

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 ARTICLE 1. HEART BALM ACTIONS

5 Section 1-1. Findings. The majority of states have  
6 abolished heart balm actions. In Illinois, heart balm actions  
7 for alienation of affections, breach of promise to marry, and  
8 criminal conversation were permitted under the common law  
9 before the abolition of those causes of action by "An Act in  
10 relation to certain causes of action conducive to extortion and  
11 blackmail, and to declare illegal, contracts and Acts made and  
12 done in pursuance thereof", filed May 4, 1935, Laws 1935, p.  
13 716. The Illinois Supreme Court held, in Heck v. Schupp, 394  
14 Ill. 296 (1946), that the 1935 Act was unconstitutional and  
15 that the abolition of heart balm actions would infringe upon  
16 the rights of parties to remedies under Section 19 of Article  
17 II of the 1870 Constitution. (Section 12 of Article I of the  
18 1970 Constitution is similar to the relevant portion of Section  
19 19 of Article II of the 1870 Constitution.) Since 1947, heart  
20 balm actions have been permitted with limited damages under the  
21 Alienation of Affections Act, the Breach of Promise Act, and  
22 the Criminal Conversation Act.

23 Society has since recognized that the amicable settlement

1 of domestic relations disputes is beneficial. In 1977, the  
2 Illinois Marriage and Dissolution of Marriage Act became the  
3 law of this State. As stated in Section 102 of that Act, among  
4 its underlying purposes are: promoting the amicable settlement  
5 of disputes that have arisen between parties to a marriage;  
6 mitigating the potential harm to the spouses and their children  
7 caused by the process of legal dissolution of marriage; and  
8 eliminating the consideration of marital misconduct in the  
9 adjudication of rights and duties incident to the legal  
10 dissolution of marriage, legal separation and declaration of  
11 invalidity of marriage. Heart balm actions are inconsistent  
12 with these purposes.

13 Society has also realized that women and men should have  
14 equal rights under the law. Heart balm actions are rooted in  
15 the now-discredited notion that men and women are unequal.

16 Although the Alienation of Affections Act, the Breach of  
17 Promise Act, and the Criminal Conversation Act represent  
18 attempts to ameliorate some of the more odious consequences of  
19 heart balm actions, the General Assembly finds that actions for  
20 alienation of affections, breach of promise to marry, and  
21 criminal conversation are contrary to the public policy of this  
22 State and those causes of action should be abolished.

23 Section 1-5. The Code of Civil Procedure is amended by  
24 changing Section 13-202 as follows:

1 (735 ILCS 5/13-202) (from Ch. 110, par. 13-202)

2 Sec. 13-202. Personal injury - Penalty. Actions for damages  
3 for an injury to the person, or for false imprisonment, or  
4 malicious prosecution, or for a statutory penalty, or for  
5 abduction, or for seduction, or for criminal conversation that  
6 may proceed pursuant to subsection (a) of Section 7.1 of the  
7 Criminal Conversation Abolition Act, except damages resulting  
8 from first degree murder or the commission of a Class X felony  
9 and the perpetrator thereof is convicted of such crime, shall  
10 be commenced within 2 years next after the cause of action  
11 accrued but such an action against a defendant arising from a  
12 crime committed by the defendant in whose name an escrow  
13 account was established under the "Criminal Victims' Escrow  
14 Account Act" shall be commenced within 2 years after the  
15 establishment of such account. If the compelling of a  
16 confession or information by imminent bodily harm or threat of  
17 imminent bodily harm results in whole or in part in a criminal  
18 prosecution of the plaintiff, the 2-year period set out in this  
19 Section shall be tolled during the time in which the plaintiff  
20 is incarcerated, or until criminal prosecution has been finally  
21 adjudicated in favor of the above referred plaintiff, whichever  
22 is later. However, this provision relating to the compelling of  
23 a confession or information shall not apply to units of local  
24 government subject to the Local Governmental and Governmental  
25 Employees Tort Immunity Act.

26 (Source: P.A. 94-1113, eff. 1-1-08.)

1 Section 1-10. The Alienation of Affections Act is amended  
2 by changing the title of the Act and Section 0.01 and by adding  
3 Section 7.1 as follows:

4 (740 ILCS 5/Act title)

5 An Act relating to ~~the damages recoverable in~~ actions for  
6 alienation of affections.

7 (740 ILCS 5/0.01) (from Ch. 40, par. 1900)

8 Sec. 0.01. Short title. This Act may be cited as the  
9 Alienation of Affections Abolition Act.

10 (Source: P.A. 86-1324.)

11 (740 ILCS 5/7.1 new)

12 Sec. 7.1. Abolition; effect of repeal.

13 (a) This amendatory Act of the 98th General Assembly does  
14 not apply to any cause of action that accrued under Sections 1  
15 through 7 of this Act before their repeal, and a timely action  
16 brought under those Sections shall be decided in accordance  
17 with those Sections as they existed when the cause of action  
18 accrued.

19 (b) An action may not be brought for alienation of  
20 affections based on facts occurring on or after the effective  
21 date of this amendatory Act of the 98th General Assembly.

1 (740 ILCS 5/1 rep.)

2 (740 ILCS 5/2 rep.)

3 (740 ILCS 5/3 rep.)

4 (740 ILCS 5/4 rep.)

5 (740 ILCS 5/5 rep.)

6 (740 ILCS 5/6 rep.)

7 (740 ILCS 5/7 rep.)

8 Section 1-15. The Alienation of Affections Act is amended  
9 by repealing Sections 1, 2, 3, 4, 5, 6, and 7.

10 Section 1-20. The Breach of Promise Act is amended by  
11 changing Section 0.01 and by adding Section 10.1 as follows:

12 (740 ILCS 15/0.01) (from Ch. 40, par. 1800)

13 Sec. 0.01. Short title. This Act may be cited as the Breach  
14 of Promise Abolition Act.

15 (Source: P.A. 86-1324.)

16 (740 ILCS 15/10.1 new)

17 Sec. 10.1. Abolition; effect of repeal.

18 (a) This amendatory Act of the 98th General Assembly does  
19 not apply to any cause of action that accrued under Sections 1  
20 through 10 of this Act before their repeal, and a timely action  
21 brought under those Sections shall be decided in accordance  
22 with those Sections as they existed when the cause of action  
23 accrued.

1           (b) An action may not be brought for breach of promise or  
2           agreement to marry based on facts occurring on or after the  
3           effective date of this amendatory Act of the 98th General  
4           Assembly.

5           (740 ILCS 15/1 rep.)

