



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

SB2289

Introduced 1/10/2018, by Sen. Michael E. Hastings

#### SYNOPSIS AS INTRODUCED:

|                    |                           |
|--------------------|---------------------------|
| 725 ILCS 5/112A-14 | from Ch. 38, par. 112A-14 |
| 750 ILCS 5/504     | from Ch. 40, par. 504     |
| 750 ILCS 5/505     | from Ch. 40, par. 505     |
| 750 ILCS 60/214    | from Ch. 40, par. 2312-14 |

Amends the Code of Criminal Procedure of 1963, the Illinois Marriage and Dissolution of Marriage Act, and the Illinois Domestic Violence Act of 1986 by correcting cross references to Sections that have been repealed and by changing a county population threshold.

LRB100 15957 HEP 31700 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Code of Criminal Procedure of 1963 is  
5 amended by changing Section 112A-14 as follows:

6 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

7 Sec. 112A-14. Order of protection; remedies.

8 (a) (Blank).

9 (b) The court may order any of the remedies listed in this  
10 subsection. The remedies listed in this subsection shall be in  
11 addition to other civil or criminal remedies available to  
12 petitioner.

13 (1) Prohibition of abuse. Prohibit respondent's  
14 harassment, interference with personal liberty,  
15 intimidation of a dependent, physical abuse or willful  
16 deprivation, as defined in this Article, if such abuse has  
17 occurred or otherwise appears likely to occur if not  
18 prohibited.

19 (2) Grant of exclusive possession of residence.  
20 Prohibit respondent from entering or remaining in any  
21 residence, household, or premises of the petitioner,  
22 including one owned or leased by respondent, if petitioner  
23 has a right to occupancy thereof. The grant of exclusive

1 possession of the residence, household, or premises shall  
2 not affect title to real property, nor shall the court be  
3 limited by the standard set forth in subsection (c-2) of  
4 Section 501 ~~Section 701~~ of the Illinois Marriage and  
5 Dissolution of Marriage Act.

6 (A) Right to occupancy. A party has a right to  
7 occupancy of a residence or household if it is solely  
8 or jointly owned or leased by that party, that party's  
9 spouse, a person with a legal duty to support that  
10 party or a minor child in that party's care, or by any  
11 person or entity other than the opposing party that  
12 authorizes that party's occupancy (e.g., a domestic  
13 violence shelter). Standards set forth in subparagraph  
14 (B) shall not preclude equitable relief.

15 (B) Presumption of hardships. If petitioner and  
16 respondent each has the right to occupancy of a  
17 residence or household, the court shall balance (i) the  
18 hardships to respondent and any minor child or  
19 dependent adult in respondent's care resulting from  
20 entry of this remedy with (ii) the hardships to  
21 petitioner and any minor child or dependent adult in  
22 petitioner's care resulting from continued exposure to  
23 the risk of abuse (should petitioner remain at the  
24 residence or household) or from loss of possession of  
25 the residence or household (should petitioner leave to  
26 avoid the risk of abuse). When determining the balance

1 of hardships, the court shall also take into account  
2 the accessibility of the residence or household.  
3 Hardships need not be balanced if respondent does not  
4 have a right to occupancy.

5 The balance of hardships is presumed to favor  
6 possession by petitioner unless the presumption is  
7 rebutted by a preponderance of the evidence, showing  
8 that the hardships to respondent substantially  
9 outweigh the hardships to petitioner and any minor  
10 child or dependent adult in petitioner's care. The  
11 court, on the request of petitioner or on its own  
12 motion, may order respondent to provide suitable,  
13 accessible, alternate housing for petitioner instead  
14 of excluding respondent from a mutual residence or  
15 household.

16 (3) Stay away order and additional prohibitions. Order  
17 respondent to stay away from petitioner or any other person  
18 protected by the order of protection, or prohibit  
19 respondent from entering or remaining present at  
20 petitioner's school, place of employment, or other  
21 specified places at times when petitioner is present, or  
22 both, if reasonable, given the balance of hardships.  
23 Hardships need not be balanced for the court to enter a  
24 stay away order or prohibit entry if respondent has no  
25 right to enter the premises.

26 (A) If an order of protection grants petitioner

1 exclusive possession of the residence, or prohibits  
2 respondent from entering the residence, or orders  
3 respondent to stay away from petitioner or other  
4 protected persons, then the court may allow respondent  
5 access to the residence to remove items of clothing and  
6 personal adornment used exclusively by respondent,  
7 medications, and other items as the court directs. The  
8 right to access shall be exercised on only one occasion  
9 as the court directs and in the presence of an  
10 agreed-upon adult third party or law enforcement  
11 officer.

12 (B) When the petitioner and the respondent attend  
13 the same public, private, or non-public elementary,  
14 middle, or high school, the court when issuing an order  
15 of protection and providing relief shall consider the  
16 severity of the act, any continuing physical danger or  
17 emotional distress to the petitioner, the educational  
18 rights guaranteed to the petitioner and respondent  
19 under federal and State law, the availability of a  
20 transfer of the respondent to another school, a change  
21 of placement or a change of program of the respondent,  
22 the expense, difficulty, and educational disruption  
23 that would be caused by a transfer of the respondent to  
24 another school, and any other relevant facts of the  
25 case. The court may order that the respondent not  
26 attend the public, private, or non-public elementary,

1 middle, or high school attended by the petitioner,  
2 order that the respondent accept a change of placement  
3 or change of program, as determined by the school  
4 district or private or non-public school, or place  
5 restrictions on the respondent's movements within the  
6 school attended by the petitioner. The respondent  
7 bears the burden of proving by a preponderance of the  
8 evidence that a transfer, change of placement, or  
9 change of program of the respondent is not available.  
10 The respondent also bears the burden of production with  
11 respect to the expense, difficulty, and educational  
12 disruption that would be caused by a transfer of the  
13 respondent to another school. A transfer, change of  
14 placement, or change of program is not unavailable to  
15 the respondent solely on the ground that the respondent  
16 does not agree with the school district's or private or  
17 non-public school's transfer, change of placement, or  
18 change of program or solely on the ground that the  
19 respondent fails or refuses to consent or otherwise  
20 does not take an action required to effectuate a  
21 transfer, change of placement, or change of program.  
22 When a court orders a respondent to stay away from the  
23 public, private, or non-public school attended by the  
24 petitioner and the respondent requests a transfer to  
25 another attendance center within the respondent's  
26 school district or private or non-public school, the

1 school district or private or non-public school shall  
2 have sole discretion to determine the attendance  
3 center to which the respondent is transferred. If the  
4 court order results in a transfer of the minor  
5 respondent to another attendance center, a change in  
6 the respondent's placement, or a change of the  
7 respondent's program, the parents, guardian, or legal  
8 custodian of the respondent is responsible for  
9 transportation and other costs associated with the  
10 transfer or change.

11 (C) The court may order the parents, guardian, or  
12 legal custodian of a minor respondent to take certain  
13 actions or to refrain from taking certain actions to  
14 ensure that the respondent complies with the order. If  
15 the court orders a transfer of the respondent to  
16 another school, the parents, guardian, or legal  
17 custodian of the respondent is responsible for  
18 transportation and other costs associated with the  
19 change of school by the respondent.

20 (4) Counseling. Require or recommend the respondent to  
21 undergo counseling for a specified duration with a social  
22 worker, psychologist, clinical psychologist, psychiatrist,  
23 family service agency, alcohol or substance abuse program,  
24 mental health center guidance counselor, agency providing  
25 services to elders, program designed for domestic violence  
26 abusers or any other guidance service the court deems

1 appropriate. The court may order the respondent in any  
2 intimate partner relationship to report to an Illinois  
3 Department of Human Services protocol approved partner  
4 abuse intervention program for an assessment and to follow  
5 all recommended treatment.

6 (5) Physical care and possession of the minor child. In  
7 order to protect the minor child from abuse, neglect, or  
8 unwarranted separation from the person who has been the  
9 minor child's primary caretaker, or to otherwise protect  
10 the well-being of the minor child, the court may do either  
11 or both of the following: (i) grant petitioner physical  
12 care or possession of the minor child, or both, or (ii)  
13 order respondent to return a minor child to, or not remove  
14 a minor child from, the physical care of a parent or person  
15 in loco parentis.

16 If the respondent is charged with abuse (as defined in  
17 Section 112A-3) of a minor child, there shall be a  
18 rebuttable presumption that awarding physical care to  
19 respondent would not be in the minor child's best interest.

20 (6) Temporary legal custody. Award temporary legal  
21 custody to petitioner in accordance with this Section, the  
22 Illinois Marriage and Dissolution of Marriage Act, the  
23 Illinois Parentage Act of 2015, and this State's Uniform  
24 Child-Custody Jurisdiction and Enforcement Act.

25 If the respondent is charged with abuse (as defined in  
26 Section 112A-3) of a minor child, there shall be a



1       rebuttable presumption that awarding temporary legal  
2       custody to respondent would not be in the child's best  
3       interest.

4           (7) Visitation. Determine the visitation rights, if  
5       any, of respondent in any case in which the court awards  
6       physical care or temporary legal custody of a minor child  
7       to petitioner. The court shall restrict or deny  
8       respondent's visitation with a minor child if the court  
9       finds that respondent has done or is likely to do any of  
10      the following: (i) abuse or endanger the minor child during  
11      visitation; (ii) use the visitation as an opportunity to  
12      abuse or harass petitioner or petitioner's family or  
13      household members; (iii) improperly conceal or detain the  
14      minor child; or (iv) otherwise act in a manner that is not  
15      in the best interests of the minor child. The court shall  
16      not be limited by the standards set forth in Section 607.1  
17      of the Illinois Marriage and Dissolution of Marriage Act.  
18      If the court grants visitation, the order shall specify  
19      dates and times for the visitation to take place or other  
20      specific parameters or conditions that are appropriate. No  
21      order for visitation shall refer merely to the term  
22      "reasonable visitation".

23           Petitioner may deny respondent access to the minor  
24      child if, when respondent arrives for visitation,  
25      respondent is under the influence of drugs or alcohol and  
26      constitutes a threat to the safety and well-being of

1 petitioner or petitioner's minor children or is behaving in  
2 a violent or abusive manner.

3 If necessary to protect any member of petitioner's  
4 family or household from future abuse, respondent shall be  
5 prohibited from coming to petitioner's residence to meet  
6 the minor child for visitation, and the parties shall  
7 submit to the court their recommendations for reasonable  
8 alternative arrangements for visitation. A person may be  
9 approved to supervise visitation only after filing an  
10 affidavit accepting that responsibility and acknowledging  
11 accountability to the court.

12 (8) Removal or concealment of minor child. Prohibit  
13 respondent from removing a minor child from the State or  
14 concealing the child within the State.

15 (9) Order to appear. Order the respondent to appear in  
16 court, alone or with a minor child, to prevent abuse,  
17 neglect, removal or concealment of the child, to return the  
18 child to the custody or care of the petitioner or to permit  
19 any court-ordered interview or examination of the child or  
20 the respondent.

21 (10) Possession of personal property. Grant petitioner  
22 exclusive possession of personal property and, if  
23 respondent has possession or control, direct respondent to  
24 promptly make it available to petitioner, if:

25 (i) petitioner, but not respondent, owns the  
26 property; or

1           (ii) the parties own the property jointly; sharing  
2           it would risk abuse of petitioner by respondent or is  
3           impracticable; and the balance of hardships favors  
4           temporary possession by petitioner.

5           If petitioner's sole claim to ownership of the property  
6           is that it is marital property, the court may award  
7           petitioner temporary possession thereof under the  
8           standards of subparagraph (ii) of this paragraph only if a  
9           proper proceeding has been filed under the Illinois  
10          Marriage and Dissolution of Marriage Act, as now or  
11          hereafter amended.

12          No order under this provision shall affect title to  
13          property.

14          (11) Protection of property. Forbid the respondent  
15          from taking, transferring, encumbering, concealing,  
16          damaging or otherwise disposing of any real or personal  
17          property, except as explicitly authorized by the court, if:

18               (i) petitioner, but not respondent, owns the  
19               property; or

20               (ii) the parties own the property jointly, and the  
21               balance of hardships favors granting this remedy.

22          If petitioner's sole claim to ownership of the property  
23          is that it is marital property, the court may grant  
24          petitioner relief under subparagraph (ii) of this  
25          paragraph only if a proper proceeding has been filed under  
26          the Illinois Marriage and Dissolution of Marriage Act, as

1 now or hereafter amended.

2 The court may further prohibit respondent from  
3 improperly using the financial or other resources of an  
4 aged member of the family or household for the profit or  
5 advantage of respondent or of any other person.

6 (11.5) Protection of animals. Grant the petitioner the  
7 exclusive care, custody, or control of any animal owned,  
8 possessed, leased, kept, or held by either the petitioner  
9 or the respondent or a minor child residing in the  
10 residence or household of either the petitioner or the  
11 respondent and order the respondent to stay away from the  
12 animal and forbid the respondent from taking,  
13 transferring, encumbering, concealing, harming, or  
14 otherwise disposing of the animal.

15 (12) Order for payment of support. Order respondent to  
16 pay temporary support for the petitioner or any child in  
17 the petitioner's care or custody, when the respondent has a  
18 legal obligation to support that person, in accordance with  
19 the Illinois Marriage and Dissolution of Marriage Act,  
20 which shall govern, among other matters, the amount of  
21 support, payment through the clerk and withholding of  
22 income to secure payment. An order for child support may be  
23 granted to a petitioner with lawful physical care or  
24 custody of a child, or an order or agreement for physical  
25 care or custody, prior to entry of an order for legal  
26 custody. Such a support order shall expire upon entry of a

1 valid order granting legal custody to another, unless  
2 otherwise provided in the custody order.

3 (13) Order for payment of losses. Order respondent to  
4 pay petitioner for losses suffered as a direct result of  
5 the abuse. Such losses shall include, but not be limited  
6 to, medical expenses, lost earnings or other support,  
7 repair or replacement of property damaged or taken,  
8 reasonable attorney's fees, court costs and moving or other  
9 travel expenses, including additional reasonable expenses  
10 for temporary shelter and restaurant meals.

