

SB0095



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB0095

Introduced 1/26/2005, by Sen. Susan Garrett

SYNOPSIS AS INTRODUCED:

750 ILCS 5/504

from Ch. 40, par. 504

Amends the Illinois Marriage and Dissolution of Marriage Act. Provides that any maintenance obligation including any unallocated maintenance and child support obligation that becomes due and remains unpaid for 30 days or more shall accrue simple interest at the rate of 9% per annum.

LRB094 03452 LCB 33455 b

A BILL FOR

1 AN ACT concerning family law.

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

4 Section 5. The Illinois Marriage and Dissolution of
5 Marriage Act is amended by changing Section 504 as follows:

6 (750 ILCS 5/504) (from Ch. 40, par. 504)

7 Sec. 504. Maintenance.

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

19 (1) the income and property of each party, including
20 marital property apportioned and non-marital property
21 assigned to the party seeking maintenance;

22 (2) the needs of each party;

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

25 (4) any impairment of the present and future earning
26 capacity of the party seeking maintenance due to that party
27 devoting time to domestic duties or having forgone or
28 delayed education, training, employment, or career
29 opportunities due to the marriage;

30 (5) the time necessary to enable the party seeking
31 maintenance to acquire appropriate education, training,
32 and employment, and whether that party is able to support

1 himself or herself through appropriate employment or is the
2 custodian of a child making it appropriate that the
3 custodian not seek employment;

4 (6) the standard of living established during the
5 marriage;

6 (7) the duration of the marriage;

7 (8) the age and the physical and emotional condition of
8 both parties;

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

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

14 (11) any valid agreement of the parties; and

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

17 (b) (Blank).

18 (b-5) Any maintenance obligation including any unallocated
19 maintenance and child support obligation, or any portion of any
20 support obligation, that becomes due and remains unpaid for 30
21 days or more shall accrue simple interest at the rate of 9% per
22 annum.

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

26 (d) No maintenance shall accrue during the period in which
27 a party is imprisoned for failure to comply with the court's
28 order for the payment of such maintenance.

29 (e) When maintenance is to be paid through the clerk of the
30 court in a county of 1,000,000 inhabitants or less, the order
31 shall direct the obligor to pay to the clerk, in addition to
32 the maintenance payments, all fees imposed by the county board
33 under paragraph (3) of subsection (u) of Section 27.1 of the
34 Clerks of Courts Act. Unless paid in cash or pursuant to an
35 order for withholding, the payment of the fee shall be by a
36 separate instrument from the support payment and shall be made

1 to the order of the Clerk.

2 (Source: P.A. 91-357, eff. 7-29-99.)