6           (740 ILCS 15/2 rep.)

7           (740 ILCS 15/3 rep.)

8           (740 ILCS 15/4 rep.)

9           (740 ILCS 15/5 rep.)

10          (740 ILCS 15/6 rep.)

11          (740 ILCS 15/7 rep.)

12          (740 ILCS 15/8 rep.)

13          (740 ILCS 15/9 rep.)

14          (740 ILCS 15/10 rep.)

15          Section 1-25. The Breach of Promise Act is amended by  
16          repealing Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10.

17          Section 1-30. The Criminal Conversation Act is amended by  
18          changing the title of the Act and Section 0.01 and by adding  
19          Section 7.1 as follows:

20          (740 ILCS 50/Act title)

21          An Act relating to ~~the damages recoverable in~~ actions for  
22          criminal conversation.

1 (740 ILCS 50/0.01) (from Ch. 40, par. 1950)

2 Sec. 0.01. Short title. This Act may be cited as the  
3 Criminal Conversation Abolition Act.

4 (Source: P.A. 86-1324.)

5 (740 ILCS 50/7.1 new)

6 Sec. 7.1. Abolition; effect of repeal.

7 (a) This amendatory Act of the 98th General Assembly does  
8 not apply to any cause of action that accrued under Sections 1  
9 through 7 of this Act before their repeal, and a timely action  
10 brought under those Sections shall be decided in accordance  
11 with those Sections as they existed when the cause of action  
12 accrued.

13 (b) An action may not be brought for criminal conversation  
14 based on facts occurring on or after the effective date of this  
15 amendatory Act of the 98th General Assembly.

16 (740 ILCS 50/1 rep.)

17 (740 ILCS 50/2 rep.)

18 (740 ILCS 50/3 rep.)

19 (740 ILCS 50/4 rep.)

20 (740 ILCS 50/5 rep.)

21 (740 ILCS 50/6 rep.)

22 (740 ILCS 50/7 rep.)

23 Section 1-35. The Criminal Conversation Act is amended by  
24 repealing Sections 1, 2, 3, 4, 5, 6, and 7.

1                   ARTICLE 5. OTHER AMENDATORY PROVISIONS

2           Section 5-5. The Intergovernmental Missing Child Recovery  
3 Act of 1984 is amended by changing Section 7.1 as follows:

4           (325 ILCS 40/7.1) (from Ch. 23, par. 2257.1)

5           Sec. 7.1. In addition to any requirement of Section 601.2  
6 ~~601 or 611~~ of the Illinois Marriage and Dissolution of Marriage  
7 Act or applicable provisions of the Uniform Child-Custody  
8 Jurisdiction and Enforcement Act regarding a parental  
9 allocation ~~custody~~ proceeding of an out-of-state party, every  
10 court in this State, prior to granting or modifying a parental  
11 allocation ~~custody~~ judgment, shall inquire with LEADS and the  
12 National Crime Information Center to ascertain whether the  
13 child or children in question have been reported missing or  
14 have been involved in or are the victims of a parental or  
15 noncustodial abduction. Such inquiry may be conducted with any  
16 law enforcement agency in this State that maintains a LEADS  
17 terminal or has immediate access to one on a 24-hour-per-day,  
18 7-day-per-week basis through a written agreement with another  
19 law enforcement agency.

20           (Source: P.A. 93-108, eff. 1-1-04.)

21           Section 5-10. The Code of Criminal Procedure of 1963 is  
22 amended by changing Section 112A-23 as follows:



1 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

2 Sec. 112A-23. Enforcement of orders of protection.

3 (a) When violation is crime. A violation of any order of  
4 protection, whether issued in a civil, quasi-criminal  
5 proceeding, shall be enforced by a criminal court when:

6 (1) The respondent commits the crime of violation of an  
7 order of protection pursuant to Section 12-3.4 or 12-30 of  
8 the Criminal Code of 1961 or the Criminal Code of 2012, by  
9 having knowingly violated:

10 (i) remedies described in paragraphs (1), (2),  
11 (3), (14), or (14.5) of subsection (b) of Section  
12 112A-14,

13 (ii) a remedy, which is substantially similar to  
14 the remedies authorized under paragraphs (1), (2),  
15 (3), (14) or (14.5) of subsection (b) of Section 214 of  
16 the Illinois Domestic Violence Act of 1986, in a valid  
17 order of protection, which is authorized under the laws  
18 of another state, tribe or United States territory,

19 (iii) or any other remedy when the act constitutes  
20 a crime against the protected parties as defined by the  
21 Criminal Code of 1961 or the Criminal Code of 2012.

22 Prosecution for a violation of an order of protection  
23 shall not bar concurrent prosecution for any other crime,  
24 including any crime that may have been committed at the  
25 time of the violation of the order of protection; or

1           (2) The respondent commits the crime of child abduction  
2           pursuant to Section 10-5 of the Criminal Code of 1961 or  
3           the Criminal Code of 2012, by having knowingly violated:

4                   (i) remedies described in paragraphs (5), (6) or  
5                   (8) of subsection (b) of Section 112A-14, or

6                   (ii) a remedy, which is substantially similar to  
7                   the remedies authorized under paragraphs (1), (5),  
8                   (6), or (8) of subsection (b) of Section 214 of the  
9                   Illinois Domestic Violence Act of 1986, in a valid  
10                  order of protection, which is authorized under the laws  
11                  of another state, tribe or United States territory.

12           (b) When violation is contempt of court. A violation of any  
13           valid order of protection, whether issued in a civil or  
14           criminal proceeding, may be enforced through civil or criminal  
15           contempt procedures, as appropriate, by any court with  
16           jurisdiction, regardless where the act or acts which violated  
17           the order of protection were committed, to the extent  
18           consistent with the venue provisions of this Article. Nothing  
19           in this Article shall preclude any Illinois court from  
20           enforcing any valid order of protection issued in another  
21           state. Illinois courts may enforce orders of protection through  
22           both criminal prosecution and contempt proceedings, unless the  
23           action which is second in time is barred by collateral estoppel  
24           or the constitutional prohibition against double jeopardy.

25           (1) In a contempt proceeding where the petition for a  
26           rule to show cause sets forth facts evidencing an immediate

1 danger that the respondent will flee the jurisdiction,  
2 conceal a child, or inflict physical abuse on the  
3 petitioner or minor children or on dependent adults in  
4 petitioner's care, the court may order the attachment of  
5 the respondent without prior service of the rule to show  
6 cause or the petition for a rule to show cause. Bond shall  
7 be set unless specifically denied in writing.