11 (i) Losses affecting family needs. If a party is  
12 entitled to seek maintenance, child support or  
13 property distribution from the other party under the  
14 Illinois Marriage and Dissolution of Marriage Act, as  
15 now or hereafter amended, the court may order  
16 respondent to reimburse petitioner's actual losses, to  
17 the extent that such reimbursement would be  
18 "appropriate temporary relief", as authorized by  
19 subsection (a) (3) of Section 501 of that Act.

20 (ii) Recovery of expenses. In the case of an  
21 improper concealment or removal of a minor child, the  
22 court may order respondent to pay the reasonable  
23 expenses incurred or to be incurred in the search for  
24 and recovery of the minor child, including, but not  
25 limited to, legal fees, court costs, private  
26 investigator fees, and travel costs.

1           (14) Prohibition of entry. Prohibit the respondent  
2 from entering or remaining in the residence or household  
3 while the respondent is under the influence of alcohol or  
4 drugs and constitutes a threat to the safety and well-being  
5 of the petitioner or the petitioner's children.

6           (14.5) Prohibition of firearm possession.

7           (A) A person who is subject to an existing order of  
8 protection~~7~~ issued under this Code may not lawfully  
9 possess weapons under Section 8.2 of the Firearm Owners  
10 Identification Card Act.

11           (B) Any firearms in the possession of the  
12 respondent, except as provided in subparagraph (C) of  
13 this paragraph (14.5), shall be ordered by the court to  
14 be turned over to a person with a valid Firearm Owner's  
15 Identification Card for safekeeping. The court shall  
16 issue an order that the respondent's Firearm Owner's  
17 Identification Card be turned over to the local law  
18 enforcement agency, which in turn shall immediately  
19 mail the card to the Department of State Police Firearm  
20 Owner's Identification Card Office for safekeeping.  
21 The period of safekeeping shall be for the duration of  
22 the order of protection. The firearm or firearms and  
23 Firearm Owner's Identification Card, if unexpired,  
24 shall at the respondent's request be returned to the  
25 respondent at expiration of the order of protection.

26           (C) If the respondent is a peace officer as defined

1 in Section 2-13 of the Criminal Code of 2012, the court  
2 shall order that any firearms used by the respondent in  
3 the performance of his or her duties as a peace officer  
4 be surrendered to the chief law enforcement executive  
5 of the agency in which the respondent is employed, who  
6 shall retain the firearms for safekeeping for the  
7 duration of the order of protection.

8 (D) Upon expiration of the period of safekeeping,  
9 if the firearms or Firearm Owner's Identification Card  
10 cannot be returned to respondent because respondent  
11 cannot be located, fails to respond to requests to  
12 retrieve the firearms, or is not lawfully eligible to  
13 possess a firearm, upon petition from the local law  
14 enforcement agency, the court may order the local law  
15 enforcement agency to destroy the firearms, use the  
16 firearms for training purposes, or for any other  
17 application as deemed appropriate by the local law  
18 enforcement agency; or that the firearms be turned over  
19 to a third party who is lawfully eligible to possess  
20 firearms, and who does not reside with respondent.

21 (15) Prohibition of access to records. If an order of  
22 protection prohibits respondent from having contact with  
23 the minor child, or if petitioner's address is omitted  
24 under subsection (b) of Section 112A-5, or if necessary to  
25 prevent abuse or wrongful removal or concealment of a minor  
26 child, the order shall deny respondent access to, and

1 prohibit respondent from inspecting, obtaining, or  
2 attempting to inspect or obtain, school or any other  
3 records of the minor child who is in the care of  
4 petitioner.

5 (16) Order for payment of shelter services. Order  
6 respondent to reimburse a shelter providing temporary  
7 housing and counseling services to the petitioner for the  
8 cost of the services, as certified by the shelter and  
9 deemed reasonable by the court.

10 (17) Order for injunctive relief. Enter injunctive  
11 relief necessary or appropriate to prevent further abuse of  
12 a family or household member or to effectuate one of the  
13 granted remedies, if supported by the balance of hardships.  
14 If the harm to be prevented by the injunction is abuse or  
15 any other harm that one of the remedies listed in  
16 paragraphs (1) through (16) of this subsection is designed  
17 to prevent, no further evidence is necessary to establish  
18 that the harm is an irreparable injury.

19 (18) Telephone services.

20 (A) Unless a condition described in subparagraph  
21 (B) of this paragraph exists, the court may, upon  
22 request by the petitioner, order a wireless telephone  
23 service provider to transfer to the petitioner the  
24 right to continue to use a telephone number or numbers  
25 indicated by the petitioner and the financial  
26 responsibility associated with the number or numbers,



1 as set forth in subparagraph (C) of this paragraph. For  
2 purposes of this paragraph (18), the term "wireless  
3 telephone service provider" means a provider of  
4 commercial mobile service as defined in 47 U.S.C. 332.  
5 The petitioner may request the transfer of each  
6 telephone number that the petitioner, or a minor child  
7 in his or her custody, uses. The clerk of the court  
8 shall serve the order on the wireless telephone service  
9 provider's agent for service of process provided to the  
10 Illinois Commerce Commission. The order shall contain  
11 all of the following:

12 (i) The name and billing telephone number of  
13 the account holder including the name of the  
14 wireless telephone service provider that serves  
15 the account.

16 (ii) Each telephone number that will be  
17 transferred.

18 (iii) A statement that the provider transfers  
19 to the petitioner all financial responsibility for  
20 and right to the use of any telephone number  
21 transferred under this paragraph.

22 (B) A wireless telephone service provider shall  
23 terminate the respondent's use of, and shall transfer  
24 to the petitioner use of, the telephone number or  
25 numbers indicated in subparagraph (A) of this  
26 paragraph unless it notifies the petitioner, within 72

1 hours after it receives the order, that one of the  
2 following applies:

3 (i) The account holder named in the order has  
4 terminated the account.

5 (ii) A difference in network technology would  
6 prevent or impair the functionality of a device on  
7 a network if the transfer occurs.

8 (iii) The transfer would cause a geographic or  
9 other limitation on network or service provision  
10 to the petitioner.

11 (iv) Another technological or operational  
12 issue would prevent or impair the use of the  
13 telephone number if the transfer occurs.

14 (C) The petitioner assumes all financial  
15 responsibility for and right to the use of any  
16 telephone number transferred under this paragraph. In  
17 this paragraph, "financial responsibility" includes  
18 monthly service costs and costs associated with any  
19 mobile device associated with the number.

20 (D) A wireless telephone service provider may  
21 apply to the petitioner its routine and customary  
22 requirements for establishing an account or  
23 transferring a number, including requiring the  
24 petitioner to provide proof of identification,  
25 financial information, and customer preferences.

26 (E) Except for willful or wanton misconduct, a

1 wireless telephone service provider is immune from  
2 civil liability for its actions taken in compliance  
3 with a court order issued under this paragraph.

4 (F) All wireless service providers that provide  
5 services to residential customers shall provide to the  
6 Illinois Commerce Commission the name and address of an  
7 agent for service of orders entered under this  
8 paragraph (18). Any change in status of the registered  
9 agent must be reported to the Illinois Commerce  
10 Commission within 30 days of such change.

11 (G) The Illinois Commerce Commission shall  
12 maintain the list of registered agents for service for  
13 each wireless telephone service provider on the  
14 Commission's website. The Commission may consult with  
15 wireless telephone service providers and the Circuit  
16 Court Clerks on the manner in which this information is  
17 provided and displayed.

18 (c) Relevant factors; findings.

19 (1) In determining whether to grant a specific remedy,  
20 other than payment of support, the court shall consider  
21 relevant factors, including    but not limited to    the  
22 following:

23 (i) the nature, frequency, severity, pattern and  
24 consequences of the respondent's past abuse of the  
25 petitioner or any family or household member,  
26 including the concealment of his or her location in

1 order to evade service of process or notice, and the  
2 likelihood of danger of future abuse to petitioner or  
3 any member of petitioner's or respondent's family or  
4 household; and

5 (ii) the danger that any minor child will be abused  
6 or neglected or improperly removed from the  
7 jurisdiction, improperly concealed within the State or  
8 improperly separated from the child's primary  
9 caretaker.

10 (2) In comparing relative hardships resulting to the  
11 parties from loss of possession of the family home, the  
12 court shall consider relevant factors, including, but not  
13 limited to, the following:

14 (i) availability, accessibility, cost, safety,  
15 adequacy, location and other characteristics of  
16 alternate housing for each party and any minor child or  
17 dependent adult in the party's care;

18 (ii) the effect on the party's employment; and

19 (iii) the effect on the relationship of the party,  
20 and any minor child or dependent adult in the party's  
21 care, to family, school, church and community.

22 (3) Subject to the exceptions set forth in paragraph  
23 (4) of this subsection, the court shall make its findings  
24 in an official record or in writing, and shall at a minimum  
25 set forth the following:

26 (i) That the court has considered the applicable

1 relevant factors described in paragraphs (1) and (2) of  
2 this subsection.

3 (ii) Whether the conduct or actions of respondent,  
4 unless prohibited, will likely cause irreparable harm  
5 or continued abuse.

6 (iii) Whether it is necessary to grant the  
7 requested relief in order to protect petitioner or  
8 other alleged abused persons.

9 (4) (Blank).

10 (5) Never married parties. No rights or  
11 responsibilities for a minor child born outside of marriage  
12 attach to a putative father until a father and child  
13 relationship has been established under the Illinois  
14 Parentage Act of 1984 or under the Illinois Parentage Act  
15 of 2015 on and after the effective date of that Act. Absent  
16 such an adjudication, no putative father shall be granted  
17 temporary custody of the minor child, visitation with the  
18 minor child, or physical care and possession of the minor  
19 child, nor shall an order of payment for support of the  
20 minor child be entered.

21 (d) Balance of hardships; findings. If the court finds that  
22 the balance of hardships does not support the granting of a  
23 remedy governed by paragraph (2), (3), (10), (11), or (16) of  
24 subsection (b) of this Section, which may require such  
25 balancing, the court's findings shall so indicate and shall  
26 include a finding as to whether granting the remedy will result

1 in hardship to respondent that would substantially outweigh the  
2 hardship to petitioner from denial of the remedy. The findings  
3 shall be an official record or in writing.

4 (e) Denial of remedies. Denial of any remedy shall not be  
5 based, in whole or in part, on evidence that:

6 (1) Respondent has cause for any use of force, unless  
7 that cause satisfies the standards for justifiable use of  
8 force provided by Article 7 of the Criminal Code of 2012;

9 (2) Respondent was voluntarily intoxicated;

10 (3) Petitioner acted in self-defense or defense of  
11 another, provided that, if petitioner utilized force, such  
12 force was justifiable under Article 7 of the Criminal Code  
13 of 2012;

14 (4) Petitioner did not act in self-defense or defense  
15 of another;

16 (5) Petitioner left the residence or household to avoid  
17 further abuse by respondent;

18 (6) Petitioner did not leave the residence or household  
19 to avoid further abuse by respondent;

20 (7) Conduct by any family or household member excused  
21 the abuse by respondent, unless that same conduct would  
22 have excused such abuse if the parties had not been family  
23 or household members.

24 (Source: P.A. 99-85, eff. 1-1-16; 100-199, eff. 1-1-18;  
25 100-388, eff. 1-1-18; revised 10-10-17.)

1           Section 10. The Illinois Marriage and Dissolution of  
2 Marriage Act is amended by changing Sections 504 and 505 as  
3 follows:

4           (750 ILCS 5/504) (from Ch. 40, par. 504)

5           (Text of Section before amendment by P.A. 100-520)

6           Sec. 504. Maintenance.

7           (a) Entitlement to maintenance. In a proceeding for  
8 dissolution of marriage or legal separation or declaration of  
9 invalidity of marriage, or a proceeding for maintenance  
10 following dissolution of the marriage by a court which lacked  
11 personal jurisdiction over the absent spouse, the court may  
12 grant a maintenance award for either spouse in amounts and for  
13 periods of time as the court deems just, without regard to  
14 marital misconduct, and the maintenance may be paid from the  
15 income or property of the other spouse. The court shall first  
16 determine whether a maintenance award is appropriate, after  
17 consideration of all relevant factors, including:

18           (1) the income and property of each party, including  
19 marital property apportioned and non-marital property  
20 assigned to the party seeking maintenance as well as all  
21 financial obligations imposed on the parties as a result of  
22 the dissolution of marriage;

23           (2) the needs of each party;

24           (3) the realistic present and future earning capacity  
25 of each party;

1           (4) any impairment of the present and future earning  
2           capacity of the party seeking maintenance due to that party  
3           devoting time to domestic duties or having forgone or  
4           delayed education, training, employment, or career  
5           opportunities due to the marriage;

6           (5) any impairment of the realistic present or future  
7           earning capacity of the party against whom maintenance is  
8           sought;

9           (6) the time necessary to enable the party seeking  
10          maintenance to acquire appropriate education, training,  
11          and employment, and whether that party is able to support  
12          himself or herself through appropriate employment or any  
13          parental responsibility arrangements and its effect on the  
14          party seeking employment;

15          (7) the standard of living established during the  
16          marriage;

17          (8) the duration of the marriage;

18          (9) the age, health, station, occupation, amount and  
19          sources of income, vocational skills, employability,  
20          estate, liabilities, and the needs of each of the parties;

21          (10) all sources of public and private income  
22          including, without limitation, disability and retirement  
23          income;

24          (11) the tax consequences of the property division upon  
25          the respective economic circumstances of the parties;

26          (12) contributions and services by the party seeking



1 maintenance to the education, training, career or career  
2 potential, or license of the other spouse;

3 (13) any valid agreement of the parties; and

4 (14) any other factor that the court expressly finds to  
5 be just and equitable.

6 (b) (Blank).

