standards of this Section. (e) Notwithstanding any other provision of law, access to records and information pertaining to a child, including but not limited to medical, dental, child care and	1963 年の刑事手続法による保護命令に被告として明記されている親は保護命令上、保護されている者である子のヘルス・ケアの記録に接近してはならない。

school records, shall not be denied to a parent for the reason that such parent is not the child's custodial parent; however, no parent shall have access to the school records of a child if the parent is prohibited by an order of protection from inspecting or obtaining such records pursuant to the Illinois Domestic Violence Act of 1986, as now or hereafter amended or pursuant to the Code of Criminal Procedure of 1963. No parent who is a named respondent in an order of protection issued pursuant to the Illinois Domestic Violence Act of 1986 or the Code of Criminal Procedure of 1963 shall have access to the health care records of a child who is a protected person under that order of protection.	
Sec. 603 Temporary Orders	603 条　暫定的命令
(a) A party to a custody proceeding, including a proceeding to modify custody, may move for a temporary custody order. The court may award temporary custody under the standards of Section 602, the standards and procedures of Section 602.1, and the provisions of subsection (f) of Section 610 after a hearing, or, if there is no objection, solely on the basis of the affidavits or the agreement of the parties if the court finds that the parties' agreement is in the best interest of the child.	(a)　監護権の変更を含む監護手続きの当事者は、暫定的監護命令に変えることができる。裁判所は、602 条の基準、602.1 条の基準と手続き、ヒアリング後 610 条(f)規定のもと、あるいは裁判所が当事者らの合意内容が子の最善の利益となると判断する場合に当事者らの宣誓供述書あるいは合意書だけにもとづき、暫定的監護権を付与することができる。 (b)　婚姻の解消あるいは法的別居あるいは婚姻の無効の手続きが却下された場合、親あるいは子の監護者が監護手続きとしてその手続きが継続するよう行動し、ヒアリング後に親の状況と子の最善の利益が監護権の判決が発せられることを要求することを裁判

(b) If a proceeding for dissolution of marriage or legal separation or declaration of invalidity of marriage is dismissed, any temporary custody order is vacated unless a parent or the child's custodian moves that the proceeding continue as a custody proceeding and the court finds, after a hearing, that the circumstances of the parents and the best interest of the child requires that a custody judgment be issued. (c) If a custody proceeding commenced in the absence of a petition for dissolution of marriage or legal separation, under either subparagraph (ii) of paragraph (1), or paragraph (2), of subsection (d) of Section 601, is dismissed, any temporary custody order is vacated.	所が判断しなければ、いかなる暫定的監護命令も取り消される。 (c)　601 条(1)(ii)あるいは同条(2)、同条(d)のいずれかにおいて、婚姻の解消あるいは法的別居の訴えを欠いて始められた監護手続きが却下される場合、いかなる暫定的監護命令も取り消される。
Sec. 604 Interviews	604 条　インタビュー
(a) The court may interview the child in chambers to ascertain the child's wishes as to his custodian and as to visitation. Counsel shall be present at the interview unless otherwise agreed upon by the parties. The court shall cause a court reporter to be present who shall make a complete record of the interview instantaneously to be part of the record in the case. (b) The court may seek the advice of professional personnel, whether or not employed by the court on a regular basis. The advice given shall be in	監護者や訪問権に関する子の希望を確かめるための面接に関する規定（省略）