8 (2) A petition for a rule to show cause for violation  
9 of an order of protection shall be treated as an expedited  
10 proceeding.

11 (c) Violation of custody, allocation of parental  
12 responsibility, or support orders. A violation of remedies  
13 described in paragraphs (5), (6), (8), or (9) of subsection (b)  
14 of Section 112A-14 may be enforced by any remedy provided by  
15 Section 607.5 ~~611~~ of the Illinois Marriage and Dissolution of  
16 Marriage Act. The court may enforce any order for support  
17 issued under paragraph (12) of subsection (b) of Section  
18 112A-14 in the manner provided for under Parts V and VII of the  
19 Illinois Marriage and Dissolution of Marriage Act.

20 (d) Actual knowledge. An order of protection may be  
21 enforced pursuant to this Section if the respondent violates  
22 the order after respondent has actual knowledge of its contents  
23 as shown through one of the following means:

24 (1) By service, delivery, or notice under Section  
25 112A-10.

26 (2) By notice under Section 112A-11.

1           (3) By service of an order of protection under Section  
2           112A-22.

3           (4) By other means demonstrating actual knowledge of  
4           the contents of the order.

5           (e) The enforcement of an order of protection in civil or  
6           criminal court shall not be affected by either of the  
7           following:

8           (1) The existence of a separate, correlative order  
9           entered under Section 112A-15.

10          (2) Any finding or order entered in a conjoined  
11          criminal proceeding.

12          (f) Circumstances. The court, when determining whether or  
13          not a violation of an order of protection has occurred, shall  
14          not require physical manifestations of abuse on the person of  
15          the victim.

16          (g) Penalties.

17          (1) Except as provided in paragraph (3) of this  
18          subsection, where the court finds the commission of a crime  
19          or contempt of court under subsections (a) or (b) of this  
20          Section, the penalty shall be the penalty that generally  
21          applies in such criminal or contempt proceedings, and may  
22          include one or more of the following: incarceration,  
23          payment of restitution, a fine, payment of attorneys' fees  
24          and costs, or community service.

25          (2) The court shall hear and take into account evidence  
26          of any factors in aggravation or mitigation before deciding

1 an appropriate penalty under paragraph (1) of this  
2 subsection.

3 (3) To the extent permitted by law, the court is  
4 encouraged to:

5 (i) increase the penalty for the knowing violation  
6 of any order of protection over any penalty previously  
7 imposed by any court for respondent's violation of any  
8 order of protection or penal statute involving  
9 petitioner as victim and respondent as defendant;

10 (ii) impose a minimum penalty of 24 hours  
11 imprisonment for respondent's first violation of any  
12 order of protection; and

13 (iii) impose a minimum penalty of 48 hours  
14 imprisonment for respondent's second or subsequent  
15 violation of an order of protection

16 unless the court explicitly finds that an increased penalty  
17 or that period of imprisonment would be manifestly unjust.

18 (4) In addition to any other penalties imposed for a  
19 violation of an order of protection, a criminal court may  
20 consider evidence of any violations of an order of  
21 protection:

22 (i) to increase, revoke or modify the bail bond on  
23 an underlying criminal charge pursuant to Section  
24 110-6;

25 (ii) to revoke or modify an order of probation,  
26 conditional discharge or supervision, pursuant to

1           Section 5-6-4 of the Unified Code of Corrections;  
2           (iii) to revoke or modify a sentence of periodic  
3           imprisonment, pursuant to Section 5-7-2 of the Unified  
4           Code of Corrections.

5           (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

6           Section 5-15. The Illinois Marriage and Dissolution of  
7           Marriage Act is amended by changing Sections 102, 104, 105,  
8           107, 209, 219, 401, 402, 403, 404, 405, 409, 411, 413, 452,  
9           453, 501, 501.1, 502, 503, 504, 505, 508, 510, 512, and 513 and  
10          the heading of Part VI and by adding Sections 513.5, 600,  
11          601.2, 602.5, 602.7, 602.8, 602.9, 602.10, 603.5, 603.10,  
12          604.10, 606.5, 606.10, 607.5, 609.2, 610.5, and 612 as follows:

13           (750 ILCS 5/102) (from Ch. 40, par. 102)

14           Sec. 102. Purposes; Rules of Construction. This Act shall  
15           be liberally construed and applied to promote its underlying  
16           purposes, which are to:

17           (1) provide adequate procedures for the solemnization and  
18           registration of marriage;

19           (2) strengthen and preserve the integrity of marriage and  
20           safeguard family relationships;

21           (3) promote the amicable settlement of disputes that have  
22           arisen between parties to a marriage;

23           (4) mitigate the potential harm to ~~the~~ spouses and their  
24           children caused by the process of an action brought under this

1 Act, and protect children from exposure to conflict and  
2 violence ~~legal dissolution of marriage;~~

3 (5) ensure predictable decision-making for the care of  
4 children and for the allocation of parenting time and other  
5 parental responsibilities, and avoid prolonged uncertainty by  
6 expeditiously resolving issues involving children;

7 (6) recognize the right of children to a healthy  
8 relationship with parents, and the responsibility of parents to  
9 ensure such a relationship;

10 (7) acknowledge that the determination of children's best  
11 interests, and the allocation of parenting time and significant  
12 decision-making responsibilities, are among the paramount  
13 responsibilities of our system of justice, and to that end:

14 (A) recognize children's right to a strong and healthy  
15 relationship with parents, and parents' concomitant right  
16 and responsibility to create and maintain such  
17 relationships;

18 (B) recognize that, in the absence of domestic violence  
19 or any other factor that the court expressly finds to be  
20 relevant, proximity to, and frequent contact with, both  
21 parents promotes healthy development of children;

22 (C) facilitate parental planning and agreement about  
23 the children's upbringing and allocation of parenting time  
24 and other parental responsibilities;

25 (D) continue existing parent-child relationships, and  
26 secure the maximum involvement and cooperation of parents

1 regarding the physical, mental, moral, and emotional  
2 well-being of the children during and after the litigation;  
3 and

4 (E) promote or order parents to participate in programs  
5 designed to educate parents to:

6 (i) minimize or eliminate rancor and the  
7 detrimental effect of litigation in any proceeding  
8 involving children; and

9 (ii) facilitate the maximum cooperation of parents  
10 in raising their children;

11 (8) ~~(5)~~ make reasonable provision for support spouses and  
12 ~~minor children~~ during and after an underlying dissolution of  
13 marriage, parentage, or parental responsibility allocation  
14 action litigation, including provision for timely advances  
15 ~~awards~~ of interim fees and costs to all attorneys, experts, and  
16 opinion witnesses including guardians ad litem and children's  
17 representatives, to achieve substantial parity in parties'  
18 access to funds for pre-judgment litigation costs in an action  
19 for dissolution of marriage;

20 (9) ~~(6)~~ eliminate the consideration of marital misconduct  
21 in the adjudication of rights and duties incident to ~~the legal~~  
22 dissolution of marriage, legal separation and declaration of  
23 invalidity of marriage; and

24 ~~(7) secure the maximum involvement and cooperation of both~~  
25 ~~parents regarding the physical, mental, moral and emotional~~  
26 ~~well being of the children during and after the litigation; and~~



1        (10) ~~(8)~~ make provision for the preservation and  
2 conservation of marital assets during the litigation.