7 (b-1) Amount and duration of maintenance. If the court  
8 determines that a maintenance award is appropriate, the court  
9 shall order maintenance in accordance with either paragraph (1)  
10 or (2) of this subsection (b-1):

11 (1) Maintenance award in accordance with guidelines.  
12 In situations when the combined gross income of the parties  
13 is less than \$250,000 and the payor has no obligation to  
14 pay child support or maintenance or both from a prior  
15 relationship, maintenance payable after the date the  
16 parties' marriage is dissolved shall be in accordance with  
17 subparagraphs (A) and (B) of this paragraph (1), unless the  
18 court makes a finding that the application of the  
19 guidelines would be inappropriate.

20 (A) The amount of maintenance under this paragraph  
21 (1) shall be calculated by taking 30% of the payor's  
22 gross income minus 20% of the payee's gross income. The  
23 amount calculated as maintenance, however, when added  
24 to the gross income of the payee, may not result in the  
25 payee receiving an amount that is in excess of 40% of  
26 the combined gross income of the parties.

1 (B) The duration of an award under this paragraph  
2 (1) shall be calculated by multiplying the length of  
3 the marriage at the time the action was commenced by  
4 whichever of the following factors applies: 5 years or  
5 less (.20); more than 5 years but less than 10 years  
6 (.40); 10 years or more but less than 15 years (.60);  
7 or 15 years or more but less than 20 years (.80). For a  
8 marriage of 20 or more years, the court, in its  
9 discretion, shall order either permanent maintenance  
10 or maintenance for a period equal to the length of the  
11 marriage.

12 (2) Maintenance award not in accordance with  
13 guidelines. Any non-guidelines award of maintenance shall  
14 be made after the court's consideration of all relevant  
15 factors set forth in subsection (a) of this Section.

16 (b-2) Findings. In each case involving the issue of  
17 maintenance, the court shall make specific findings of fact, as  
18 follows:

19 (1) the court shall state its reasoning for awarding or  
20 not awarding maintenance and shall include references to  
21 each relevant factor set forth in subsection (a) of this  
22 Section; and

23 (2) if the court deviates from otherwise applicable  
24 guidelines under paragraph (1) of subsection (b-1), it  
25 shall state in its findings the amount of maintenance (if  
26 determinable) or duration that would have been required

1 under the guidelines and the reasoning for any variance  
2 from the guidelines.

3 (b-3) Gross income. For purposes of this Section, the term  
4 "gross income" means all income from all sources, within the  
5 scope of that phrase in Section 505 of this Act.

6 (b-4) Unallocated maintenance. Unless the parties  
7 otherwise agree, the court may not order unallocated  
8 maintenance and child support in any dissolution judgment or in  
9 any post-dissolution order. In its discretion, the court may  
10 order unallocated maintenance and child support in any  
11 pre-dissolution temporary order.

12 (b-4.5) Fixed-term maintenance in marriages of less than 10  
13 years. If a court grants maintenance for a fixed period under  
14 subsection (a) of this Section at the conclusion of a case  
15 commenced before the tenth anniversary of the marriage, the  
16 court may also designate the termination of the period during  
17 which this maintenance is to be paid as a "permanent  
18 termination". The effect of this designation is that  
19 maintenance is barred after the ending date of the period  
20 during which maintenance is to be paid.

21 (b-5) Interest on maintenance. Any maintenance obligation  
22 including any unallocated maintenance and child support  
23 obligation, or any portion of any support obligation, that  
24 becomes due and remains unpaid shall accrue simple interest as  
25 set forth in Section 505 of this Act.

26 (b-7) Maintenance judgments. Any new or existing

1 maintenance order including any unallocated maintenance and  
2 child support order entered by the court under this Section  
3 shall be deemed to be a series of judgments against the person  
4 obligated to pay support thereunder. Each such judgment to be  
5 in the amount of each payment or installment of support and  
6 each such judgment to be deemed entered as of the date the  
7 corresponding payment or installment becomes due under the  
8 terms of the support order, except no judgment shall arise as  
9 to any installment coming due after the termination of  
10 maintenance as provided by Section 510 of the Illinois Marriage  
11 and Dissolution of Marriage Act or the provisions of any order  
12 for maintenance. Each such judgment shall have the full force,  
13 effect and attributes of any other judgment of this State,  
14 including the ability to be enforced. Notwithstanding any other  
15 State or local law to the contrary, a lien arises by operation  
16 of law against the real and personal property of the obligor  
17 for each installment of overdue support owed by the obligor.

18 (b-8) Upon review of any previously ordered maintenance  
19 award, the court may extend maintenance for further review,  
20 extend maintenance for a fixed non-modifiable term, extend  
21 maintenance for an indefinite term, or permanently terminate  
22 maintenance in accordance with subdivision (b-1)(1)(A) of this  
23 Section.

24 (c) Maintenance during an appeal. The court may grant and  
25 enforce the payment of maintenance during the pendency of an  
26 appeal as the court shall deem reasonable and proper.

1 (d) Maintenance during imprisonment. No maintenance shall  
2 accrue during the period in which a party is imprisoned for  
3 failure to comply with the court's order for the payment of  
4 such maintenance.

5 (e) Fees when maintenance is paid through the clerk. When  
6 maintenance is to be paid through the clerk of the court in a  
7 county of 500,000 ~~1,000,000~~ inhabitants or less, the order  
8 shall direct the obligor to pay to the clerk, in addition to  
9 the maintenance payments, all fees imposed by the county board  
10 under paragraph (4) of subsection (bb) of Section 27.1a  
11 ~~paragraph (3) of subsection (u) of Section 27.1~~ of the Clerks  
12 of Courts Act. When maintenance is to be paid through the clerk  
13 of the court in a county of more than 500,000 but less than  
14 3,000,000 inhabitants, the order shall direct the obligor to  
15 pay to the clerk, in addition to the maintenance payments, all  
16 fees imposed by the county board under paragraph (4) of  
17 subsection (bb) of Section 27.2 of the Clerks of Courts Act.  
18 Unless paid in cash or pursuant to an order for withholding,  
19 the payment of the fee shall be by a separate instrument from  
20 the support payment and shall be made to the order of the  
21 Clerk.

22 (f) Maintenance secured by life insurance. An award ordered  
23 by a court upon entry of a dissolution judgment or upon entry  
24 of an award of maintenance following a reservation of  
25 maintenance in a dissolution judgment may be reasonably  
26 secured, in whole or in part, by life insurance on the payor's

1 life on terms as to which the parties agree, or, if they do not  
2 agree, on such terms determined by the court, subject to the  
3 following:

4 (1) With respect to existing life insurance, provided  
5 the court is apprised through evidence, stipulation, or  
6 otherwise as to level of death benefits, premium, and other  
7 relevant data and makes findings relative thereto, the  
8 court may allocate death benefits, the right to assign  
9 death benefits, or the obligation for future premium  
10 payments between the parties as it deems just.

11 (2) To the extent the court determines that its award  
12 should be secured, in whole or in part, by new life  
13 insurance on the payor's life, the court may only order:

14 (i) that the payor cooperate on all appropriate  
15 steps for the payee to obtain such new life insurance;  
16 and

17 (ii) that the payee, at his or her sole option and  
18 expense, may obtain such new life insurance on the  
19 payor's life up to a maximum level of death benefit  
20 coverage, or descending death benefit coverage, as is  
21 set by the court, such level not to exceed a reasonable  
22 amount in light of the court's award, with the payee or  
23 the payee's designee being the beneficiary of such life  
24 insurance.

25 In determining the maximum level of death benefit coverage,  
26 the court shall take into account all relevant facts and

1           circumstances, including the impact on access to life  
2           insurance by the maintenance payor. If in resolving any  
3           issues under paragraph (2) of this subsection (f) a court  
4           reviews any submitted or proposed application for new  
5           insurance on the life of a maintenance payor, the review  
6           shall be in camera.

7           (3) A judgment shall expressly set forth that all death  
8           benefits paid under life insurance on a payor's life  
9           maintained or obtained pursuant to this subsection to  
10          secure maintenance are designated as excludable from the  
11          gross income of the maintenance payee under Section  
12          71(b)(1)(B) of the Internal Revenue Code, unless an  
13          agreement or stipulation of the parties otherwise  
14          provides.

15          (Source: P.A. 98-961, eff. 1-1-15; 99-90, eff. 1-1-16; 99-763,  
16          eff. 1-1-17.)

17           (Text of Section after amendment by P.A. 100-520)

18          Sec. 504. Maintenance.

19          (a) Entitlement to maintenance. In a proceeding for  
20          dissolution of marriage or legal separation or declaration of  
21          invalidity of marriage, or a proceeding for maintenance  
22          following dissolution of the marriage by a court which lacked  
23          personal jurisdiction over the absent spouse, the court may  
24          grant a maintenance award for either spouse in amounts and for  
25          periods of time as the court deems just, without regard to

1 marital misconduct, and the maintenance may be paid from the  
2 income or property of the other spouse. The court shall first  
3 determine whether a maintenance award is appropriate, after  
4 consideration of all relevant factors, including:

5 (1) the income and property of each party, including  
6 marital property apportioned and non-marital property  
7 assigned to the party seeking maintenance as well as all  
8 financial obligations imposed on the parties as a result of  
9 the dissolution of marriage;

10 (2) the needs of each party;

11 (3) the realistic present and future earning capacity  
12 of each party;

13 (4) any impairment of the present and future earning  
14 capacity of the party seeking maintenance due to that party  
15 devoting time to domestic duties or having forgone or  
16 delayed education, training, employment, or career  
17 opportunities due to the marriage;

18 (5) any impairment of the realistic present or future  
19 earning capacity of the party against whom maintenance is  
20 sought;

21 (6) the time necessary to enable the party seeking  
22 maintenance to acquire appropriate education, training,  
23 and employment, and whether that party is able to support  
24 himself or herself through appropriate employment or any  
25 parental responsibility arrangements and its effect on the  
26 party seeking employment;



1           (7) the standard of living established during the  
2 marriage;

3           (8) the duration of the marriage;

4           (9) the age, health, station, occupation, amount and  
5 sources of income, vocational skills, employability,  
6 estate, liabilities, and the needs of each of the parties;

7           (10) all sources of public and private income  
8 including, without limitation, disability and retirement  
9 income;

10           (11) the tax consequences of the property division upon  
11 the respective economic circumstances of the parties;

12           (12) contributions and services by the party seeking  
13 maintenance to the education, training, career or career  
14 potential, or license of the other spouse;

15           (13) any valid agreement of the parties; and

16           (14) any other factor that the court expressly finds to  
17 be just and equitable.

18           (b) (Blank).

19           (b-1) Amount and duration of maintenance. If the court  
20 determines that a maintenance award is appropriate, the court  
21 shall order maintenance in accordance with either paragraph (1)  
22 or (2) of this subsection (b-1):

23           (1) Maintenance award in accordance with guidelines.  
24           In situations when the combined gross annual income of the  
25 parties is less than \$500,000 and the payor has no  
26 obligation to pay child support or maintenance or both from

1 a prior relationship, maintenance payable after the date  
2 the parties' marriage is dissolved shall be in accordance  
3 with subparagraphs (A) and (B) of this paragraph (1),  
4 unless the court makes a finding that the application of  
5 the guidelines would be inappropriate.

6 (A) The amount of maintenance under this paragraph  
7 (1) shall be calculated by taking 30% of the payor's  
8 gross annual income minus 20% of the payee's gross  
9 annual income. The amount calculated as maintenance,  
10 however, when added to the gross income of the payee,  
11 may not result in the payee receiving an amount that is  
12 in excess of 40% of the combined gross income of the  
13 parties.

14 (B) The duration of an award under this paragraph  
15 (1) shall be calculated by multiplying the length of  
16 the marriage at the time the action was commenced by  
17 whichever of the following factors applies: less than 5  
18 years (.20); 5 years or more but less than 6 years  
19 (.24); 6 years or more but less than 7 years (.28); 7  
20 years or more but less than 8 years (.32); 8 years or  
21 more but less than 9 years (.36); 9 years or more but  
22 less than 10 years (.40); 10 years or more but less  
23 than 11 years (.44); 11 years or more but less than 12  
24 years (.48); 12 years or more but less than 13 years  
25 (.52); 13 years or more but less than 14 years (.56);  
26 14 years or more but less than 15 years (.60); 15 years

1 or more but less than 16 years (.64); 16 years or more  
2 but less than 17 years (.68); 17 years or more but less  
3 than 18 years (.72); 18 years or more but less than 19  
4 years (.76); 19 years or more but less than 20 years  
5 (.80). For a marriage of 20 or more years, the court,  
6 in its discretion, shall order maintenance for a period  
7 equal to the length of the marriage or for an  
8 indefinite term.

9 (1.5) In the discretion of the court, any term of  
10 temporary maintenance paid by court order pursuant to  
11 Section 501 may be a corresponding credit to the duration  
12 of maintenance set forth in subparagraph (b-1) (1) (B).

13 (2) Maintenance award not in accordance with  
14 guidelines. Any non-guidelines award of maintenance shall  
15 be made after the court's consideration of all relevant  
16 factors set forth in subsection (a) of this Section.

17 (b-2) Findings. In each case involving the issue of  
18 maintenance, the court shall make specific findings of fact, as  
19 follows:

20 (1) the court shall state its reasoning for awarding or  
21 not awarding maintenance and shall include references to  
22 each relevant factor set forth in subsection (a) of this  
23 Section; and

24 (2) if the court deviates from otherwise applicable  
25 guidelines under paragraph (1) of subsection (b-1), it  
26 shall state in its findings the amount of maintenance (if

1           determinable) or duration that would have been required  
2           under the guidelines and the reasoning for any variance  
3           from the guidelines.

4           (b-3) Gross income. For purposes of this Section, the term  
5           "gross income" means all income from all sources, within the  
6           scope of that phrase in Section 505 of this Act.

7           (b-4) Unallocated maintenance. Unless the parties  
8           otherwise agree, the court may not order unallocated  
9           maintenance and child support in any dissolution judgment or in  
10          any post-dissolution order. In its discretion, the court may  
11          order unallocated maintenance and child support in any  
12          pre-dissolution temporary order.