writing and made available by the court to counsel. Counsel may examine, as a witness, any professional personnel consulted by the court, designated as a court's witness. Professional personnel consulted by the court are subject to subpoena for the purposes of discovery, trial, or both. The court shall allocate the costs and fees of those professional personnel between the parties based upon the financial ability of each party and any other criteria the court considers appropriate. Upon the request of any party or upon the court's own motion, the court may conduct a hearing as to the reasonableness of those fees and costs.	
Sec. 604.5 Evaluation of child`s best interest	604.5条　子の最善の利益の評価
(a) In a proceeding for custody, visitation, or removal of a child from Illinois, upon notice and motion made within a reasonable time before trial, the court may order an evaluation concerning the best interest of the child as it relates to custody, visitation, or removal. The motion may be made by a party, a parent, the child's custodian, the attorney for the child, the child's guardian ad litem, or the child's representative. The requested evaluation may be in place of or in addition to an evaluation conducted	(a)　監護権または訪問権もしくはイリノイ州から子が転居するための手続きにおいて、事実審前に相当な期間内になされた通知と申立てのもと、裁判所は監護権または訪問権もしくは転居に関連するような子の最善の利益についての評価を命令することができる。その申立ては当事者、親、子の監護者、子の弁護士、子の訴訟後見人、子の代理人のいずれかによってなされうる。要求された評価は 604 条(b)のもと行われた評価の代わりに、あるいはそれに加えてなされうる。申立ては提案された評価者の身元と評価者の専門分野を示さなければならない。裁判所は提案された評価者による評価を命じることを拒否することができるが、その場合には、裁

under subsection (b) of Section 604. The motion shall state the identity of the proposed evaluator and set forth the evaluator's specialty or discipline. The court may refuse to order an evaluation by the proposed evaluator, but in that event, the court may permit the party seeking the evaluation to propose one or more other evaluators. (b) An order for an evaluation shall fix the time, place, conditions, and scope of the evaluation and shall designate the evaluator. A party or person shall not be required to travel an unreasonable distance for the evaluation. (c) The person requesting an evaluator shall pay the fee for the evaluation unless otherwise ordered by the court. (d) Within 21 days after the completion of the evaluation, if the moving party or person intends to call the evaluator as a witness, the evaluator shall prepare and mail or deliver to the attorneys of record duplicate originals of the written evaluation. The evaluation shall set forth the evaluator's findings, the results of all tests administered, and the evaluator's conclusions and recommendations. If the written evaluation is not delivered or mailed to the attorneys within 21 days or within any extensions or	判所は、当事者が一人かそれ以上のほかの評価者を提案するための評価を求めることを許可することができる。 (b)、(c)、(d)、(e)、(f)　省略

modifications granted by the court, the written evaluation and the evaluator's testimony, conclusions, and recommendations may not be received into evidence. (e) The person calling an evaluator to testify at trial shall disclose the evaluator as an opinion witness in accordance with the Supreme Court Rules. (f) Subject to compliance with the Supreme Court Rules, nothing in this Section bars a person who did not request the evaluation from calling the evaluator as a witness. In that case, however, that person shall pay the evaluator's fee for testifying unless otherwise ordered by the court.	
Sec. 605 Investigations and Reports	605 条　調査と報告
(a) In contested custody proceedings, and in other custody proceedings if a parent or the child's custodian so requests, the court may order an investigation and report concerning custodial arrangements for the child. The investigation and report may be made by a child welfare agency approved by the Department of Children and Family Services, but shall not be made by that Department unless the court determines either that there is no child welfare agency available or that the parent or the child's custodian is financially unable to	裁判所は子の監護の取り決めに関する調査と報告を命じることができ、当該調査と報告は、州の子および家族サービス局によって承認された子の福祉に関する代理機関によってなされうることなどが規定されている。

pay for the investigation or report. (b) In preparing his report concerning a child, the investigator may consult any person who may have information about the child and his potential custodial arrangements. Under order of the court, the investigator may refer the child to professional personnel for diagnosis. The investigator may consult with and obtain information from medical, psychiatric or other expert persons who have served the child in the past, without obtaining the consent of the parent or the child's custodian. The child's consent must be obtained if he has reached the age of 16, unless the court finds that he lacks mental capacity to consent. (c) The investigator shall mail the report to counsel, and to any party not represented by counsel, at least 10 days prior to the hearing. The court may examine and consider the investigator's report in determining custody. The investigator shall make available to counsel, and to any party not represented by counsel, the investigator's file of underlying data, reports, and the complete texts of diagnostic reports made to the investigator pursuant to the provisions of subsection (b) of this Section, and the names and addresses of all persons whom the investigator	