3        (Source: P.A. 89-712, eff. 6-1-97.)

4            (750 ILCS 5/104) (from Ch. 40, par. 104)

5        Sec. 104. Venue.) The proceedings shall be had in the  
6 county where the plaintiff or defendant resides, except as  
7 otherwise provided herein, but process may be directed to any  
8 county in the State. Objection to venue is barred if not made  
9 within such time as the defendant's response is due. In no  
10 event shall venue be deemed jurisdictional.

11        In any case brought pursuant to this Act where neither the  
12 petitioner nor respondent resides in the county in which the  
13 initial pleading is filed, the petitioner shall file with the  
14 initial pleading a written motion, which shall be set for  
15 hearing and ruled upon before any other issue is taken up,  
16 advising that the forum selected is not one of proper venue and  
17 seeking an appropriate order from the court allowing a waiver  
18 of the venue requirements of this Section.

19        (Source: P.A. 82-716.)

20            (750 ILCS 5/105) (from Ch. 40, par. 105)

21        Sec. 105. Application of Civil Practice Law.) (a) The  
22 provisions of the Civil Practice Law shall apply to all  
23 proceedings under this Act, except as otherwise provided in  
24 this Act.

1 (b) A proceeding for dissolution of marriage, legal  
2 separation or declaration of invalidity of marriage shall be  
3 entitled "In re the Marriage of ... and ...". A parental  
4 responsibility allocation ~~custody~~ or support proceeding shall  
5 be entitled "In re the (Parental Responsibility ~~Custody~~)  
6 (Support) of ...".

7 (c) The initial pleading in all proceedings under this Act  
8 shall be denominated a petition. A responsive pleading shall be  
9 denominated a response. If new matter by way of defense is  
10 pleaded in the response, a reply may be filed by the  
11 petitioner, but the failure to reply is not an admission of the  
12 legal sufficiency of the new matter. All other pleadings under  
13 this Act shall be denominated as provided in the Civil Practice  
14 Law.

15 (Source: P.A. 82-783.)

16 (750 ILCS 5/107) (from Ch. 40, par. 107)

17 Sec. 107. Order of protection; status. Whenever relief is  
18 sought under Part V, Part VI or Part VII of this Act, the  
19 parties shall advise the court, ~~before granting relief, shall~~  
20 ~~determine~~ whether any order of protection has previously been  
21 entered in the instant proceeding or any other proceeding in  
22 which any party, or a child of any party, or both, if relevant,  
23 has been designated as either a respondent or a protected  
24 person.

25 (Source: P.A. 87-743.)

1 (750 ILCS 5/209) (from Ch. 40, par. 209)

2 (Text of Section after amendment by P.A. 98-597)

3 Sec. 209. Solemnization and Registration.)

4 (a) A marriage may be solemnized by a judge of a court of  
5 record, by a retired judge of a court of record, unless the  
6 retired judge was removed from office by the Judicial Inquiry  
7 Board, except that a retired judge shall not receive any  
8 compensation from the State, a county or any unit of local  
9 government in return for the solemnization of a marriage and  
10 there shall be no effect upon any pension benefits conferred by  
11 the Judges Retirement System of Illinois, by a judge of the  
12 Court of Claims, by a county clerk in counties having 2,000,000  
13 or more inhabitants, by a public official whose powers include  
14 solemnization of marriages, or in accordance with the  
15 prescriptions of any religious denomination, Indian Nation or  
16 Tribe or Native Group, provided that when such prescriptions  
17 require an officiant, the officiant be in good standing with  
18 his or her religious denomination, Indian Nation or Tribe or  
19 Native Group. Either the person solemnizing the marriage, or,  
20 if no individual acting alone solemnized the marriage, both  
21 parties to the marriage, shall complete the marriage  
22 certificate form and forward it to the county clerk within 10  
23 days after such marriage is solemnized.

24 (a-5) Nothing in this Act shall be construed to require any  
25 religious denomination or Indian Nation or Tribe or Native

1 Group, or any minister, clergy, or officiant acting as a  
2 representative of a religious denomination or Indian Nation or  
3 Tribe or Native Group, to solemnize any marriage. Instead, any  
4 religious denomination or Indian Nation or Tribe or Native  
5 Group, or any minister, clergy, or officiant acting as a  
6 representative of a religious denomination or Indian Nation or  
7 Tribe or Native Group is free to choose which marriages it will  
8 solemnize. Notwithstanding any other law to the contrary, a  
9 refusal by a religious denomination or Indian Nation or Tribe  
10 or Native Group, or any minister, clergy, or officiant acting  
11 as a representative of a religious denomination or Indian  
12 Nation or Tribe or Native Group to solemnize any marriage under  
13 this Act shall not create or be the basis for any civil,  
14 administrative, or criminal penalty, claim, or cause of action.

15 (a-10) No church, mosque, synagogue, temple,  
16 nondenominational ministry, interdenominational or ecumenical  
17 organization, mission organization, or other organization  
18 whose principal purpose is the study, practice, or advancement  
19 of religion is required to provide religious facilities for the  
20 solemnization ceremony or celebration associated with the  
21 solemnization ceremony of a marriage if the solemnization  
22 ceremony or celebration associated with the solemnization  
23 ceremony is in violation of its religious beliefs. An entity  
24 identified in this subsection (a-10) shall be immune from any  
25 civil, administrative, criminal penalty, claim, or cause of  
26 action based on its refusal to provide religious facilities for

1 the solemnization ceremony or celebration associated with the  
2 solemnization ceremony of a marriage if the solemnization  
3 ceremony or celebration associated with the solemnization  
4 ceremony is in violation of its religious beliefs. As used in  
5 this subsection (a-10), "religious facilities" means  
6 sanctuaries, parish halls, fellowship halls, and similar  
7 facilities. "Religious facilities" does not include facilities  
8 such as businesses, health care facilities, educational  
9 facilities, or social service agencies.