13          (b-4.5) Fixed-term maintenance in marriages of less than 10  
14          years. If a court grants maintenance for a fixed period under  
15          subsection (a) of this Section at the conclusion of a case  
16          commenced before the tenth anniversary of the marriage, the  
17          court may also designate the termination of the period during  
18          which this maintenance is to be paid as a "permanent  
19          termination". The effect of this designation is that  
20          maintenance is barred after the ending date of the period  
21          during which maintenance is to be paid.

22          (b-5) Interest on maintenance. Any maintenance obligation  
23          including any unallocated maintenance and child support  
24          obligation, or any portion of any support obligation, that  
25          becomes due and remains unpaid shall accrue simple interest as  
26          set forth in Section 505 of this Act.

1           (b-7) Maintenance judgments. Any new or existing  
2 maintenance order including any unallocated maintenance and  
3 child support order entered by the court under this Section  
4 shall be deemed to be a series of judgments against the person  
5 obligated to pay support thereunder. Each such judgment to be  
6 in the amount of each payment or installment of support and  
7 each such judgment to be deemed entered as of the date the  
8 corresponding payment or installment becomes due under the  
9 terms of the support order, except no judgment shall arise as  
10 to any installment coming due after the termination of  
11 maintenance as provided by Section 510 of the Illinois Marriage  
12 and Dissolution of Marriage Act or the provisions of any order  
13 for maintenance. Each such judgment shall have the full force,  
14 effect and attributes of any other judgment of this State,  
15 including the ability to be enforced. Notwithstanding any other  
16 State or local law to the contrary, a lien arises by operation  
17 of law against the real and personal property of the obligor  
18 for each installment of overdue support owed by the obligor.

19           (b-8) Upon review of any previously ordered maintenance  
20 award, the court may extend maintenance for further review,  
21 extend maintenance for a fixed non-modifiable term, extend  
22 maintenance for an indefinite term, or permanently terminate  
23 maintenance in accordance with subdivision (b-1)(1)(A) of this  
24 Section.

25           (c) Maintenance during an appeal. The court may grant and  
26 enforce the payment of maintenance during the pendency of an

1 appeal as the court shall deem reasonable and proper.

2 (d) Maintenance during imprisonment. No maintenance shall  
3 accrue during the period in which a party is imprisoned for  
4 failure to comply with the court's order for the payment of  
5 such maintenance.

6 (e) Fees when maintenance is paid through the clerk. When  
7 maintenance is to be paid through the clerk of the court in a  
8 county of 500,000 ~~1,000,000~~ inhabitants or less, the order  
9 shall direct the obligor to pay to the clerk, in addition to  
10 the maintenance payments, all fees imposed by the county board  
11 under paragraph (4) of subsection (bb) of Section 27.1a  
12 ~~paragraph (3) of subsection (u) of Section 27.1~~ of the Clerks  
13 of Courts Act. When maintenance is to be paid through the clerk  
14 of the court in a county of more than 500,000 but less than  
15 3,000,000 inhabitants, the order shall direct the obligor to  
16 pay to the clerk, in addition to the maintenance payments, all  
17 fees imposed by the county board under paragraph (4) of  
18 subsection (bb) of Section 27.2 of the Clerks of Courts Act.  
19 Unless paid in cash or pursuant to an order for withholding,  
20 the payment of the fee shall be by a separate instrument from  
21 the support payment and shall be made to the order of the  
22 Clerk.

23 (f) Maintenance secured by life insurance. An award ordered  
24 by a court upon entry of a dissolution judgment or upon entry  
25 of an award of maintenance following a reservation of  
26 maintenance in a dissolution judgment may be reasonably

1 secured, in whole or in part, by life insurance on the payor's  
2 life on terms as to which the parties agree, or, if they do not  
3 agree, on such terms determined by the court, subject to the  
4 following:

5 (1) With respect to existing life insurance, provided  
6 the court is apprised through evidence, stipulation, or  
7 otherwise as to level of death benefits, premium, and other  
8 relevant data and makes findings relative thereto, the  
9 court may allocate death benefits, the right to assign  
10 death benefits, or the obligation for future premium  
11 payments between the parties as it deems just.

12 (2) To the extent the court determines that its award  
13 should be secured, in whole or in part, by new life  
14 insurance on the payor's life, the court may only order:

15 (i) that the payor cooperate on all appropriate  
16 steps for the payee to obtain such new life insurance;  
17 and

18 (ii) that the payee, at his or her sole option and  
19 expense, may obtain such new life insurance on the  
20 payor's life up to a maximum level of death benefit  
21 coverage, or descending death benefit coverage, as is  
22 set by the court, such level not to exceed a reasonable  
23 amount in light of the court's award, with the payee or  
24 the payee's designee being the beneficiary of such life  
25 insurance.

26 In determining the maximum level of death benefit coverage,

1 the court shall take into account all relevant facts and  
2 circumstances, including the impact on access to life  
3 insurance by the maintenance payor. If in resolving any  
4 issues under paragraph (2) of this subsection (f) a court  
5 reviews any submitted or proposed application for new  
6 insurance on the life of a maintenance payor, the review  
7 shall be in camera.

8 (3) A judgment shall expressly set forth that all death  
9 benefits paid under life insurance on a payor's life  
10 maintained or obtained pursuant to this subsection to  
11 secure maintenance are designated as excludable from the  
12 gross income of the maintenance payee under Section  
13 71(b)(1)(B) of the Internal Revenue Code, unless an  
14 agreement or stipulation of the parties otherwise  
15 provides.

16 (Source: P.A. 99-90, eff. 1-1-16; 99-763, eff. 1-1-17; 100-520,  
17 eff. 6-1-18.)

18 (750 ILCS 5/505) (from Ch. 40, par. 505)

19 Sec. 505. Child support; contempt; penalties.

20 (a) In a proceeding for dissolution of marriage, legal  
21 separation, declaration of invalidity of marriage, dissolution  
22 of a civil union, a proceeding for child support following  
23 dissolution of the marriage or civil union by a court that  
24 lacked personal jurisdiction over the absent spouse, a  
25 proceeding for modification of a previous order for child



1 support under Section 510 of this Act, or any proceeding  
2 authorized under Section 501 or 601 of this Act, the court may  
3 order either or both parents owing a duty of support to a child  
4 of the marriage or civil union to pay an amount reasonable and  
5 necessary for support. The duty of support owed to a child  
6 includes the obligation to provide for the reasonable and  
7 necessary physical, mental and emotional health needs of the  
8 child. For purposes of this Section, the term "child" shall  
9 include any child under age 18 and any child age 19 or younger  
10 who is still attending high school. For purposes of this  
11 Section, the term "obligor" means the parent obligated to pay  
12 support to the other parent.

13 (1) Child support guidelines. The Illinois Department  
14 of Healthcare and Family Services shall adopt rules  
15 establishing child support guidelines which include  
16 worksheets to aid in the calculation of the child support  
17 obligations and a schedule of basic child support  
18 obligations that reflects the percentage of combined net  
19 income that parents living in the same household in this  
20 State ordinarily spend on their child. The child support  
21 guidelines have the following purposes:

22 (A) to establish as State policy an adequate  
23 standard of support for a child, subject to the ability  
24 of parents to pay;

25 (B) to make child support obligations more  
26 equitable by ensuring more consistent treatment of

1 parents in similar circumstances;

2 (C) to improve the efficiency of the court process  
3 by promoting settlements and giving courts and the  
4 parties guidance in establishing levels of child  
5 support;

6 (D) to calculate child support based upon the  
7 parents' combined net income estimated to have been  
8 allocated for the support of the child if the parents  
9 and child were living in an intact household;

10 (E) to adjust child support based upon the needs of  
11 the child; and

12 (F) to allocate the amount of child support to be  
13 paid by each parent based upon a parent's net income  
14 and the child's physical care arrangements.

15 (1.5) Computation of basic child support obligation.  
16 The court shall compute the basic child support obligation  
17 by taking the following steps:

18 (A) determine each parent's monthly net income;

19 (B) add the parents' monthly net incomes together  
20 to determine the combined monthly net income of the  
21 parents;

22 (C) select the corresponding appropriate amount  
23 from the schedule of basic child support obligations  
24 based on the parties' combined monthly net income and  
25 number of children of the parties; and

26 (D) calculate each parent's percentage share of

1 the basic child support obligation.

2 Although a monetary obligation is computed for each  
3 parent as child support, the receiving parent's share is  
4 not payable to the other parent and is presumed to be spent  
5 directly on the child.

6 (2) Duty of support. The court shall determine child  
7 support in each case by applying the child support  
8 guidelines unless the court makes a finding that  
9 application of the guidelines would be inappropriate,  
10 after considering the best interests of the child and  
11 evidence which shows relevant factors including, but not  
12 limited to, one or more of the following:

13 (A) the financial resources and needs of the child;

14 (B) the financial resources and needs of the  
15 parents;

16 (C) the standard of living the child would have  
17 enjoyed had the marriage or civil union not been  
18 dissolved; and

19 (D) the physical and emotional condition of the  
20 child and his or her educational needs.

21 (3) Income.

22 (A) As used in this Section, "gross income" means  
23 the total of all income from all sources, except "gross  
24 income" does not include (i) benefits received by the  
25 parent from means-tested public assistance programs,  
26 including, but not limited to, Temporary Assistance

1        for ~~to~~ Needy Families, Supplemental Security Income,  
2        and the Supplemental Nutrition Assistance Program or  
3        (ii) benefits and income received by the parent for  
4        other children in the household, including, but not  
5        limited to, child support, survivor benefits, and  
6        foster care payments. Social security disability and  
7        retirement benefits paid for the benefit of the subject  
8        child must be included in the disabled or retired  
9        parent's gross income for purposes of calculating the  
10       parent's child support obligation, but the parent is  
11       entitled to a child support credit for the amount of  
12       benefits paid to the other party for the child. "Gross  
13       income" also includes spousal maintenance received  
14       pursuant to a court order in the pending proceedings or  
15       any other proceedings that must be included in the  
16       recipient's gross income for purposes of calculating  
17       the parent's child support obligation.

18        (B) As used in this Section, "net income" means  
19        gross income minus either the standardized tax amount  
20        calculated pursuant to subparagraph (C) of this  
21        paragraph (3) or the individualized tax amount  
22        calculated pursuant to subparagraph (D) of this  
23        paragraph (3), and minus any adjustments pursuant to  
24        subparagraph (F) of this paragraph (3). The  
25        standardized tax amount shall be used unless the  
26        requirements for an individualized tax amount set

1           forth in subparagraph (E) of this paragraph (3) are  
2           met.

3           (C) As used in this Section, "standardized tax  
4           amount" means the total of federal and state income  
5           taxes for a single person claiming the standard tax  
6           deduction, one personal exemption, and the applicable  
7           number of dependency exemptions for the minor child or  
8           children of the parties, and Social Security and  
9           Medicare tax calculated at the Federal Insurance  
10          Contributions Act rate.

11          (I) Unless a court has determined otherwise or  
12          the parties otherwise agree, the party with the  
13          majority of parenting time shall be deemed  
14          entitled to claim the dependency exemption for the  
15          parties' minor child.

16          (II) The Illinois Department of Healthcare and  
17          Family Services shall promulgate a standardized  
18          net income conversion table that computes net  
19          income by deducting the standardized tax amount  
20          from gross income.

21          (D) As used in this Section, "individualized tax  
22          amount" means the aggregate of the following taxes:

23                  (I) federal income tax (properly calculated  
24                  withholding or estimated payments);

25                  (II) State income tax (properly calculated  
26                  withholding or estimated payments); and

1           (III) Social Security or self-employment tax,  
2           if applicable (or, if none, mandatory retirement  
3           contributions required by law or as a condition of  
4           employment) and Medicare tax calculated at the  
5           Federal Insurance Contributions Act rate.

6           (E) In lieu of a standardized tax amount, a  
7           determination of an individualized tax amount may be  
8           made under items (I), (II), or (III) below. If an  
9           individualized tax amount determination is made under  
10          this subparagraph (E), all relevant tax attributes  
11          (including filing status, allocation of dependency  
12          exemptions, and whether a party is to claim the  
13          standard deduction or itemized deductions for federal  
14          income tax purposes) shall be as the parties agree or  
15          as the court determines. To determine a party's  
16          reported income, the court may order the party to  
17          complete an Internal Revenue Service Form 4506-T,  
18          Request for Tax Transcript.

19          (I) Agreement. Irrespective of whether the  
20          parties agree on any other issue before the court,  
21          if they jointly stipulate for the record their  
22          concurrence on a computation method for the  
23          individualized tax amount that is different from  
24          the method set forth under subparagraph (D), the  
25          stipulated method shall be used by the court unless  
26          the court rejects the proposed stipulated method

1 for good cause.

2 (II) Summary hearing. If the court determines  
3 child support in a summary hearing under Section  
4 501 and an eligible party opts in to the  
5 individualized tax amount method under this item  
6 (II), the individualized tax amount shall be  
7 determined by the court on the basis of information  
8 contained in one or both parties' Supreme Court  
9 approved Financial Affidavit (Family & Divorce  
10 Cases) and relevant supporting documents under  
11 applicable court rules. No party, however, is  
12 eligible to opt in unless the party, under  
13 applicable court rules, has served the other party  
14 with the required Supreme Court approved Financial  
15 Affidavit (Family & Divorce Cases) and has  
16 substantially produced supporting documents  
17 required by the applicable court rules.

18 (III) Evidentiary hearing. If the court  
19 determines child support in an evidentiary  
20 hearing, whether for purposes of a temporary order  
21 or at the conclusion of a proceeding, item (II) of  
22 this subparagraph (E) does not apply. In each such  
23 case (unless item (I) governs), the individualized  
24 tax amount shall be as determined by the court on  
25 the basis of the record established.

26 (F) Adjustments to income.