has consulted. Any party to the proceeding may call the investigator, or any person whom he has consulted, as a court's witness, for cross-examination. A party may not waive his right of cross-examination prior to the hearing.	
Sec. 606 Hearings	606 条　ヒアリング（省略）
Sec. 607 Visitation	607 条　訪問権
(a) A parent not granted custody of the child is entitled to reasonable visitation rights unless the court finds, after a hearing, that visitation would endanger seriously the child's physical, mental, moral or emotional health. If the custodian's street address is not identified, pursuant to Section 708, the court shall require the parties to identify reasonable alternative arrangements for visitation by a non-custodial parent, including but not limited to visitation of the minor child at the residence of another person or at a local public or private facility. (1) "Visitation" means in-person time spent between a child and the child's parent. In appropriate circumstances, it may include electronic communication under conditions and at times determined by the court. (2) "Electronic communication" means time that a parent spends with his or	(a)　裁判所が、ヒアリング後に、訪問が子の身体的、精神的、倫理的、情緒的健康のいずれかを重度に危険にさらすということを認めない場合に、子の監護権を認められていない親は相当な訪問する権利がある。監護者の通り番地が、708 条に従い、特定されていない場合には、裁判所は当事者に非監護親による訪問のための合理的な選択的取り決めを特定するよう要求しなければならない。その取り決めには、他方の者の住所か地域の公的あるいは私的な施設における未成年の子の訪問に限定されないものを含む。 (1)　訪問権の定義 (2)　電子式交流の定義 (a-3)　一歳以上の未成年の子の祖父母、曽祖父母、兄弟姉妹は、本条に従い巡回裁判所に訪問権を要求する訴訟を提起する当事者適格を有する。以下略 (a-5) (1)　親のよる不合理な訪問の拒否および少なくとも以下の要件のひとつがある場合には、祖父母または曽祖父母あるいは兄弟姉妹は未成年の子に対する訪問権のための訴訟を提起することができる。 (A)　空白 (A-5)　子の一方の親が死亡あるいは行

her child during which the child is not in the parent's actual physical custody, but which is facilitated by the use of communication tools such as the telephone, electronic mail, instant messaging, video conferencing or other wired or wireless technologies via the Internet, or another medium of communication. (a-3) Grandparents, great-grandparents, and siblings of a minor child, who is one year old or older, have standing to bring an action in circuit court by petition, requesting visitation in accordance with this Section. The term "sibling" in this Section means a brother, sister, stepbrother, or stepsister of the minor child. Grandparents, great-grandparents, and siblings also have standing to file a petition for visitation and any electronic communication rights in a pending dissolution proceeding or any other proceeding that involves custody or visitation issues, requesting visitation in accordance with this Section. A petition for visitation with a child by a person other than a parent must be filed in the county in which the child resides. Nothing in this subsection (a-3) and subsection (a-5) of this Section shall apply to a child in whose interests a petition is pending under	方不明 (A-10) 子の親が無能力者 (A-15) 親が収監されている (B) 子の母と父が離婚している、または法的に別居している等 (C) 空白 (D) 非嫡出子であり、両親はともに暮らしていない、申立人は母方の祖父母、曽祖父母、兄弟姉妹のいずれかである。 (E) 非嫡出子であり、両親はともに暮らしていない、申立人は父方の祖父母、曽祖父母、兄弟姉妹のいずれかで、父子関係は裁判所によって確定されている。 (2)本条に従い認められたいかなる訪問権も、親の権利を終了させる命令が先か子の養子縁組を認める命令が先はいずれにせよ、子の養子縁組訴訟の前に、自動的に法の作用により終了されなければならない。子を養子縁組した者が子と親類関係がある場合には、養子方１条に規定されるように、子と親類関係にあるいかなる者も祖父母、曽祖父母、兄弟姉妹として、養子縁組に先立ち、本条に従い子との訪問を要求する訴訟を提起する当事者適格を有しなければならない。 (3) (a-5)のもと、決定するに当たり、適した親の訴えと祖父母、曽祖父母、兄弟姉妹の訪問に関する決定が子の精神的、身体的、情緒的な健康に対し害をなさないという反証可能な推定がある。その証明責任は本条のもと訴訟提起した当事者にある。 (4) 裁判所は、訪問権を認めるか否かを決定する際に、以下を考慮しなければならない。 (A) 子の意向 (B) 子の精神的身体的健康 (C) 祖父母、曽祖父母、兄弟姉妹の精

