

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 shall
21 accrue simple interest as set forth in Section 505 of this Act.

22 (b-7) Any new or existing maintenance order including any
23 unallocated maintenance and child support order entered by the
24 court under this Section shall be deemed to be a series of
25 judgments against the person obligated to pay support
26 thereunder. Each such judgment to be in the amount of each
27 payment or installment of support and each such judgment to be
28 deemed entered as of the date the corresponding payment or
29 installment becomes due under the terms of the support order,
30 except no judgment shall arise as to any installment coming due
31 after the termination of maintenance as provided by Section 510
32 of the Illinois Marriage and Dissolution of Marriage Act or the
33 provisions of any order for maintenance. Each such judgment
34 shall have the full force, effect and attributes of any other
35 judgment of this State, including the ability to be enforced. A
36 lien arises by operation of law against the real and personal

1 property of the obligor for each installment of overdue support
2 owed by the obligor.

3 (c) The court may grant and enforce the payment of
4 maintenance during the pendency of an appeal as the court shall
5 deem reasonable and proper.

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

9 (e) When maintenance is to be paid through the clerk of the
10 court in a county of 1,000,000 inhabitants or less, the order
11 shall direct the obligor to pay to the clerk, in addition to
12 the maintenance payments, all fees imposed by the county board
13 under paragraph (3) of subsection (u) of Section 27.1 of the
14 Clerks of Courts Act. Unless paid in cash or pursuant to an
15 order for withholding, the payment of the fee shall be by a
16 separate instrument from the support payment and shall be made
17 to the order of the Clerk.

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