

Restricting Visitation, Supervised Visitation, and Terminating Visitation

The divorce or family court judge loses authority to order or enforce visitation when children reach the age of majority.¹ There is no authority in Illinois' divorce laws to compel visitation for adult disabled children.² There are, however, ways to obtain and enforce visitation with adult disabled children.³ The court may place certain restrictions on a parent's visitation.⁴ "Restrictions" are different from "reductions" or "limitations" – the latter merely reducing the amount of time a non-custodial parent spends with the child.

Restriction of Visitation is an action which limits, restrains, or confines visitation within bounds. A termination of visitation rights is a restriction, as is a prohibition on overnight visitation. Likewise, a requirement that visitation be supervised, occur in the home of the custodial parent, or outside the home of the non-custodial parent is a restriction. However, eliminating one day from a weekend visitation or shortening a summer visitation due to the activities of the child usually are not considered "restrictions."⁵

Supervised visitation is also a "restriction" and may be imposed in cases where the circumstances warrant. When the court requires visitation to be supervised, a supervisor (a trained professional, a therapist, psychologist, psychiatrist, case worker, or even an approved friend or relative) is present with the non-custodial parent at all times to ensure that no harm comes to the child's physical, mental, or emotional well-being. If you think your case requires a visitation supervisor, call our office and talk with a knowledgeable attorney to learn what protections the law will afford.

Termination of Visitation is a misnomer. Visitation isn't "terminated," but it may be "abated," that is, put on indefinite hold, in some cases. Children often have a say in an abatement of visitation.⁶

This article was written by the law office of Cowell Taradash, P.C., whose attorneys are familiar with the latest court decisions, recent changes in the law and even the tendencies of many judges. We can help. Contact us at 866.987.6723 or info@illinoisdivorce.com.