

Basics of Child Visitation

In Illinois, non-custodial parents are entitled to reasonable visitation rights with their children. The law makes this right an "entitlement" which means the non-custodial parent cannot be denied or deprived of visitation without a full court hearing.

Interestingly, Illinois law gives the "right" of visitation to non-custodial parents and the "privilege" of visitation to grandparents, great-grandparents, siblings, and stepparents. The children who have to go on visitation, however, have no rights spelled out in the law.

Illinois law does not recognize a "standard visitation" scheme. Visitation issues are unique to each family and solutions are crafted to accommodate the needs and nuances of each family situation. Generally, when children are younger, overnight visits do not happen. As children mature, however, more frequent visits and visits of greater duration are the rule, not the exception.

If you need help determining an appropriate visitation schedule for your family, call our experienced and knowledgeable attorneys. We have decades of experience with thousands of families. We can help.

Child Support and Visitation: It's simple: visitation is visitation and child support is child support. The two are not connected in any way. A child has a right to spend time with both parents, regardless of the payment or non-payment of child support. A custodial parent may not withhold visitation just because the non-custodial parent hasn't paid child support. Withholding visitation is "unlawful visitation interference."

Compelling Non-Custodial Parent to Exercise Visitation: Illinois law says non-custodial parents are entitled to visitation. There is nothing, however, that says that children have any right to visitation. There is no mechanism in Illinois law to compel a non-custodial parent to exercise his or her visitation rights. There are a few cases on the subject, though, that stand for the proposition that the court has the authority to compel visitation.¹

Public Visitation exchange and Neutral Site Custody Exchanges: Sometimes, when there is a legitimate threat to the safety of one of the parents, a couple may agree to transfer the child in a public place. Where there is a strong likelihood of verbal or physical abuse, it may be a good idea to find a safe, public place to make the exchange. Many parents decide on a restaurant or a location in a nearby mall where you can count on a lot of people being present as well as a few security guards.

If, however, the threat is significant, many counties now have neutral sites where the exchanges can take place. Illinois law² now permits counties to charge extra filing fees to pay for such facilities. Typically, one parent enters the building on one side and the other parent, with the child, enters on the other side. The child is escorted through the building by a site employee. The parents never meet.

Lacking a county-sponsored neutral site, many couples prefer to try to execute exchanges at a local police station. This should be avoided if at all possible. To transfer the child at a police station stigmatizes both parents in the eyes of the child – it sends the child many bad messages about the parents, and himself. Talk with your lawyer about visitation exchange possibilities before going down this road.