1 (I) Multi-family adjustment. If a parent is  
2 also legally responsible for support of a child not  
3 shared with the other parent and not subject to the  
4 present proceeding, there shall be an adjustment  
5 to net income as follows:

6 (i) Multi-family adjustment with court  
7 order. The court shall deduct from the parent's  
8 net income the amount of child support actually  
9 paid by the parent pursuant to a support order  
10 unless the court makes a finding that it would  
11 cause economic hardship to the child.

12 (ii) Multi-family adjustment without court  
13 order. Upon the request or application of a  
14 parent actually supporting a presumed,  
15 acknowledged, or adjudicated child living in  
16 or outside of that parent's household, there  
17 shall be an adjustment to child support. The  
18 court shall deduct from the parent's net income  
19 the amount of financial support actually paid  
20 by the parent for the child or 75% of the  
21 support the parent should pay under the child  
22 support guidelines (before this adjustment),  
23 whichever is less, unless the court makes a  
24 finding that it would cause economic hardship  
25 to the child. The adjustment shall be  
26 calculated using that parent's income alone.



1                   (II)       Spousal       Maintenance       adjustment.  
2                   Obligations pursuant to a court order for spousal  
3                   maintenance in the pending proceeding actually  
4                   paid or payable to the same party to whom child  
5                   support is to be payable or actually paid to a  
6                   former spouse pursuant to a court order shall be  
7                   deducted from the parent's gross income.

8                   (3.1) Business income. For purposes of calculating  
9                   child support, net business income from the operation of a  
10                  business means gross receipts minus ordinary and necessary  
11                  expenses required to carry on the trade or business. As  
12                  used in this paragraph, "business" includes, but is not  
13                  limited to, sole proprietorships, closely held  
14                  corporations, partnerships, other flow-through business  
15                  entities, and self-employment. The court shall apply the  
16                  following:

17                  (A) The accelerated component of depreciation and  
18                  any business expenses determined either judicially or  
19                  administratively to be inappropriate or excessive  
20                  shall be excluded from the total of ordinary and  
21                  necessary business expenses to be deducted in the  
22                  determination of net business income from gross  
23                  business income.

24                  (B) Any item of reimbursement or in-kind payment  
25                  received by a parent from a business, including, but  
26                  not limited to, a company car, reimbursed meals, free

1           housing, or a housing allowance, shall be counted as  
2           income if not otherwise included in the recipient's  
3           gross income, if the item is significant in amount and  
4           reduces personal expenses.

5           (3.2) Unemployment or underemployment. If a parent is  
6           voluntarily unemployed or underemployed, child support  
7           shall be calculated based on a determination of potential  
8           income. A determination of potential income shall be made  
9           by determining employment potential and probable earnings  
10          level based on the obligor's work history, occupational  
11          qualifications, prevailing job opportunities, the  
12          ownership by a parent of a substantial non-income producing  
13          asset, and earnings levels in the community. If there is  
14          insufficient work history to determine employment  
15          potential and probable earnings level, there shall be a  
16          rebuttable presumption that the parent's potential income  
17          is 75% of the most recent United States Department of  
18          Health and Human Services Federal Poverty Guidelines for a  
19          family of one person.

20          (3.3) Rebuttable presumption in favor of guidelines.  
21          There is a rebuttable presumption in any judicial or  
22          administrative proceeding for child support that the  
23          amount of the child support obligation that would result  
24          from the application of the child support guidelines is the  
25          correct amount of child support.

26          (3.3a) Minimum child support obligation. There is a

1       rebuttable presumption that a minimum child support  
2       obligation of \$40 per month, per child, will be entered for  
3       an obligor who has actual or imputed gross income at or  
4       less than 75% of the most recent United States Department  
5       of Health and Human Services Federal Poverty Guidelines for  
6       a family of one person, with a maximum total child support  
7       obligation for that obligor of \$120 per month to be divided  
8       equally among all of the obligor's children.

9       (3.3b) Zero dollar child support order. For parents  
10      with no gross income, who receive only means-tested  
11      assistance, or who cannot work due to a medically proven  
12      disability, incarceration, or institutionalization, there  
13      is a rebuttable presumption that the \$40 per month minimum  
14      support order is inapplicable and a zero dollar order shall  
15      be entered.

16      (3.4) Deviation factors. In any action to establish or  
17      modify child support, whether pursuant to a temporary or  
18      final administrative or court order, the child support  
19      guidelines shall be used as a rebuttable presumption for  
20      the establishment or modification of the amount of child  
21      support. The court may deviate from the child support  
22      guidelines if the application would be inequitable,  
23      unjust, or inappropriate. Any deviation from the  
24      guidelines shall be accompanied by written findings by the  
25      court specifying the reasons for the deviation and the  
26      presumed amount under the child support guidelines without

1 a deviation. These reasons may include:

2 (A) extraordinary medical expenditures necessary  
3 to preserve the life or health of a party or a child of  
4 either or both of the parties;

5 (B) additional expenses incurred for a child  
6 subject to the child support order who has special  
7 medical, physical, or developmental needs; and

8 (C) any other factor the court determines should be  
9 applied upon a finding that the application of the  
10 child support guidelines would be inappropriate, after  
11 considering the best interest of the child.

12 (3.5) Income in excess of the schedule of basic child  
13 support obligation. A court may use its discretion to  
14 determine child support if the combined adjusted net income  
15 of the parties exceeds the highest level of the schedule of  
16 basic child support obligation, except that the basic child  
17 support obligation shall not be less than the highest level  
18 of combined net income set forth in the schedule of basic  
19 child support obligation.

20 (3.6) Extracurricular activities and school expenses.  
21 The court, in its discretion, in addition to the basic  
22 child support obligation, may order either or both parents  
23 owing a duty of support to the child to contribute to the  
24 reasonable school and extracurricular activity expenses  
25 incurred which are intended to enhance the educational,  
26 athletic, social, or cultural development of the child.

1           (3.7) Child care expenses. The court, in its  
2 discretion, in addition to the basic child support  
3 obligation, may order either or both parents owing a duty  
4 of support to the child to contribute to the reasonable  
5 child care expenses of the child. The child care expenses  
6 shall be made payable directly to a party or directly to  
7 the child care provider at the time of child care services.

8           (A) "Child care expenses" means actual expenses  
9 reasonably necessary to enable a parent or non-parent  
10 custodian to be employed, to attend educational or  
11 vocational training programs to improve employment  
12 opportunities, or to search for employment. "Child  
13 care expenses" also includes deposits for securing  
14 placement in a child care program, the cost of before  
15 and after school care, and camps when school is not in  
16 session. A child's special needs shall be a  
17 consideration in determining reasonable child care  
18 expenses.

19           (B) Child care expenses shall be prorated in  
20 proportion to each parent's percentage share of  
21 combined net income, and may be added to the basic  
22 child support obligation if not paid directly by each  
23 parent to the provider of child care services. The  
24 obligor's and obligee's portion of actual child care  
25 expenses shall appear in the support order. If allowed,  
26 the value of the federal income tax credit for child

1 care shall be subtracted from the actual cost to  
2 determine the net child care costs.

3 (C) The amount of child care expenses shall be  
4 adequate to obtain reasonable and necessary child  
5 care. The actual child care expenses shall be used to  
6 calculate the child care expenses, if available. When  
7 actual child care expenses vary, the actual child care  
8 expenses may be averaged over the most recent 12-month  
9 period. When a parent is temporarily unemployed or  
10 temporarily not attending educational or vocational  
11 training programs, future child care expenses shall be  
12 based upon prospective expenses to be incurred upon  
13 return to employment or educational or vocational  
14 training programs.

15 (D) An order for child care expenses may be  
16 modified upon a showing of a substantial change in  
17 circumstances. The party incurring child care expenses  
18 shall notify the other party within 14 days of any  
19 change in the amount of child care expenses that would  
20 affect the annualized child care amount as determined  
21 in the support order.

22 (3.8) Shared physical care. If each parent exercises  
23 146 or more overnights per year with the child, the basic  
24 child support obligation is multiplied by 1.5 to calculate  
25 the shared care child support obligation. The court shall  
26 determine each parent's share of the shared care child

1 support obligation based on the parent's percentage share  
2 of combined net income. The child support obligation is  
3 then computed for each parent by multiplying that parent's  
4 portion of the shared care support obligation by the  
5 percentage of time the child spends with the other parent.  
6 The respective child support obligations are then offset,  
7 with the parent owing more child support paying the  
8 difference between the child support amounts. The Illinois  
9 Department of Healthcare and Family Services shall  
10 promulgate a worksheet to calculate child support in cases  
11 in which the parents have shared physical care and use the  
12 standardized tax amount to determine net income.

13 (3.9) Split physical care. When there is more than one  
14 child and each parent has physical care of at least one but  
15 not all of the children, the support is calculated by using  
16 2 child support worksheets to determine the support each  
17 parent owes the other. The support shall be calculated as  
18 follows:

19 (A) compute the support the first parent would owe  
20 to other parent as if the child in his or her care was  
21 the only child of the parties; then

22 (B) compute the support the other parent would owe  
23 to the first parent as if the child in his or her care  
24 were the only child of the parties; then

25 (C) subtract the lesser support obligation from  
26 the greater.

1           The parent who owes the greater obligation shall be  
2 ordered to pay the difference in support to the other  
3 parent, unless the court determines, pursuant to other  
4 provisions of this Section, that it should deviate from the  
5 guidelines.

6           (4) Health care.

7           (A) A portion of the basic child support obligation  
8 is intended to cover basic ordinary out-of-pocket  
9 medical expenses. The court, in its discretion, in  
10 addition to the basic child support obligation, shall  
11 also provide for the child's current and future medical  
12 needs by ordering either or both parents to initiate  
13 health insurance coverage for the child through  
14 currently effective health insurance policies held by  
15 the parent or parents, purchase one or more or all  
16 health, dental, or vision insurance policies for the  
17 child, or provide for the child's current and future  
18 medical needs through some other manner.

19           (B) The court, in its discretion, may order either  
20 or both parents to contribute to the reasonable health  
21 care needs of the child not covered by insurance,  
22 including, but not limited to, unreimbursed medical,  
23 dental, orthodontic, or vision expenses and any  
24 prescription medication for the child not covered  
25 under the child's health insurance.

26           (C) If neither parent has access to appropriate



1 private health insurance coverage, the court may  
2 order:

3 (I) one or both parents to provide health  
4 insurance coverage at any time it becomes  
5 available at a reasonable cost; or

6 (II) the parent or non-parent custodian with  
7 primary physical responsibility for the child to  
8 apply for public health insurance coverage for the  
9 child and require either or both parents to pay a  
10 reasonable amount of the cost of health insurance  
11 for the child.

12 The order may also provide that any time private  
13 health insurance coverage is available at a reasonable  
14 cost to that party it will be provided instead of cash  
15 medical support. As used in this Section, "cash medical  
16 support" means an amount ordered to be paid toward the  
17 cost of health insurance provided by a public entity or  
18 by another person through employment or otherwise or  
19 for other medical costs not covered by insurance.

20 (D) The amount to be added to the basic child  
21 support obligation shall be the actual amount of the  
22 total health insurance premium that is attributable to  
23 the child who is the subject of the order. If this  
24 amount is not available or cannot be verified, the  
25 total cost of the health insurance premium shall be  
26 divided by the total number of persons covered by the

1 policy. The cost per person derived from this  
2 calculation shall be multiplied by the number of  
3 children who are the subject of the order and who are  
4 covered under the health insurance policy. This amount  
5 shall be added to the basic child support obligation  
6 and shall be allocated between the parents in  
7 proportion to their respective net incomes.

8 (E) After the health insurance premium for the  
9 child is added to the basic child support obligation  
10 and allocated between the parents in proportion to  
11 their respective incomes for child support purposes,  
12 if the obligor is paying the premium, the amount  
13 calculated for the obligee's share of the health  
14 insurance premium for the child shall be deducted from  
15 the obligor's share of the total child support  
16 obligation. If the obligee is paying for private health  
17 insurance for the child, the child support obligation  
18 shall be increased by the obligor's share of the  
19 premium payment. The obligor's and obligee's portion  
20 of health insurance costs shall appear in the support  
21 order.

22 (F) Prior to allowing the health insurance  
23 adjustment, the parent requesting the adjustment must  
24 submit proof that the child has been enrolled in a  
25 health insurance plan and must submit proof of the cost  
26 of the premium. The court shall require the parent

1 receiving the adjustment to annually submit proof of  
2 continued coverage of the child to the other parent, or  
3 as designated by the court.

4 (G) A reasonable cost for providing health  
5 insurance coverage for the child may not exceed 5% of  
6 the providing parent's gross income. Parents with a net  
7 income below 133% of the most recent United States  
8 Department of Health and Human Services Federal  
9 Poverty Guidelines or whose child is covered by  
10 Medicaid based on that parent's income may not be  
11 ordered to contribute toward or provide private  
12 coverage, unless private coverage is obtainable  
13 without any financial contribution by that parent.

14 (H) If dental or vision insurance is included as  
15 part of the employer's medical plan, the coverage shall  
16 be maintained for the child. If not included in the  
17 employer's medical plan, adding the dental or vision  
18 insurance for the child is at the discretion of the  
19 court.

20 (I) If a parent has been directed to provide health  
21 insurance pursuant to this paragraph and that parent's  
22 spouse or legally recognized partner provides the  
23 insurance for the benefit of the child either directly  
24 or through employment, a credit on the child support  
25 worksheet shall be given to that parent in the same  
26 manner as if the premium were paid by that parent.

1           (4.5) In a proceeding for child support following  
2 dissolution of the marriage or civil union by a court that  
3 lacked personal jurisdiction over the absent spouse, and in  
4 which the court is requiring payment of support for the  
5 period before the date an order for current support is  
6 entered, there is a rebuttable presumption that the  
7 obligor's net income for the prior period was the same as  
8 his or her net income at the time the order for current  
9 support is entered.