Section 2-13 of the Juvenile Court Act of 1987 or a petition to adopt an unrelated child is pending under the Adoption Act. (a-5)(1) Except as otherwise provided in this subsection (a-5), any grandparent, great-grandparent, or sibling may file a petition for visitation rights to a minor child if there is an unreasonable denial of visitation by a parent and at least one of the following conditions exists: (A) (Blank); (A-5) the child's other parent is deceased or has been missing for at least 3 months. For the purposes of this Section a parent is considered to be missing if the parent's location has not been determined and the parent has been reported as missing to a law enforcement agency; (A-10) a parent of the child is incompetent as a matter of law; (A-15) a parent has been incarcerated in jail or prison during the 3 month period preceding the filing of the petition; (B) the child's mother and father are divorced or have been legally separated from each other or there is pending a dissolution proceeding involving a parent of the child or another court proceeding involving custody or visitation of the child (other than any adoption proceeding	神的身体的健康 (D) 子と祖父母、曽祖父母、兄弟姉妹との間の従前の関係の長さや質 (E) 訴訟を提起するについての当事者の誠実さ (F) 訪問権を否定する者の誠実さ (G) 要求される訪問回数の量と訪問が子の習慣的な行為にもたらす潜在的悪影響 (H) 少なくとも連続 6 ヶ月間、子が申立人と、現在の監護者とともに暮らしたか暮らさないか (I) 少なくとも連続 12 ヶ月間、申立人が頻繁にあるいは定期的な面会、訪問をしたか否か (J) 申立人と子の間の関係の喪失が子の精神的身体的情緒的な健康を害する可能性があることを確定するほかのいかなる事実 (K) 祖父母または曽祖父母あるいは兄弟姉妹が、連続する 6 ヶ月間以上の期間において、子の主たる養育者であったか否か (5) 省略 (a-7) (1)～(4) 訪問権の変更に関する規定 (b)～(g) 省略

of an unrelated child) and at least one parent does not object to the grandparent, great-grandparent, or sibling having visitation with the child. The visitation of the grandparent, great-grandparent, or sibling must not diminish the visitation of the parent who is not related to the grandparent, great-grandparent, or sibling seeking visitation; (C) (Blank); (D) the child is born out of wedlock, the parents are not living together, and the petitioner is a maternal grandparent, great-grandparent, or sibling of the child born out of wedlock; or (E) the child is born out of wedlock, the parents are not living together, the petitioner is a paternal grandparent, great-grandparent, or sibling, and the paternity has been established by a court of competent jurisdiction. (2) Any visitation rights granted pursuant to this Section before the filing of a petition for adoption of a child shall automatically terminate by operation of law upon the entry of an order terminating parental rights or granting the adoption of the child, whichever is earlier. If the person or persons who adopted the child are related to the child, as defined by Section 1 of the	