10 (b) The solemnization of the marriage is not invalidated:  
11 (1) by the fact that the person solemnizing the marriage was  
12 not legally qualified to solemnize it, if a reasonable person  
13 would believe the person solemnizing the marriage to be so  
14 qualified; ~~if either party to the marriage believed him or her~~  
15 ~~to be so qualified~~ or (2) by the fact that the marriage was  
16 inadvertently solemnized in a county in Illinois other than the  
17 county where the license was issued and filed.

18 (c) Any marriage that meets the requirements of this  
19 Section shall be presumed valid.

20 (Source: P.A. 98-597, eff. 6-1-14.)

21 (750 ILCS 5/219) (from Ch. 40, par. 219)

22 Sec. 219. Offenses.) Any official issuing a license with  
23 knowledge that the parties are thus prohibited from marrying  
24 ~~intermarrying~~ and any person authorized to celebrate marriage  
25 who shall knowingly celebrate such a marriage shall be guilty

1 of a Class B misdemeanor ~~petty offense~~.

2 (Source: P.A. 80-923.)

3 (750 ILCS 5/401) (from Ch. 40, par. 401)

4 Sec. 401. Dissolution of marriage.

5 (a) The court shall enter a judgment of dissolution of  
6 marriage when ~~if~~ at the time the action was commenced one of  
7 the spouses was a resident of this State or was stationed in  
8 this State while a member of the armed services, and the  
9 residence or military presence had been maintained for 90 days  
10 next preceding the commencement of the action or the making of  
11 the finding:

12 Irreconcilable differences have caused the irretrievable  
13 breakdown of the marriage and the court determines that efforts  
14 at reconciliation have failed or that future attempts at  
15 reconciliation would be impracticable and not in the best  
16 interests of the family.

17 (a-5) If the parties are separated for 6 consecutive  
18 months, which period may commence prior to or after the filing  
19 of an action for dissolution of marriage under this Act, there  
20 will be an irrebuttable presumption that the requirement of  
21 irreconcilable differences has been met.; ~~provided, however,~~  
22 that a finding of residence of a party in any judgment entered  
23 under this Act from January 1, 1982 through June 30, 1982 shall  
24 satisfy the former domicile requirements of this Act; and if  
25 one of the following grounds for dissolution has been proved:

1           ~~(1) That, without cause or provocation by the~~  
2           ~~petitioner: the respondent was at the time of such~~  
3           ~~marriage, and continues to be naturally impotent; the~~  
4           ~~respondent had a wife or husband living at the time of the~~  
5           ~~marriage; the respondent had committed adultery subsequent~~  
6           ~~to the marriage; the respondent has wilfully deserted or~~  
7           ~~absented himself or herself from the petitioner for the~~  
8           ~~space of one year, including any period during which~~  
9           ~~litigation may have pended between the spouses for~~  
10           ~~dissolution of marriage or legal separation; the~~  
11           ~~respondent has been guilty of habitual drunkenness for the~~  
12           ~~space of 2 years; the respondent has been guilty of gross~~  
13           ~~and confirmed habits caused by the excessive use of~~  
14           ~~addictive drugs for the space of 2 years, or has attempted~~  
15           ~~the life of the other by poison or other means showing~~  
16           ~~malice, or has been guilty of extreme and repeated physical~~  
17           ~~or mental cruelty, or has been convicted of a felony or~~  
18           ~~other infamous crime; or the respondent has infected the~~  
19           ~~other with a sexually transmitted disease. "Excessive use~~  
20           ~~of addictive drugs", as used in this Section, refers to use~~  
21           ~~of an addictive drug by a person when using the drug~~  
22           ~~becomes a controlling or a dominant purpose of his life; or~~

23           ~~(2) That the spouses have lived separate and apart for~~  
24           ~~a continuous period in excess of 2 years and irreconcilable~~  
25           ~~differences have caused the irretrievable breakdown of the~~  
26           ~~marriage and the court determines that efforts at~~

1 ~~reconciliation have failed or that future attempts at~~  
2 ~~reconciliation would be impracticable and not in the best~~  
3 ~~interests of the family. If the spouses have lived separate~~  
4 ~~and apart for a continuous period of not less than 6 months~~  
5 ~~next preceding the entry of the judgment dissolving the~~  
6 ~~marriage, as evidenced by testimony or affidavits of the~~  
7 ~~spouses, the requirement of living separate and apart for a~~  
8 ~~continuous period in excess of 2 years may be waived upon~~  
9 ~~written stipulation of both spouses filed with the court.~~  
10 ~~At any time after the parties cease to cohabit, the~~  
11 ~~following periods shall be included in the period of~~  
12 ~~separation:~~

13 ~~(A) any period of cohabitation during which the~~  
14 ~~parties attempted in good faith to reconcile and~~  
15 ~~participated in marriage counseling under the guidance~~  
16 ~~of any of the following: a psychiatrist, a clinical~~  
17 ~~psychologist, a clinical social worker, a marriage and~~  
18 ~~family therapist, a person authorized to provide~~  
19 ~~counseling in accordance with the prescriptions of any~~  
20 ~~religious denomination, or a person regularly engaged~~  
21 ~~in providing family or marriage counseling; and~~

22 ~~(B) any period of cohabitation under written~~  
23 ~~agreement of the parties to attempt to reconcile.~~

24 ~~In computing the period during which the spouses have lived~~  
25 ~~separate and apart for purposes of this Section, periods during~~  
26 ~~which the spouses were living separate and apart prior to July~~



1 ~~1, 1984 are included.~~

2 (b) Judgment shall not be entered unless, to the extent it  
3 has jurisdiction to do so, the court has considered, approved,  
4 reserved or made provision for the allocation of parental  
5 responsibilities ~~child custody~~, the support of any child of the  
6 marriage entitled to support, the maintenance of either spouse  
7 and the disposition of property. The court shall ~~may~~ enter a  
8 judgment for dissolution that reserves any of these issues  
9 either upon (i) agreement of the parties, or (ii) motion of  
10 either party and a finding by the court that appropriate  
11 circumstances exist.

12 The death of a party subsequent to entry of a judgment for  
13 dissolution but before judgment on reserved issues shall not  
14 abate the proceedings.

15 If any provision of this Section or its application shall  
16 be adjudged unconstitutional or invalid for any reason by any  
17 court of competent jurisdiction, that judgment shall not  
18 impair, affect or invalidate any other provision or application  
19 of this Section, which shall remain in full force and effect.