10           (5) If the net income cannot be determined because of  
11 default or any other reason, the court shall order support  
12 in an amount considered reasonable in the particular case.  
13 The final order in all cases shall state the support level  
14 in dollar amounts. However, if the court finds that the  
15 child support amount cannot be expressed exclusively as a  
16 dollar amount because all or a portion of the obligor's net  
17 income is uncertain as to source, time of payment, or  
18 amount, the court may order a percentage amount of support  
19 in addition to a specific dollar amount and enter such  
20 other orders as may be necessary to determine and enforce,  
21 on a timely basis, the applicable support ordered.

22           (6) If (i) the obligor was properly served with a  
23 request for discovery of financial information relating to  
24 the obligor's ability to provide child support, (ii) the  
25 obligor failed to comply with the request, despite having  
26 been ordered to do so by the court, and (iii) the obligor

1 is not present at the hearing to determine support despite  
2 having received proper notice, then any relevant financial  
3 information concerning the obligor's ability to provide  
4 child support that was obtained pursuant to subpoena and  
5 proper notice shall be admitted into evidence without the  
6 need to establish any further foundation for its admission.

7 (a-5) In an action to enforce an order for child support  
8 based on the obligor's failure to make support payments as  
9 required by the order, notice of proceedings to hold the  
10 obligor in contempt for that failure may be served on the  
11 obligor by personal service or by regular mail addressed to the  
12 last known address of the obligor. The last known address of  
13 the obligor may be determined from records of the clerk of the  
14 court, from the Federal Case Registry of Child Support Orders,  
15 or by any other reasonable means.

16 (b) Failure of either parent to comply with an order to pay  
17 support shall be punishable as in other cases of contempt. In  
18 addition to other penalties provided by law the court may,  
19 after finding the parent guilty of contempt, order that the  
20 parent be:

21 (1) placed on probation with such conditions of  
22 probation as the court deems advisable;

23 (2) sentenced to periodic imprisonment for a period not  
24 to exceed 6 months; provided, however, that the court may  
25 permit the parent to be released for periods of time during  
26 the day or night to:

- 1           (A) work; or  
2           (B) conduct a business or other self-employed  
3           occupation.

4           The court may further order any part or all of the earnings  
5           of a parent during a sentence of periodic imprisonment paid to  
6           the Clerk of the Circuit Court or to the parent having physical  
7           possession of the child or to the non-parent custodian having  
8           custody of the child of the sentenced parent for the support of  
9           the child until further order of the court.

10          If a parent who is found guilty of contempt for failure to  
11          comply with an order to pay support is a person who conducts a  
12          business or who is self-employed, the court in addition to  
13          other penalties provided by law may order that the parent do  
14          one or more of the following: (i) provide to the court monthly  
15          financial statements showing income and expenses from the  
16          business or the self-employment; (ii) seek employment and  
17          report periodically to the court with a diary, listing, or  
18          other memorandum of his or her employment search efforts; or  
19          (iii) report to the Department of Employment Security for job  
20          search services to find employment that will be subject to  
21          withholding for child support.

22          If there is a unity of interest and ownership sufficient to  
23          render no financial separation between an obligor and another  
24          person or persons or business entity, the court may pierce the  
25          ownership veil of the person, persons, or business entity to  
26          discover assets of the obligor held in the name of that person,

1 those persons, or that business entity. The following  
2 circumstances are sufficient to authorize a court to order  
3 discovery of the assets of a person, persons, or business  
4 entity and to compel the application of any discovered assets  
5 toward payment on the judgment for support:

6 (1) the obligor and the person, persons, or business  
7 entity maintain records together.

8 (2) the obligor and the person, persons, or business  
9 entity fail to maintain an arm's length relationship  
10 between themselves with regard to any assets.

11 (3) the obligor transfers assets to the person,  
12 persons, or business entity with the intent to perpetrate a  
13 fraud on the obligee.

14 With respect to assets which are real property, no order  
15 entered under this paragraph shall affect the rights of bona  
16 fide purchasers, mortgagees, judgment creditors, or other lien  
17 holders who acquire their interests in the property prior to  
18 the time a notice of lis pendens pursuant to the Code of Civil  
19 Procedure or a copy of the order is placed of record in the  
20 office of the recorder of deeds for the county in which the  
21 real property is located.

22 The court may also order in cases where the parent is 90  
23 days or more delinquent in payment of support or has been  
24 adjudicated in arrears in an amount equal to 90 days obligation  
25 or more, that the parent's Illinois driving privileges be  
26 suspended until the court determines that the parent is in

1 compliance with the order of support. The court may also order  
2 that the parent be issued a family financial responsibility  
3 driving permit that would allow limited driving privileges for  
4 employment and medical purposes in accordance with Section  
5 7-702.1 of the Illinois Vehicle Code. The Clerk of the Circuit  
6 Court shall certify the order suspending the driving privileges  
7 of the parent or granting the issuance of a family financial  
8 responsibility driving permit to the Secretary of State on  
9 forms prescribed by the Secretary of State. Upon receipt of the  
10 authenticated documents, the Secretary of State shall suspend  
11 the parent's driving privileges until further order of the  
12 court and shall, if ordered by the court, subject to the  
13 provisions of Section 7-702.1 of the Illinois Vehicle Code,  
14 issue a family financial responsibility driving permit to the  
15 parent.

16 In addition to the penalties or punishment that may be  
17 imposed under this Section, any person whose conduct  
18 constitutes a violation of Section 15 of the Non-Support  
19 Punishment Act may be prosecuted under that Act, and a person  
20 convicted under that Act may be sentenced in accordance with  
21 that Act. The sentence may include but need not be limited to a  
22 requirement that the person perform community service under  
23 Section 50 of that Act or participate in a work alternative  
24 program under Section 50 of that Act. A person may not be  
25 required to participate in a work alternative program under  
26 Section 50 of that Act if the person is currently participating



1 in a work program pursuant to Section 505.1 of this Act.

2 A support obligation, or any portion of a support  
3 obligation, which becomes due and remains unpaid as of the end  
4 of each month, excluding the child support that was due for  
5 that month to the extent that it was not paid in that month,  
6 shall accrue simple interest as set forth in Section 12-109 of  
7 the Code of Civil Procedure. An order for support entered or  
8 modified on or after January 1, 2006 shall contain a statement  
9 that a support obligation required under the order, or any  
10 portion of a support obligation required under the order, that  
11 becomes due and remains unpaid as of the end of each month,  
12 excluding the child support that was due for that month to the  
13 extent that it was not paid in that month, shall accrue simple  
14 interest as set forth in Section 12-109 of the Code of Civil  
15 Procedure. Failure to include the statement in the order for  
16 support does not affect the validity of the order or the  
17 accrual of interest as provided in this Section.

18 (c) A one-time charge of 20% is imposable upon the amount  
19 of past-due child support owed on July 1, 1988 which has  
20 accrued under a support order entered by the court. The charge  
21 shall be imposed in accordance with the provisions of Section  
22 10-21 of the Illinois Public Aid Code and shall be enforced by  
23 the court upon petition.

24 (d) Any new or existing support order entered by the court  
25 under this Section shall be deemed to be a series of judgments  
26 against the person obligated to pay support thereunder, each

1 such judgment to be in the amount of each payment or  
2 installment of support and each such judgment to be deemed  
3 entered as of the date the corresponding payment or installment  
4 becomes due under the terms of the support order. Each such  
5 judgment shall have the full force, effect and attributes of  
6 any other judgment of this State, including the ability to be  
7 enforced. Notwithstanding any other State or local law to the  
8 contrary, a lien arises by operation of law against the real  
9 and personal property of the obligor for each installment of  
10 overdue support owed by the obligor.

11 (e) When child support is to be paid through the Clerk of  
12 the Court in a county of 500,000 ~~1,000,000~~ inhabitants or less,  
13 the order shall direct the obligor to pay to the Clerk, in  
14 addition to the child support payments, all fees imposed by the  
15 county board under paragraph (4) of subsection (bb) of Section  
16 27.1a ~~paragraph (3) of subsection (u) of Section 27.1~~ of the  
17 Clerks of Courts Act. When maintenance is to be paid through  
18 the clerk of the court in a county of more than 500,000 but  
19 less than 3,000,000 inhabitants, the order shall direct the  
20 obligor to pay to the clerk, in addition to the maintenance  
21 payments, all fees imposed by the county board under paragraph  
22 (4) of subsection (bb) of Section 27.2 of the Clerks of Courts  
23 Act. Unless paid pursuant to an Income Withholding Order/Notice  
24 for Support, the payment of the fee shall be by payment  
25 acceptable to the clerk and shall be made to the order of the  
26 Clerk.

1 (f) All orders for support, when entered or modified, shall  
2 include a provision requiring the obligor to notify the court  
3 and, in cases in which a party is receiving child and spouse  
4 services under Article X of the Illinois Public Aid Code, the  
5 Department of Healthcare and Family Services, within 7 days,  
6 (i) of the name and address of any new employer of the obligor,  
7 (ii) whether the obligor has access to health insurance  
8 coverage through the employer or other group coverage and, if  
9 so, the policy name and number and the names of persons covered  
10 under the policy, except only the initials of any covered  
11 minors shall be included, and (iii) of any new residential or  
12 mailing address or telephone number of the obligor. In any  
13 subsequent action to enforce a support order, upon a sufficient  
14 showing that a diligent effort has been made to ascertain the  
15 location of the obligor, service of process or provision of  
16 notice necessary in the case may be made at the last known  
17 address of the obligor in any manner expressly provided by the  
18 Code of Civil Procedure or this Act, which service shall be  
19 sufficient for purposes of due process.

20 (g) An order for support shall include a date on which the  
21 current support obligation terminates. The termination date  
22 shall be no earlier than the date on which the child covered by  
23 the order will attain the age of 18. However, if the child will  
24 not graduate from high school until after attaining the age of  
25 18, then the termination date shall be no earlier than the  
26 earlier of the date on which the child's high school graduation

1 will occur or the date on which the child will attain the age  
2 of 19. The order for support shall state that the termination  
3 date does not apply to any arrearage that may remain unpaid on  
4 that date. Nothing in this subsection shall be construed to  
5 prevent the court from modifying the order or terminating the  
6 order in the event the child is otherwise emancipated.

7 (g-5) If there is an unpaid arrearage or delinquency (as  
8 those terms are defined in the Income Withholding for Support  
9 Act) equal to at least one month's support obligation on the  
10 termination date stated in the order for support or, if there  
11 is no termination date stated in the order, on the date the  
12 child attains the age of majority or is otherwise emancipated,  
13 the periodic amount required to be paid for current support of  
14 that child immediately prior to that date shall automatically  
15 continue to be an obligation, not as current support but as  
16 periodic payment toward satisfaction of the unpaid arrearage or  
17 delinquency. That periodic payment shall be in addition to any  
18 periodic payment previously required for satisfaction of the  
19 arrearage or delinquency. The total periodic amount to be paid  
20 toward satisfaction of the arrearage or delinquency may be  
21 enforced and collected by any method provided by law for  
22 enforcement and collection of child support, including but not  
23 limited to income withholding under the Income Withholding for  
24 Support Act. Each order for support entered or modified on or  
25 after January 1, 2005 (the effective date of Public Act  
26 93-1061) ~~this amendatory Act of the 93rd General Assembly~~ must

1 contain a statement notifying the parties of the requirements  
2 of this subsection. Failure to include the statement in the  
3 order for support does not affect the validity of the order or  
4 the operation of the provisions of this subsection with regard  
5 to the order. This subsection shall not be construed to prevent  
6 or affect the establishment or modification of an order for  
7 support of a minor child or the establishment or modification  
8 of an order for support of a non-minor child or educational  
9 expenses under Section 513 of this Act.

10 (h) An order entered under this Section shall include a  
11 provision requiring either parent to report to the other parent  
12 and to the Clerk of Court within 10 days each time either  
13 parent obtains new employment, and each time either parent's  
14 employment is terminated for any reason. The report shall be in  
15 writing and shall, in the case of new employment, include the  
16 name and address of the new employer. Failure to report new  
17 employment or the termination of current employment, if coupled  
18 with nonpayment of support for a period in excess of 60 days,  
19 is indirect criminal contempt. For either parent arrested for  
20 failure to report new employment bond shall be set in the  
21 amount of the child support that should have been paid during  
22 the period of unreported employment. An order entered under  
23 this Section shall also include a provision requiring either  
24 obligor and obligee to advise the other of a change in  
25 residence within 5 days of the change except when the court  
26 finds that the physical, mental, or emotional health of a party

1 or that of a child, or both, would be seriously endangered by  
2 disclosure of the party's address.

3 (i) The court does not lose the powers of contempt,  
4 driver's license suspension, or other child support  
5 enforcement mechanisms, including, but not limited to,  
6 criminal prosecution as set forth in this Act, upon the  
7 emancipation of the minor child.

8 (Source: P.A. 99-90, eff. 1-1-16; 99-763, eff. 1-1-17; 99-764,  
9 eff. 7-1-17; 100-15, eff. 7-1-17; revised 10-6-17.)

10 Section 15. The Illinois Domestic Violence Act of 1986 is  
11 amended by changing Section 214 as follows:

12 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

13 Sec. 214. Order of protection; remedies.

14 (a) Issuance of order. If the court finds that petitioner  
15 has been abused by a family or household member or that  
16 petitioner is a high-risk adult who has been abused, neglected,  
17 or exploited, as defined in this Act, an order of protection  
18 prohibiting the abuse, neglect, or exploitation shall issue;  
19 provided that petitioner must also satisfy the requirements of  
20 one of the following Sections, as appropriate: Section 217 on  
21 emergency orders, Section 218 on interim orders, or Section 219  
22 on plenary orders. Petitioner shall not be denied an order of  
23 protection because petitioner or respondent is a minor. The  
24 court, when determining whether or not to issue an order of

1 protection, shall not require physical manifestations of abuse  
2 on the person of the victim. Modification and extension of  
3 prior orders of protection shall be in accordance with this  
4 Act.