Adoption Act, any person who was related to the child as grandparent, great-grandparent, or sibling prior to the adoption shall have standing to bring an action pursuant to this Section requesting visitation with the child. (3) In making a determination under this subsection (a-5), there is a rebuttable presumption that a fit parent's actions and decisions regarding grandparent, great-grandparent, or sibling visitation are not harmful to the child's mental, physical, or emotional health. The burden is on the party filing a petition under this Section to prove that the parent's actions and decisions regarding visitation times are harmful to the child's mental, physical, or emotional health. (4) In determining whether to grant visitation, the court shall consider the following: (A) the preference of the child if the child is determined to be of sufficient maturity to express a preference; (B) the mental and physical health of the child; (C) the mental and physical health of the grandparent, great-grandparent, or sibling; (D) the length and quality of the prior relationship between the child	

and the grandparent, great-grandparent, or sibling; (E) the good faith of the party in filing the petition; (F) the good faith of the person denying visitation; (G) the quantity of the visitation time requested and the potential adverse impact that visitation would have on the child's customary activities; (H) whether the child resided with the petitioner for at least 6 consecutive months with or without the current custodian present; (I) whether the petitioner had frequent or regular contact or visitation with the child for at least 12 consecutive months; (J) any other fact that establishes that the loss of the relationship between the petitioner and the child is likely to harm the child's mental, physical, or emotional health; and (K) whether the grandparent, great-grandparent, or sibling was a primary caretaker of the child for a period of not less than 6 consecutive months.	
Sec. 607.1 Enforcement of visitation orders; visitation abuse	607.1 条　訪問権命令の執行；訪問権の濫用(訪問権の行使が子や子の監護者に害をなす等の訪問権の濫用があった場合には、裁判所は訪問権命令の内容を変更することができるという内容の規定。)
Sec. 608 Judicial Supervision	608 条　司法的監督
(a) Except as otherwise agreed by the	(a)　監護手続き時に書面にて当事者により

parties in writing at the time of the custody judgment or as otherwise ordered by the court, the custodian may determine the child's upbringing, including but not limited to, his education, health care and religious training, unless the court, after hearing, finds, upon motion by the noncustodial parent, that the absence of a specific limitation of the custodian's authority would clearly be contrary to the best interests of the child. (b) If both parents or all contestants agree to the order, or if the court finds that in the absence of agreement the child's physical health would be endangered or his emotional development significantly impaired, the court may order the Department of Children and Family Services to exercise continuing supervision over the case to assure that the custodial or visitation terms of the judgment are carried out. Supervision shall be carried out under the provisions of Section 5 of the Children and Family Services Act. (c) The court may order individual counseling for the child, family counseling for one or more of the parties and the child, or parental education for one or more of the parties, when it finds one or more of the following: (1) both parents or all parties agree	合意がある場合や裁判所による命令を除き、裁判所が、ヒアリング後に、非監護親による申立てにおいて、監護者の権限が明らかに子の最善の利益に反すると判断しなければ、監護者は、子の教育、ヘルス･ケア、宗教的トレーニングに限定されないがそれらを含む子の養育を決定することができる。 (b)　親双方があるいはすべての申立人が命令に合意した場合、あるいは裁判所が、合意がなく、子の身体的健康が危険にさらされあるいはその情緒的発達がひどく害される場合、裁判所は子および家族サービス局に対し判決の監護あるいは訪問に関する文言が実施されることを確保するためその事件を継続して監督するように命じることができる。監督は子および家族サービス法 5 条の規定のもと、実施されなければならない。 (c)　一定の要件（(1)～(3)）の一つ以上をみたせば、裁判所は子等に対しカウンセリングを命じることができる。 （1）～(3)　省略 (d)、(e)、(f)　省略