20 (Source: P.A. 89-187, eff. 7-19-95.)

21 (750 ILCS 5/402) (from Ch. 40, par. 402)

22 Sec. 402. Legal Separation.) (a) Any person living separate  
23 and apart from his or her spouse without fault may have a  
24 remedy for reasonable support and maintenance while they so  
25 live apart.

1           (b) Such action shall be brought in the circuit court of  
2 the county in which the respondent resides or in which the  
3 parties last resided together as husband and wife. In the event  
4 the respondent cannot be found within the State, the action may  
5 be brought in the circuit court of the county in which the  
6 petitioner resides. Commencement of the action, temporary  
7 relief and trials shall be the same as in actions for  
8 dissolution of marriage, except that temporary relief in an  
9 action for legal separation shall be limited to the relief set  
10 forth in subdivision (a)(1) and items (ii), (iii), and (iv) of  
11 subdivision (a)(2) of Section 501. If the court deems it  
12 appropriate to enter a judgment for legal separation, the court  
13 shall consider the factors in Section 504 in awarding  
14 maintenance. If the court deems it appropriate to enter a  
15 judgment for legal separation, the court may approve a property  
16 settlement agreement that the parties have requested the court  
17 to incorporate into the judgment, subject to the following  
18 provisions:

19           (1) the court may not value or allocate property in the  
20 absence of such an agreement;

21           (2) the court may disapprove such an agreement only if  
22 it finds that the agreement is unconscionable; and

23           (3) such an agreement is final and non-modifiable.

24           (c) A proceeding or judgment for legal separation shall not  
25 bar either party from instituting an action for dissolution of  
26 marriage, and if the party so moving has met the requirements

1 of Section 401, a judgment for dissolution shall be granted.  
2 Absent an agreement set forth in a separation agreement that  
3 provides for non-modifiable permanent maintenance, if a party  
4 to a judgment for legal separation files an action for  
5 dissolution of marriage, the issues of temporary and permanent  
6 maintenance shall be decided de novo.

7 (Source: P.A. 82-716.)

8 (750 ILCS 5/403) (from Ch. 40, par. 403)

9 Sec. 403. Pleadings - Commencement - Abolition of Existing  
10 Defenses - Procedure.)

11 (a) The complaint or petition for dissolution of marriage  
12 or legal separation shall be verified and shall minimally set  
13 forth:

14 (1) the age, occupation and residence of each party and  
15 his length of residence in this State;

16 (2) the date of the marriage and the place at which it  
17 was registered;

18 (2.5) whether a petition for dissolution of marriage is  
19 pending in any other county or state;

20 (3) that the jurisdictional requirements of subsection  
21 (a) of Section 401 have been met and that irreconcilable  
22 differences have caused the irretrievable breakdown of the  
23 marriage; and that there exist grounds for dissolution of  
24 marriage or legal separation. The petitioner need only  
25 allege the name of the particular grounds relied upon,

1 ~~which shall constitute a legally sufficient allegation of~~  
2 ~~the grounds; and the respondent shall be entitled to demand~~  
3 ~~a bill of particulars prior to trial setting forth the~~  
4 ~~facts constituting the grounds, if he so chooses. The~~  
5 ~~petition must also contain:~~

6 (4) the initials ~~names~~, ages without birthdates, and  
7 addresses of all living children of the marriage, ~~and~~  
8 whether the wife is pregnant, and, if there are children  
9 born of the marriage, the wife shall allege whether she  
10 believes the husband is the father of the children;

11 (5) any arrangements as to support, allocation of  
12 parental responsibility, and parenting time ~~custody and~~  
13 ~~visitation~~ of the children and maintenance of a spouse; and

14 (6) the relief sought.

15 (b) Either or both parties to the marriage may initiate the  
16 proceeding.

17 (c) (Blank). ~~The previously existing defense of~~  
18 ~~recrimination is abolished. The defense of condonation is~~  
19 ~~abolished only as to condonations occurring after a proceeding~~  
20 ~~is filed under this Act and after the court has acquired~~  
21 ~~jurisdiction over the respondent.~~

22 (d) The court may join additional parties necessary and  
23 proper for the exercise of its authority under this Act.

24 (e) Contested trials shall be on a bifurcated basis with  
25 the issue of whether irreconcilable differences have caused the  
26 irretrievable breakdown of the marriage, as described in

1 Section 401, grounds being tried first, regardless of whether  
2 that issue is contested or uncontested. Upon the court  
3 determining that irreconcilable differences have caused the  
4 irretrievable breakdown of the marriage ~~the grounds exist,~~ the  
5 court may allow additional time for the parties to settle  
6 amicably the remaining issues before resuming the trial, or may  
7 proceed immediately to trial on the remaining issues. The court  
8 has the discretion to use the date of the trial or such other  
9 date as agreed upon by the parties, or ordered by the court  
10 within its discretion, for purposes of determining the value of  
11 assets or property. In cases where the requirements of Section  
12 401 ~~the grounds~~ are uncontested and proved as in cases of  
13 default, the trial on all other remaining issues shall proceed  
14 immediately, if so ordered by the court or if the parties so  
15 stipulate, ~~issue on the pleadings notwithstanding.~~ Except as  
16 provided in Section 401, the court shall enter a judgment of  
17 dissolution of marriage, including an order dissolving the  
18 marriage, incorporation of a marital settlement agreement if  
19 applicable, and any other appropriate findings or orders, only  
20 at the conclusion of the case and not after hearing only the  
21 testimony as to whether irreconcilable differences have caused  
22 the irretrievable breakdown of the marriage.

23 (f) (Blank). ~~Even if no bill of particulars shall have been~~  
24 ~~filed demanding the specification of the particular facts~~  
25 ~~underlying the allegation of the grounds, the court shall~~  
26 ~~nonetheless require proper and sufficient proof of the~~

1 ~~existence of the grounds.~~

2 (Source: P.A. 90-174, eff. 10-1-97.)

3 (750 ILCS 5/404) (from Ch. 40, par. 404)

4 Sec. 404. Conciliation,~~mediation~~.

5 (a) If the court concludes that there is a prospect of  
6 reconciliation, the court, at the request of either party, or  
7 on its own motion, may order a conciliation conference. The  
8 conciliation conference and counseling shall take place at the  
9 established court conciliation service of that judicial  
10 district or at any similar service or facility where no court  
11 conciliation service has been established.