5 (b) Remedies and standards. The remedies to be included in  
6 an order of protection shall be determined in accordance with  
7 this Section and one of the following Sections, as appropriate:  
8 Section 217 on emergency orders, Section 218 on interim orders,  
9 and Section 219 on plenary orders. The remedies listed in this  
10 subsection shall be in addition to other civil or criminal  
11 remedies available to petitioner.

12 (1) Prohibition of abuse, neglect, or exploitation.  
13 Prohibit respondent's harassment, interference with  
14 personal liberty, intimidation of a dependent, physical  
15 abuse, or willful deprivation, neglect or exploitation, as  
16 defined in this Act, or stalking of the petitioner, as  
17 defined in Section 12-7.3 of the Criminal Code of 2012, if  
18 such abuse, neglect, exploitation, or stalking has  
19 occurred or otherwise appears likely to occur if not  
20 prohibited.

21 (2) Grant of exclusive possession of residence.  
22 Prohibit respondent from entering or remaining in any  
23 residence, household, or premises of the petitioner,  
24 including one owned or leased by respondent, if petitioner  
25 has a right to occupancy thereof. The grant of exclusive  
26 possession of the residence, household, or premises shall

1 not affect title to real property, nor shall the court be  
2 limited by the standard set forth in subsection (c-2) of  
3 Section 501 ~~Section 701~~ of the Illinois Marriage and  
4 Dissolution of Marriage Act.

5 (A) Right to occupancy. A party has a right to  
6 occupancy of a residence or household if it is solely  
7 or jointly owned or leased by that party, that party's  
8 spouse, a person with a legal duty to support that  
9 party or a minor child in that party's care, or by any  
10 person or entity other than the opposing party that  
11 authorizes that party's occupancy (e.g., a domestic  
12 violence shelter). Standards set forth in subparagraph  
13 (B) shall not preclude equitable relief.

14 (B) Presumption of hardships. If petitioner and  
15 respondent each has the right to occupancy of a  
16 residence or household, the court shall balance (i) the  
17 hardships to respondent and any minor child or  
18 dependent adult in respondent's care resulting from  
19 entry of this remedy with (ii) the hardships to  
20 petitioner and any minor child or dependent adult in  
21 petitioner's care resulting from continued exposure to  
22 the risk of abuse (should petitioner remain at the  
23 residence or household) or from loss of possession of  
24 the residence or household (should petitioner leave to  
25 avoid the risk of abuse). When determining the balance  
26 of hardships, the court shall also take into account



1 the accessibility of the residence or household.  
2 Hardships need not be balanced if respondent does not  
3 have a right to occupancy.

4 The balance of hardships is presumed to favor  
5 possession by petitioner unless the presumption is  
6 rebutted by a preponderance of the evidence, showing  
7 that the hardships to respondent substantially  
8 outweigh the hardships to petitioner and any minor  
9 child or dependent adult in petitioner's care. The  
10 court, on the request of petitioner or on its own  
11 motion, may order respondent to provide suitable,  
12 accessible, alternate housing for petitioner instead  
13 of excluding respondent from a mutual residence or  
14 household.

15 (3) Stay away order and additional prohibitions. Order  
16 respondent to stay away from petitioner or any other person  
17 protected by the order of protection, or prohibit  
18 respondent from entering or remaining present at  
19 petitioner's school, place of employment, or other  
20 specified places at times when petitioner is present, or  
21 both, if reasonable, given the balance of hardships.  
22 Hardships need not be balanced for the court to enter a  
23 stay away order or prohibit entry if respondent has no  
24 right to enter the premises.

25 (A) If an order of protection grants petitioner  
26 exclusive possession of the residence, or prohibits

1           respondent from entering the residence, or orders  
2           respondent to stay away from petitioner or other  
3           protected persons, then the court may allow respondent  
4           access to the residence to remove items of clothing and  
5           personal adornment used exclusively by respondent,  
6           medications, and other items as the court directs. The  
7           right to access shall be exercised on only one occasion  
8           as the court directs and in the presence of an  
9           agreed-upon adult third party or law enforcement  
10          officer.

11           (B) When the petitioner and the respondent attend  
12          the same public, private, or non-public elementary,  
13          middle, or high school, the court when issuing an order  
14          of protection and providing relief shall consider the  
15          severity of the act, any continuing physical danger or  
16          emotional distress to the petitioner, the educational  
17          rights guaranteed to the petitioner and respondent  
18          under federal and State law, the availability of a  
19          transfer of the respondent to another school, a change  
20          of placement or a change of program of the respondent,  
21          the expense, difficulty, and educational disruption  
22          that would be caused by a transfer of the respondent to  
23          another school, and any other relevant facts of the  
24          case. The court may order that the respondent not  
25          attend the public, private, or non-public elementary,  
26          middle, or high school attended by the petitioner,

1 order that the respondent accept a change of placement  
2 or change of program, as determined by the school  
3 district or private or non-public school, or place  
4 restrictions on the respondent's movements within the  
5 school attended by the petitioner. The respondent  
6 bears the burden of proving by a preponderance of the  
7 evidence that a transfer, change of placement, or  
8 change of program of the respondent is not available.  
9 The respondent also bears the burden of production with  
10 respect to the expense, difficulty, and educational  
11 disruption that would be caused by a transfer of the  
12 respondent to another school. A transfer, change of  
13 placement, or change of program is not unavailable to  
14 the respondent solely on the ground that the respondent  
15 does not agree with the school district's or private or  
16 non-public school's transfer, change of placement, or  
17 change of program or solely on the ground that the  
18 respondent fails or refuses to consent or otherwise  
19 does not take an action required to effectuate a  
20 transfer, change of placement, or change of program.  
21 When a court orders a respondent to stay away from the  
22 public, private, or non-public school attended by the  
23 petitioner and the respondent requests a transfer to  
24 another attendance center within the respondent's  
25 school district or private or non-public school, the  
26 school district or private or non-public school shall

1           have sole discretion to determine the attendance  
2           center to which the respondent is transferred. In the  
3           event the court order results in a transfer of the  
4           minor respondent to another attendance center, a  
5           change in the respondent's placement, or a change of  
6           the respondent's program, the parents, guardian, or  
7           legal custodian of the respondent is responsible for  
8           transportation and other costs associated with the  
9           transfer or change.

10           (C) The court may order the parents, guardian, or  
11           legal custodian of a minor respondent to take certain  
12           actions or to refrain from taking certain actions to  
13           ensure that the respondent complies with the order. In  
14           the event the court orders a transfer of the respondent  
15           to another school, the parents, guardian, or legal  
16           custodian of the respondent is responsible for  
17           transportation and other costs associated with the  
18           change of school by the respondent.

19           (4) Counseling. Require or recommend the respondent to  
20           undergo counseling for a specified duration with a social  
21           worker, psychologist, clinical psychologist, psychiatrist,  
22           family service agency, alcohol or substance abuse program,  
23           mental health center guidance counselor, agency providing  
24           services to elders, program designed for domestic violence  
25           abusers or any other guidance service the court deems  
26           appropriate. The Court may order the respondent in any

1 intimate partner relationship to report to an Illinois  
2 Department of Human Services protocol approved partner  
3 abuse intervention program for an assessment and to follow  
4 all recommended treatment.

5 (5) Physical care and possession of the minor child. In  
6 order to protect the minor child from abuse, neglect, or  
7 unwarranted separation from the person who has been the  
8 minor child's primary caretaker, or to otherwise protect  
9 the well-being of the minor child, the court may do either  
10 or both of the following: (i) grant petitioner physical  
11 care or possession of the minor child, or both, or (ii)  
12 order respondent to return a minor child to, or not remove  
13 a minor child from, the physical care of a parent or person  
14 in loco parentis.

15 If a court finds, after a hearing, that respondent has  
16 committed abuse (as defined in Section 103) of a minor  
17 child, there shall be a rebuttable presumption that  
18 awarding physical care to respondent would not be in the  
19 minor child's best interest.

20 (6) Temporary allocation of parental responsibilities:  
21 significant decision-making. Award temporary  
22 decision-making responsibility to petitioner in accordance  
23 with this Section, the Illinois Marriage and Dissolution of  
24 Marriage Act, the Illinois Parentage Act of 2015, and this  
25 State's Uniform Child-Custody Jurisdiction and Enforcement  
26 Act.

1           If a court finds, after a hearing, that respondent has  
2 committed abuse (as defined in Section 103) of a minor  
3 child, there shall be a rebuttable presumption that  
4 awarding temporary significant decision-making  
5 responsibility to respondent would not be in the child's  
6 best interest.

7           (7) Parenting time. Determine the parenting time, if  
8 any, of respondent in any case in which the court awards  
9 physical care or allocates temporary significant  
10 decision-making responsibility of a minor child to  
11 petitioner. The court shall restrict or deny respondent's  
12 parenting time with a minor child if the court finds that  
13 respondent has done or is likely to do any of the  
14 following: (i) abuse or endanger the minor child during  
15 parenting time; (ii) use the parenting time as an  
16 opportunity to abuse or harass petitioner or petitioner's  
17 family or household members; (iii) improperly conceal or  
18 detain the minor child; or (iv) otherwise act in a manner  
19 that is not in the best interests of the minor child. The  
20 court shall not be limited by the standards set forth in  
21 Section 603.10 of the Illinois Marriage and Dissolution of  
22 Marriage Act. If the court grants parenting time, the order  
23 shall specify dates and times for the parenting time to  
24 take place or other specific parameters or conditions that  
25 are appropriate. No order for parenting time shall refer  
26 merely to the term "reasonable parenting time".

1           Petitioner may deny respondent access to the minor  
2 child if, when respondent arrives for parenting time,  
3 respondent is under the influence of drugs or alcohol and  
4 constitutes a threat to the safety and well-being of  
5 petitioner or petitioner's minor children or is behaving in  
6 a violent or abusive manner.

7           If necessary to protect any member of petitioner's  
8 family or household from future abuse, respondent shall be  
9 prohibited from coming to petitioner's residence to meet  
10 the minor child for parenting time, and the parties shall  
11 submit to the court their recommendations for reasonable  
12 alternative arrangements for parenting time. A person may  
13 be approved to supervise parenting time only after filing  
14 an affidavit accepting that responsibility and  
15 acknowledging accountability to the court.

16           (8) Removal or concealment of minor child. Prohibit  
17 respondent from removing a minor child from the State or  
18 concealing the child within the State.

19           (9) Order to appear. Order the respondent to appear in  
20 court, alone or with a minor child, to prevent abuse,  
21 neglect, removal or concealment of the child, to return the  
22 child to the custody or care of the petitioner or to permit  
23 any court-ordered interview or examination of the child or  
24 the respondent.

25           (10) Possession of personal property. Grant petitioner  
26 exclusive possession of personal property and, if

1           respondent has possession or control, direct respondent to  
2 promptly make it available to petitioner, if:

3                   (i) petitioner, but not respondent, owns the  
4 property; or

5                   (ii) the parties own the property jointly; sharing  
6 it would risk abuse of petitioner by respondent or is  
7 impracticable; and the balance of hardships favors  
8 temporary possession by petitioner.

9           If petitioner's sole claim to ownership of the property  
10 is that it is marital property, the court may award  
11 petitioner temporary possession thereof under the  
12 standards of subparagraph (ii) of this paragraph only if a  
13 proper proceeding has been filed under the Illinois  
14 Marriage and Dissolution of Marriage Act, as now or  
15 hereafter amended.

16           No order under this provision shall affect title to  
17 property.

18           (11) Protection of property. Forbid the respondent  
19 from taking, transferring, encumbering, concealing,  
20 damaging or otherwise disposing of any real or personal  
21 property, except as explicitly authorized by the court, if:

22                   (i) petitioner, but not respondent, owns the  
23 property; or

24                   (ii) the parties own the property jointly, and the  
25 balance of hardships favors granting this remedy.

26           If petitioner's sole claim to ownership of the property



1 is that it is marital property, the court may grant  
2 petitioner relief under subparagraph (ii) of this  
3 paragraph only if a proper proceeding has been filed under  
4 the Illinois Marriage and Dissolution of Marriage Act, as  
5 now or hereafter amended.

6 The court may further prohibit respondent from  
7 improperly using the financial or other resources of an  
8 aged member of the family or household for the profit or  
9 advantage of respondent or of any other person.

10 (11.5) Protection of animals. Grant the petitioner the  
11 exclusive care, custody, or control of any animal owned,  
12 possessed, leased, kept, or held by either the petitioner  
13 or the respondent or a minor child residing in the  
14 residence or household of either the petitioner or the  
15 respondent and order the respondent to stay away from the  
16 animal and forbid the respondent from taking,  
17 transferring, encumbering, concealing, harming, or  
18 otherwise disposing of the animal.

19 (12) Order for payment of support. Order respondent to  
20 pay temporary support for the petitioner or any child in  
21 the petitioner's care or over whom the petitioner has been  
22 allocated parental responsibility, when the respondent has  
23 a legal obligation to support that person, in accordance  
24 with the Illinois Marriage and Dissolution of Marriage Act,  
25 which shall govern, among other matters, the amount of  
26 support, payment through the clerk and withholding of

1 income to secure payment. An order for child support may be  
2 granted to a petitioner with lawful physical care of a  
3 child, or an order or agreement for physical care of a  
4 child, prior to entry of an order allocating significant  
5 decision-making responsibility. Such a support order shall  
6 expire upon entry of a valid order allocating parental  
7 responsibility differently and vacating the petitioner's  
8 significant decision-making authority, unless otherwise  
9 provided in the order.

10 (13) Order for payment of losses. Order respondent to  
11 pay petitioner for losses suffered as a direct result of  
12 the abuse, neglect, or exploitation. Such losses shall  
13 include, but not be limited to, medical expenses, lost  
14 earnings or other support, repair or replacement of  
15 property damaged or taken, reasonable attorney's fees,  
16 court costs and moving or other travel expenses, including  
17 additional reasonable expenses for temporary shelter and  
18 restaurant meals.