to the order; (2) the court finds that the child's physical health is endangered or his or her emotional development is impaired including, but not limited to, a finding of visitation abuse as defined by Section 607.1; or (3) the court finds that one or both of the parties have violated the joint parenting agreement with regard to conduct affecting or in the presence of the child.	
Sec. 609 Leave to Remove Children	609 条　子を転居させる許可
(750 ILCS 5/609) (from Ch. 40, par. 609) Sec. 609. Leave to Remove Children.) (a) The court may grant leave, before or after judgment, to any party having custody of any minor child or children to remove such child or children from Illinois whenever such approval is in the best interests of such child or children. The burden of proving that such removal is in the best interests of such child or children is on the party seeking the removal. When such removal is permitted, the court may require the party removing such child or children from Illinois to give reasonable security guaranteeing the return of such children. (b) Before a minor child is temporarily removed from Illinois, the parent responsible for the removal shall inform the other	(a)　裁判所は、判決の前か後で、未成年の子の監護権を有するいかなる当事者に対しても、そのような承認（転居を認めること）が当該子の最善の利益になる場合にはいつでも、当該子をイリノイ州から転居させる許可を与えることができる。当該転居が当該子の最善の利益となるということの証明責任は転居を求める当事者にある。その転居が許される場合、裁判所は子をイリノイ州から転居させる当事者に対し、当該子を戻すことを保証する相当な担保を与えることを要求することができる。 (b)　未成年の子は一時的にイリノイ州から転居する前に、転居に責任のある親は他の親またはその弁護士に、一時的な転居期間中に子と連絡が取れる住所と電話番号、そして子がイリノイ州に戻ってくるであろう日付を知らせなければならない。イリノイ州は、未成年の子が本条項により当該州を不在であるとき、管轄権を保留する。 (c)　裁判所はイリノイ州から監護親による子の転居を支援する際のファクターとして電子式交流の有用性を使用してはならない。

parent, or the other parent's attorney, of the address and telephone number where the child may be reached during the period of temporary removal, and the date on which the child shall return to Illinois. The State of Illinois retains jurisdiction when the minor child is absent from the State pursuant to this subsection. (c) The court may not use the availability of electronic communication as a factor in support of a removal of a child by the custodial parent from Illinois.	
Sec. 609.5 Notification of remarriage or residency with a sex offender	609.5条　性犯罪者との再婚あるいは居住の通知
Notification of remarriage or residency with a sex offender. A parent who intends to marry or reside with a sex offender, and knows or should know that the person with whom he or she intends to marry or reside is a sex offender, shall provide reasonable notice to the other parent with whom he or she has a minor child prior to the marriage or the commencement of the residency.	性犯罪者と婚姻あるいは居住するつもりの親は、そしてこれから婚姻あるいは居住しようとしている者が性犯罪者であると知っているか知るべきである親は、当該婚姻あるいは居住の開始に先立ち、未成年の子を有する他方の親に対し相当な通知を与えなければならない。
Sec. 610 Modification	610条　変更
(a) Unless by stipulation of the parties or except as provided in subsection (a-5), no motion to modify a custody judgment may be made earlier than 2 years after its date, unless the court permits it to be made	(a)　当事者の訴訟上の合意によらない場合、あるいは(a-5)に規定される場合を除いて、監護権の判決を変更するための申立ては、子の現在の環境が重度に身体的、精神的、倫理的、情緒的な健康のいずれかを危険にさらすと信じる理由があるという宣誓供述書

on the basis of affidavits that there is reason to believe the child's present environment may endanger seriously his physical, mental, moral or emotional health. (a-5) A motion to modify a custody judgment may be made at any time by a party who has been informed of the existence of facts requiring notice to be given under Section 609.5. (b) The court shall not modify a prior custody judgment unless it finds by clear and convincing evidence, upon the basis of facts that have arisen since the prior judgment or that were unknown to the court at the time of entry of the prior judgment, that a change has occurred in the circumstances of the child or his custodian, or in the case of a joint custody arrangement that a change has occurred in the circumstances of the child or either or both parties having custody, and that the modification is necessary to serve the best interest of the child. The existence of facts requiring notice to be given under Section 609.5 of this Act shall be considered a change in circumstance. In the case of joint custody, if the parties agree to a termination of a joint custody arrangement, the court shall so terminate the joint custody and make any modification which is in the child's best interest. The court	を基礎に、裁判所が許可を与えているのでなければ、判決日より 2 年以上経過しなければできない。 (a-5)　省略 (b)　裁判所は、明白かつ説得力ある証拠により、先の判決以来生じたあるいは先の判決に裁判所に知られた事実に基づいて、変更が子や監護者の状況に生じたこと、あるいは共同監護契約の場合に変化が子や親のいずれか一方あるいは双方の状況に生じたこと、そして変更が子の最善の利益にかなうために必要であるということを裁判所が判断しなければ、先の監護権に関する判決を変更してはならない。本法の 609.5 条のもと与えられた通知を要求するという事実の存在は、状況の変化とみなされなければならない。共同監護の場合には、当事者が共同監護契約の終了に同意するならば、裁判所はそのように共同監護を終了させ、子の最善の利益になるいかなる変更もしなければならない。いずれかの親が変更あるいは終了に反対している場合には、裁判所は共同監護の変更あるいは終了を支援する際にその判決中に特定の事実認定を示さなければならない。 (c)～(g)　省略