12 (b) The facts adduced at any conciliation conference  
13 resulting from a referral hereunder, shall not be considered in  
14 the adjudication of a pending or subsequent action, nor shall  
15 any report resulting from such conference become part of the  
16 record of the case unless the parties have stipulated in  
17 writing to the contrary.

18 The court, upon good cause shown, may prohibit  
19 conciliation,~~mediation~~ or other process that requires the  
20 parties to meet and confer without counsel.

21 (Source: P.A. 87-1255.)

22 (750 ILCS 5/405) (from Ch. 40, par. 405)

23 Sec. 405. Hearing on Default - Notice.) If the respondent  
24 is in default, the court shall proceed to hear the cause upon

1 testimony of petitioner taken in open court, and in no case of  
2 default shall the court grant a dissolution of marriage or  
3 legal separation or declaration of invalidity of marriage,  
4 unless the judge is satisfied that all proper means have been  
5 taken to notify the respondent of the pendency of the suit.  
6 Whenever the judge is satisfied that the interests of the  
7 respondent require it, the court may order such additional  
8 notice as may be required. All of the provisions of the Code of  
9 Civil Procedure relating to default hearings are applicable to  
10 hearings on default.

11 (Source: P.A. 80-923.)

12 (750 ILCS 5/409) (from Ch. 40, par. 409)

13 Sec. 409. Proof of Foreign Marriage.) A marriage which may  
14 have been celebrated or had in any foreign state or country,  
15 may be proved by the acknowledgment of the parties, their  
16 cohabitation, and other evidence. Certified copies of records  
17 of a marriage performed in any foreign state or country  
18 obtained from an embassy or consulate may be admitted as an  
19 exception to the hearsay rule ~~circumstantial testimony.~~

20 (Source: P.A. 80-923.)

21 (750 ILCS 5/411) (from Ch. 40, par. 411)

22 Sec. 411. Commencement of Action.) (a) Actions for  
23 dissolution of marriage or legal separation shall be commenced  
24 as in other civil cases or, at the option of petitioner, by

1 filing a praecipe for summons with the clerk of the court and  
2 paying the regular filing fees, in which latter case, a  
3 petition shall be filed within 6 months thereafter, or any  
4 extension for good cause shown granted by the court.

5 (b) When a praecipe for summons is filed without the  
6 petition, the summons shall recite that petitioner has  
7 commenced suit for dissolution of marriage or legal separation  
8 and shall require the respondent to file his or her appearance  
9 not later than 30 days from the day the summons is served and  
10 to plead to the petitioner's petition within 30 days from the  
11 day the petition is filed.

12 Until a petition has been filed, the court, pursuant to  
13 subsections (c) and (d) herein, may dismiss the suit, order the  
14 filing of a petition, or grant leave to the respondent to file  
15 a petition in the nature of a counter petition.

16 After the filing of the petition, the party filing the same  
17 shall, within 2 days, serve a copy thereof upon the other  
18 party, in the manner provided by rule of the Supreme Court for  
19 service of notices in other civil cases.

20 (c) Unless a respondent voluntarily files an appearance, a  
21 praecipe for summons filed without the petition shall be served  
22 on the respondent not later than 30 days after its issuance,  
23 and upon failure to obtain service upon the respondent within  
24 the 30 day period, or any extension for good cause shown  
25 granted by the court, the court shall dismiss the suit.

26 (d) An action for dissolution of marriage or legal



1 separation commenced by the filing a praecipe for summons  
2 without the petition may ~~shall~~ be dismissed if ~~unless~~ a  
3 petition for dissolution of marriage or legal separation has  
4 not been filed within 6 months after the commencement of the  
5 action.

6 (e) The filing of a praecipe for summons under this Section  
7 constitutes the commencement of an action that serves as  
8 grounds for involuntary dismissal under subdivision (a)(3) of  
9 Section 2-619 of the Code of Civil Procedure of a subsequently  
10 filed petition for dissolution of marriage or legal separation  
11 in another county.

12 (Source: P.A. 86-630.)

13 (750 ILCS 5/413) (from Ch. 40, par. 413)  
14 Sec. 413. Judgment.)

15 (a) A judgment of dissolution of marriage or of legal  
16 separation or of declaration of invalidity of marriage shall be  
17 entered within 60 days of the closing of proofs; however, if  
18 the court enters an order specifying good cause as to why the  
19 court needs an additional 30 days, the judgment shall be  
20 entered within 90 days of the closing of proofs, including any  
21 hearing under subsection (j) of Section 503 of this Act and  
22 submission of closing arguments. A judgment of dissolution of  
23 marriage or of legal separation or of declaration of invalidity  
24 of marriage is final when entered, subject to the right of  
25 appeal. An appeal from the judgment of dissolution of marriage

1 that does not challenge the finding as to grounds does not  
2 delay the finality of that provision of the judgment which  
3 dissolves the marriage, beyond the time for appealing from that  
4 provision, and either of the parties may remarry pending  
5 appeal. An order requiring maintenance or support of a spouse  
6 or a minor child or children entered under this Act or any  
7 other law of this State shall not be suspended or the  
8 enforcement thereof stayed pending the filing and resolution of  
9 post-judgment motions or an appeal.

10 (b) The clerk of the court shall give notice of the entry  
11 of a judgment of dissolution of marriage or legal separation or  
12 a declaration of invalidity of marriage:

13 (1) if the marriage is registered in this State, to the  
14 county clerk of the county where the marriage is  
15 registered, who shall enter the fact of dissolution of  
16 marriage or legal separation or declaration of invalidity  
17 of marriage in the marriage registry; and within 45 days  
18 after the close of the month in which the judgment is  
19 entered, the clerk shall forward the certificate to the  
20 Department of Public Health on a form furnished by the  
21 Department; or

22 (2) if the marriage is registered in another  
23 jurisdiction, to the appropriate official of that  
24 jurisdiction, with the request that he enter the fact of  
25 dissolution of marriage or legal separation or declaration  
26 of invalidity of marriage in the appropriate record.

1           (c) Upon request by a wife whose marriage is dissolved or  
2 declared invalid, the court shall order her maiden name or a  
3 former name restored.

4           (d) A judgment of dissolution of marriage or legal  
5 separation, if made, shall be awarded to both of the parties,  
6 and shall provide that it affects the status previously  
7 existing between the parties in the manner adjudged.

8           (Source: P.A. 96-1072, eff. 1-1-11.)