19 (i) Losses affecting family needs. If a party is  
20 entitled to seek maintenance, child support or  
21 property distribution from the other party under the  
22 Illinois Marriage and Dissolution of Marriage Act, as  
23 now or hereafter amended, the court may order  
24 respondent to reimburse petitioner's actual losses, to  
25 the extent that such reimbursement would be  
26 "appropriate temporary relief", as authorized by

1 subsection (a) (3) of Section 501 of that Act.

2 (ii) Recovery of expenses. In the case of an  
3 improper concealment or removal of a minor child, the  
4 court may order respondent to pay the reasonable  
5 expenses incurred or to be incurred in the search for  
6 and recovery of the minor child, including but not  
7 limited to legal fees, court costs, private  
8 investigator fees, and travel costs.

9 (14) Prohibition of entry. Prohibit the respondent  
10 from entering or remaining in the residence or household  
11 while the respondent is under the influence of alcohol or  
12 drugs and constitutes a threat to the safety and well-being  
13 of the petitioner or the petitioner's children.

14 (14.5) Prohibition of firearm possession.

15 (a) Prohibit a respondent against whom an order of  
16 protection was issued from possessing any firearms  
17 during the duration of the order if the order:

18 (1) was issued after a hearing of which such  
19 person received actual notice, and at which such  
20 person had an opportunity to participate;

21 (2) restrains such person from harassing,  
22 stalking, or threatening an intimate partner of  
23 such person or child of such intimate partner or  
24 person, or engaging in other conduct that would  
25 place an intimate partner in reasonable fear of  
26 bodily injury to the partner or child; and

1           (3) (i) includes a finding that such person  
2           represents a credible threat to the physical  
3           safety of such intimate partner or child; or (ii)  
4           by its terms explicitly prohibits the use,  
5           attempted use, or threatened use of physical force  
6           against such intimate partner or child that would  
7           reasonably be expected to cause bodily injury.

8           Any Firearm Owner's Identification Card in the  
9           possession of the respondent, except as provided in  
10          subsection (b), shall be ordered by the court to be  
11          turned over to the local law enforcement agency. The  
12          local law enforcement agency shall immediately mail  
13          the card to the Department of State Police Firearm  
14          Owner's Identification Card Office for safekeeping.  
15          The court shall issue a warrant for seizure of any  
16          firearm in the possession of the respondent, to be kept  
17          by the local law enforcement agency for safekeeping,  
18          except as provided in subsection (b). The period of  
19          safekeeping shall be for the duration of the order of  
20          protection. The firearm or firearms and Firearm  
21          Owner's Identification Card, if unexpired, shall at  
22          the respondent's request, be returned to the  
23          respondent at the end of the order of protection. It is  
24          the respondent's responsibility to notify the  
25          Department of State Police Firearm Owner's  
26          Identification Card Office.

1           (b) If the respondent is a peace officer as defined  
2           in Section 2-13 of the Criminal Code of 2012, the court  
3           shall order that any firearms used by the respondent in  
4           the performance of his or her duties as a peace officer  
5           be surrendered to the chief law enforcement executive  
6           of the agency in which the respondent is employed, who  
7           shall retain the firearms for safekeeping for the  
8           duration of the order of protection.

9           (c) Upon expiration of the period of safekeeping,  
10          if the firearms or Firearm Owner's Identification Card  
11          cannot be returned to respondent because respondent  
12          cannot be located, fails to respond to requests to  
13          retrieve the firearms, or is not lawfully eligible to  
14          possess a firearm, upon petition from the local law  
15          enforcement agency, the court may order the local law  
16          enforcement agency to destroy the firearms, use the  
17          firearms for training purposes, or for any other  
18          application as deemed appropriate by the local law  
19          enforcement agency; or that the firearms be turned over  
20          to a third party who is lawfully eligible to possess  
21          firearms, and who does not reside with respondent.

22          (15) Prohibition of access to records. If an order of  
23          protection prohibits respondent from having contact with  
24          the minor child, or if petitioner's address is omitted  
25          under subsection (b) of Section 203, or if necessary to  
26          prevent abuse or wrongful removal or concealment of a minor

1 child, the order shall deny respondent access to, and  
2 prohibit respondent from inspecting, obtaining, or  
3 attempting to inspect or obtain, school or any other  
4 records of the minor child who is in the care of  
5 petitioner.

6 (16) Order for payment of shelter services. Order  
7 respondent to reimburse a shelter providing temporary  
8 housing and counseling services to the petitioner for the  
9 cost of the services, as certified by the shelter and  
10 deemed reasonable by the court.

11 (17) Order for injunctive relief. Enter injunctive  
12 relief necessary or appropriate to prevent further abuse of  
13 a family or household member or further abuse, neglect, or  
14 exploitation of a high-risk adult with disabilities or to  
15 effectuate one of the granted remedies, if supported by the  
16 balance of hardships. If the harm to be prevented by the  
17 injunction is abuse or any other harm that one of the  
18 remedies listed in paragraphs (1) through (16) of this  
19 subsection is designed to prevent, no further evidence is  
20 necessary that the harm is an irreparable injury.

21 (18) Telephone services.

22 (A) Unless a condition described in subparagraph  
23 (B) of this paragraph exists, the court may, upon  
24 request by the petitioner, order a wireless telephone  
25 service provider to transfer to the petitioner the  
26 right to continue to use a telephone number or numbers

1 indicated by the petitioner and the financial  
2 responsibility associated with the number or numbers,  
3 as set forth in subparagraph (C) of this paragraph. For  
4 purposes of this paragraph (18), the term "wireless  
5 telephone service provider" means a provider of  
6 commercial mobile service as defined in 47 U.S.C. 332.  
7 The petitioner may request the transfer of each  
8 telephone number that the petitioner, or a minor child  
9 in his or her custody, uses. The clerk of the court  
10 shall serve the order on the wireless telephone service  
11 provider's agent for service of process provided to the  
12 Illinois Commerce Commission. The order shall contain  
13 all of the following:

14 (i) The name and billing telephone number of  
15 the account holder including the name of the  
16 wireless telephone service provider that serves  
17 the account.

18 (ii) Each telephone number that will be  
19 transferred.

20 (iii) A statement that the provider transfers  
21 to the petitioner all financial responsibility for  
22 and right to the use of any telephone number  
23 transferred under this paragraph.

24 (B) A wireless telephone service provider shall  
25 terminate the respondent's use of, and shall transfer  
26 to the petitioner use of, the telephone number or

1 numbers indicated in subparagraph (A) of this  
2 paragraph unless it notifies the petitioner, within 72  
3 hours after it receives the order, that one of the  
4 following applies:

5 (i) The account holder named in the order has  
6 terminated the account.

7 (ii) A difference in network technology would  
8 prevent or impair the functionality of a device on  
9 a network if the transfer occurs.

10 (iii) The transfer would cause a geographic or  
11 other limitation on network or service provision  
12 to the petitioner.

13 (iv) Another technological or operational  
14 issue would prevent or impair the use of the  
15 telephone number if the transfer occurs.

16 (C) The petitioner assumes all financial  
17 responsibility for and right to the use of any  
18 telephone number transferred under this paragraph. In  
19 this paragraph, "financial responsibility" includes  
20 monthly service costs and costs associated with any  
21 mobile device associated with the number.

22 (D) A wireless telephone service provider may  
23 apply to the petitioner its routine and customary  
24 requirements for establishing an account or  
25 transferring a number, including requiring the  
26 petitioner to provide proof of identification,



1 financial information, and customer preferences.

2 (E) Except for willful or wanton misconduct, a  
3 wireless telephone service provider is immune from  
4 civil liability for its actions taken in compliance  
5 with a court order issued under this paragraph.

6 (F) All wireless service providers that provide  
7 services to residential customers shall provide to the  
8 Illinois Commerce Commission the name and address of an  
9 agent for service of orders entered under this  
10 paragraph (18). Any change in status of the registered  
11 agent must be reported to the Illinois Commerce  
12 Commission within 30 days of such change.

13 (G) The Illinois Commerce Commission shall  
14 maintain the list of registered agents for service for  
15 each wireless telephone service provider on the  
16 Commission's website. The Commission may consult with  
17 wireless telephone service providers and the Circuit  
18 Court Clerks on the manner in which this information is  
19 provided and displayed.

20 (c) Relevant factors; findings.

21 (1) In determining whether to grant a specific remedy,  
22 other than payment of support, the court shall consider  
23 relevant factors, including but not limited to the  
24 following:

25 (i) the nature, frequency, severity, pattern and  
26 consequences of the respondent's past abuse, neglect

1 or exploitation of the petitioner or any family or  
2 household member, including the concealment of his or  
3 her location in order to evade service of process or  
4 notice, and the likelihood of danger of future abuse,  
5 neglect, or exploitation to petitioner or any member of  
6 petitioner's or respondent's family or household; and

7 (ii) the danger that any minor child will be abused  
8 or neglected or improperly relocated from the  
9 jurisdiction, improperly concealed within the State or  
10 improperly separated from the child's primary  
11 caretaker.

12 (2) In comparing relative hardships resulting to the  
13 parties from loss of possession of the family home, the  
14 court shall consider relevant factors, including but not  
15 limited to the following:

16 (i) availability, accessibility, cost, safety,  
17 adequacy, location and other characteristics of  
18 alternate housing for each party and any minor child or  
19 dependent adult in the party's care;

20 (ii) the effect on the party's employment; and

21 (iii) the effect on the relationship of the party,  
22 and any minor child or dependent adult in the party's  
23 care, to family, school, church and community.

24 (3) Subject to the exceptions set forth in paragraph  
25 (4) of this subsection, the court shall make its findings  
26 in an official record or in writing, and shall at a minimum

1 set forth the following:

2 (i) That the court has considered the applicable  
3 relevant factors described in paragraphs (1) and (2) of  
4 this subsection.

5 (ii) Whether the conduct or actions of respondent,  
6 unless prohibited, will likely cause irreparable harm  
7 or continued abuse.

8 (iii) Whether it is necessary to grant the  
9 requested relief in order to protect petitioner or  
10 other alleged abused persons.

11 (4) For purposes of issuing an ex parte emergency order  
12 of protection, the court, as an alternative to or as a  
13 supplement to making the findings described in paragraphs  
14 (c) (3) (i) through (c) (3) (iii) of this subsection, may use  
15 the following procedure:

16 When a verified petition for an emergency order of  
17 protection in accordance with the requirements of Sections  
18 203 and 217 is presented to the court, the court shall  
19 examine petitioner on oath or affirmation. An emergency  
20 order of protection shall be issued by the court if it  
21 appears from the contents of the petition and the  
22 examination of petitioner that the averments are  
23 sufficient to indicate abuse by respondent and to support  
24 the granting of relief under the issuance of the emergency  
25 order of protection.

26 (5) Never married parties. No rights or

1 responsibilities for a minor child born outside of marriage  
2 attach to a putative father until a father and child  
3 relationship has been established under the Illinois  
4 Parentage Act of 1984, the Illinois Parentage Act of 2015,  
5 the Illinois Public Aid Code, Section 12 of the Vital  
6 Records Act, the Juvenile Court Act of 1987, the Probate  
7 Act of 1975 ~~1985~~, the Revised Uniform Reciprocal  
8 Enforcement of Support Act, the Uniform Interstate Family  
9 Support Act, the Expedited Child Support Act of 1990, any  
10 judicial, administrative, or other act of another state or  
11 territory, any other Illinois statute, or by any foreign  
12 nation establishing the father and child relationship, any  
13 other proceeding substantially in conformity with the  
14 Personal Responsibility and Work Opportunity  
15 Reconciliation Act of 1996 (Pub. L. 104-193), or where both  
16 parties appeared in open court or at an administrative  
17 hearing acknowledging under oath or admitting by  
18 affirmation the existence of a father and child  
19 relationship. Absent such an adjudication, finding, or  
20 acknowledgment ~~acknowledgement~~, no putative father shall  
21 be granted temporary allocation of parental  
22 responsibilities, including parenting time with the minor  
23 child, or physical care and possession of the minor child,  
24 nor shall an order of payment for support of the minor  
25 child be entered.

26 (d) Balance of hardships; findings. If the court finds that

1 the balance of hardships does not support the granting of a  
2 remedy governed by paragraph (2), (3), (10), (11), or (16) of  
3 subsection (b) of this Section, which may require such  
4 balancing, the court's findings shall so indicate and shall  
5 include a finding as to whether granting the remedy will result  
6 in hardship to respondent that would substantially outweigh the  
7 hardship to petitioner from denial of the remedy. The findings  
8 shall be an official record or in writing.

9 (e) Denial of remedies. Denial of any remedy shall not be  
10 based, in whole or in part, on evidence that:

11 (1) Respondent has cause for any use of force, unless  
12 that cause satisfies the standards for justifiable use of  
13 force provided by Article 7 of the Criminal Code of 2012;

14 (2) Respondent was voluntarily intoxicated;

15 (3) Petitioner acted in self-defense or defense of  
16 another, provided that, if petitioner utilized force, such  
17 force was justifiable under Article 7 of the Criminal Code  
18 of 2012;

19 (4) Petitioner did not act in self-defense or defense  
20 of another;

21 (5) Petitioner left the residence or household to avoid  
22 further abuse, neglect, or exploitation by respondent;

23 (6) Petitioner did not leave the residence or household  
24 to avoid further abuse, neglect, or exploitation by  
25 respondent;

26 (7) Conduct by any family or household member excused

1           the abuse, neglect, or exploitation by respondent, unless  
2           that same conduct would have excused such abuse, neglect,  
3           or exploitation if the parties had not been family or  
4           household members.

5           (Source: P.A. 99-85, eff. 1-1-16; 99-90, eff. 1-1-16; 99-642,  
6           eff. 7-28-16; 100-388, eff. 1-1-18; revised 10-6-17.)

7           Section 95. No acceleration or delay. Where this Act makes  
8           changes in a statute that is represented in this Act by text  
9           that is not yet or no longer in effect (for example, a Section  
10          represented by multiple versions), the use of that text does  
11          not accelerate or delay the taking effect of (i) the changes  
12          made by this Act or (ii) provisions derived from any other  
13          Public Act.