shall state in its decision specific findings of fact in support of its modification or termination of joint custody if either parent opposes the modification or termination. (c) Attorney fees and costs shall be assessed against a party seeking modification if the court finds that the modification action is vexatious and constitutes harassment. (d) Notice under this Section shall be given as provided in subsections (c) and (d) of Section 601. (e) (Blank). (f) A court may only provide for a temporary modification of a custody or visitation order during a period of a parent's deployment by the United States Armed Forces in order to make reasonable accommodations necessitated by the deployment. The temporary order shall specify that deployment is the basis for the order and shall include provisions for: (1) custody or reasonable visitation during a period of leave granted to the deployed parent if the custody or reasonable visitation is in the child's best interest; (2) if appropriate, visitation by electronic communication; and (3) the court's reservation of jurisdiction to modify or terminate the temporary modification order upon the termination of the deployed parent's deployment upon such terms	

and conditions as the court may deem necessary to serve the child's best interest at the time of the termination of the deployment. (g) A party's past, current, or possible future absence or relocation, or failure to comply with the court's orders on custody, visitation, or parenting time may not, by itself, be sufficient to justify a modification of a prior order if the reason for the absence, relocation or failure to comply is the party's deployment as a member of the United States Armed Forces.	
Sec. 611 Enforcement of custody order or order prohibiting removal of child from the jurisdiction of the court	611 条　監護権命令あるいは裁判所の管轄権から子が転居することを禁止する命令の執行
(a) The court may enter a judgment to enforce a custody order or a court order prohibiting removal of the child from the jurisdiction of the court if it finds that the respondent has violated the terms of the court order by having improperly removed the child from the physical custody of the petitioner or another person entitled to custody or by having improperly retained the child after a visit or other temporary relinquishment of physical custody. If the general whereabouts of the child are known, the judgment shall direct any sheriff or law enforcement officer to provide assistance to the petitioner in apprehending the child	(a)　裁判所は、相手方（被告）が申立人の身上監護からまたは監護権のある他の者から子を不適切に転居させることにより、あるいは不適切に訪問後にあるいは他の暫定的な身上監護の移譲後に子を留めることにより、裁判所命令の文言を侵害したと認定する場合、裁判所の管轄権から子を転居させることを禁じる監護権命令あるいは裁判所命令を執行する判決を出すことができる。一般的に子の所在が知られているならば、判決は保安官あるいは執行官に子を確保することに申立人の援助をするよう指示しなければならず、さらに保安官あるいは執行官に子を引き渡すための権限を、いかなる子の身上監護を有する者、子をケアする者、ベビーシッター、教師に与えなければならない。 (b)、(c)　省略

and shall further authorize any child care personnel, babysitter, teacher or any person having physical custody of the child to surrender the child to such sheriff or law enforcement officer. (b) The court may enter a judgment pursuant to subsection (a) of this Section without prior notice to the respondent if the court finds that prior notice would be likely to cause the respondent's flight from the jurisdiction or cause further removal or concealment of the child. If an ex parte order is entered pursuant to this subsection, the respondent may, upon 2 days notice to the petitioner or upon such shorter notice as the court may prescribe, appear and move for the dissolution or modification of the judgment and in that event the court shall proceed to hear and determine such motion as expeditiously as possible. (c) Nothing contained in this Section shall be construed to limit the court's contempt power.	