



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4202

Introduced 2/27/2009, by Rep. Ronald A. Wait

SYNOPSIS AS INTRODUCED:

750 ILCS 5/505.4 new
750 ILCS 5/610.5 new

Amends the Illinois Marriage and Dissolution of Marriage Act. Provides that in a proceeding to establish, modify, or enforce child custody, visitation, or support if the person who is awarded custody, granted visitation, or ordered to pay child support is on active military duty stationed out of State, the court must treat any order establishing, modifying, or enforcing child custody, visitation, or support as a temporary order. Provides that this temporary order does not prejudice the rights of the parties or the child subsequently in the proceeding and terminates when the court enters a subsequent order or judgment, following a hearing held after the person is discharged or is no longer stationed out of State. Provides that a temporary child custody, visitation, or support order entered under these provisions may be incorporated into a final judgment, but only if the court finds that the provision applies and the judgment provides that any child custody, visitation, or support order may be modified without meeting the other applicable requirements in the Act. Provides that "active-duty military member" means a person currently serving on active duty as a member of the Armed Forces of the United States, the Illinois National Guard, or any reserve component of the Armed Forces.

LRB096 05711 AJO 15778 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 Illinois Marriage and Dissolution of
5 Marriage Act is amended by adding Sections 505.4 and 610.5 as
6 follows:

7 (750 ILCS 5/505.4 new)

8 Sec. 505.4. Out of State military service.

9 (a) Whenever it is determined in a proceeding to establish,
10 modify, or enforce a child support obligation that the person
11 owing a duty of support is a person on active military duty
12 stationed out of State, the court must treat any order
13 establishing, modifying, or enforcing a child support
14 obligation as a temporary order.

15 (b) An order that qualifies as a temporary order under this
16 Section:

17 (1) does not prejudice the rights of the parties or the
18 child which are to be adjudicated at a subsequent hearing
19 in the proceeding;

20 (2) may be incorporated into a final judgment, but only
21 if the court makes a finding that this Section applies and
22 the judgment provides that it may be modified to the extent
23 that it establishes, modifies, or enforces a child support

1 obligation without meeting the requirements of Section
2 510; and

3 (3) terminates when the court enters a subsequent order
4 or judgment following a hearing that is held:

5 (A) after the person is discharged from active
6 military duty; or

7 (B) after the person, although remaining on active
8 military duty, is no longer stationed out of State.

9 (c) "Active-duty military member" means, for purposes of
10 this Section, a person who is currently serving on active duty
11 as a member of the Armed Forces of the United States, the
12 Illinois National Guard, or any reserve component of the Armed
13 Forces of the United States.

14 (750 ILCS 5/610.5 new)

15 Sec. 610.5. Out of State military service.

16 (a) Whenever it is determined in a proceeding to establish,
17 modify, or enforce child custody or visitation with a child
18 that a parent who is a party to the proceeding is a person on
19 active military duty stationed out of State, the court must
20 treat any order establishing, modifying, or enforcing child
21 custody or visitation with a child as a temporary order.

22 (b) An order that qualifies as a temporary order under this
23 Section:

24 (1) does not prejudice the rights of the parties or the
25 child which are to be adjudicated at a subsequent hearing

1 in the proceeding;

2 (2) may be incorporated into a final judgment, but only
3 if the court makes a finding that this Section applies and
4 the judgment provides that it may be modified to the extent
5 that it establishes, modifies, or enforces child custody
6 without meeting the requirements of Section 610; and

7 (3) terminates when the court enters a subsequent order
8 or judgment following a hearing that is held:

9 (A) after the person is discharged from active
10 military duty; or

11 (B) after the person, although remaining on active
12 military duty, is no longer stationed out of State.

13 (c) "Active-duty military member" means, for purposes of
14 this Section, a person who is currently serving on active duty
15 as a member of the Armed Forces of the United States, the
16 Illinois National Guard, or any reserve component of the Armed
17 Forces of the United States.