9           (750 ILCS 5/452)

10           Sec. 452. Petition. The parties to a dissolution proceeding  
11 may file a joint petition for simplified dissolution if they  
12 certify that all of the following conditions exist when the  
13 proceeding is commenced:

14           (a) Neither party is dependent on the other party for  
15 support or each party is willing to waive the right to  
16 support; and the parties understand that consultation with  
17 attorneys may help them determine eligibility for spousal  
18 support.

19           (b) Either party has met the residency requirement of  
20 Section 401 of this Act.

21           (c) The requirements of Section 401 regarding  
22 residence or military presence and proof of irreconcilable  
23 differences have been met. ~~Irreconcilable differences have~~  
24 ~~caused the irretrievable breakdown of the marriage and the~~  
25 ~~parties have been separated 6 months or more and efforts at~~

1 ~~reconciliation have failed or future attempts at~~  
2 ~~reconciliation would be impracticable and not in the best~~  
3 ~~interests of the family.~~

4 (d) No children were born of the relationship of the  
5 parties or adopted by the parties during the marriage, and  
6 the wife, to her knowledge, is not pregnant by the husband.

7 (e) The duration of the marriage does not exceed 8  
8 years.

9 (f) Neither party has any interest in real property or  
10 retirement benefits.

11 (g) The parties waive any rights to maintenance.

12 (h) The total fair market value of all marital  
13 property, after deducting all encumbrances, is less than  
14 \$50,000 ~~\$10,000~~, the combined gross annualized income from  
15 all sources is less than \$60,000 ~~\$35,000~~, and neither party  
16 has a gross annualized income from all sources in excess of  
17 \$30,000 ~~\$20,000~~.

18 (i) The parties have disclosed to each other all assets  
19 and liabilities and their tax returns for all years of the  
20 marriage.

21 (j) The parties have executed a written agreement  
22 dividing all assets in excess of \$100 in value and  
23 allocating responsibility for debts and liabilities  
24 between the parties.

25 (Source: P.A. 90-731, eff. 7-1-99.)

1 (750 ILCS 5/453)

2 Sec. 453. Procedure; Judgment. The parties shall use the  
3 forms, including a form for the affidavit required under  
4 Section 454, provided by the circuit court clerk, and the clerk  
5 shall submit the petition to the court. The court shall  
6 expeditiously consider the cause. Both parties shall appear in  
7 person before the court and, if the court so directs, testify.  
8 The court, after examination of the petition and the parties  
9 and finding the agreement of the parties not unconscionable,  
10 shall enter a judgment granting the dissolution if the  
11 requirements of this Part IV-A have been met and the parties  
12 have submitted the affidavit required under Section 454. No  
13 transcript of proceedings shall be required.

14 (Source: P.A. 88-39.)

15 (750 ILCS 5/501) (from Ch. 40, par. 501)

16 Sec. 501. Temporary Relief.) In all proceedings under this  
17 Act, temporary relief shall be as follows:

18 (a) Either party may petition or move for:

19 (1) temporary maintenance or temporary support of a  
20 child of the marriage entitled to support, accompanied by  
21 an affidavit as to the factual basis for the relief  
22 requested. One form of financial affidavit, as determined  
23 by the Supreme court, shall be used statewide. The  
24 financial affidavit shall be supported by documentary  
25 evidence including, but not limited to, income tax returns,

1 pay stubs, and banking statements. Unless the court  
2 otherwise directs, any affidavit or supporting documentary  
3 evidence submitted pursuant to this paragraph shall not be  
4 made part of the public record of the proceedings but shall  
5 be available to the court or an appellate court in which  
6 the proceedings are subject to review, to the parties,  
7 their attorneys, and such other persons as the court may  
8 direct. Upon motion of a party, a court may hold a hearing  
9 to determine whether and why there is a disparity between a  
10 party's sworn affidavit and the supporting documentation.  
11 If a party intentionally or recklessly files an inaccurate  
12 or misleading financial affidavit, the court shall impose  
13 significant penalties and sanctions including, but not  
14 limited to, costs and attorney's fees;

15 (2) a temporary restraining order or preliminary  
16 injunction, accompanied by affidavit showing a factual  
17 basis for any of the following relief:

18 (i) restraining any person from transferring,  
19 encumbering, concealing or otherwise disposing of any  
20 property except in the usual course of business or for  
21 the necessities of life, and, if so restrained,  
22 requiring him to notify the moving party and his  
23 attorney of any proposed extraordinary expenditures  
24 made after the order is issued; however, an order need  
25 not include an exception for transferring,  
26 encumbering, or otherwise disposing of property in the

1 usual course of business or for the necessities of life  
2 if the court enters appropriate orders that enable the  
3 parties to pay their necessary personal and business  
4 expenses including, but not limited to, appropriate  
5 professionals to assist the court pursuant to  
6 subsection (1) of Section 503 to administer the payment  
7 and accounting of such living and business expenses;

8 (ii) enjoining a party from removing a child from  
9 the jurisdiction of the court;

10 (iii) enjoining a party from striking or  
11 interfering with the personal liberty of the other  
12 party or of any child; or

13 (iv) providing other injunctive relief proper in  
14 the circumstances; or

15 (3) other appropriate temporary relief including, in  
16 the discretion of the court, ordering the purchase or sale  
17 of assets and requiring that a party or parties borrow  
18 funds in the appropriate circumstances.

19 Issues concerning temporary maintenance or temporary  
20 support of a child entitled to support shall be dealt with on a  
21 summary basis based on financial affidavits, tax returns, pay  
22 stubs, banking statements, and other relevant documentation,  
23 except an evidentiary hearing may be held upon a showing of  
24 good cause. Under appropriate circumstances, the recipient may  
25 be required to account for the use of funds awarded in the same  
26 manner as may otherwise be required to justify the use or

1 expenditure of marital funds or property. If a party  
2 intentionally or recklessly files an inaccurate or misleading  
3 financial affidavit, the court shall impose significant  
4 penalties and sanctions including, but not limited to, costs  
5 and attorney's fees resulting from the improper  
6 representation.

7 (b) The court may issue a temporary restraining order  
8 without requiring notice to the other party only if it finds,  
9 on the basis of the moving affidavit or other evidence, that  
10 irreparable injury will result to the moving party if no order  
11 is issued until the time for responding has elapsed.

12 (c) A response hereunder may be filed within 21 days after  
13 service of notice of motion or at the time specified in the  
14 temporary restraining order.

15 (c-1) As used in this subsection (c-1), "interim attorney's  
16 fees and costs" means attorney's fees and costs assessed from  
17 time to time while a case is pending, in favor of the  
18 petitioning party's current counsel, for reasonable fees and  
19 costs either already incurred or to be incurred, and "interim  
20 award" means an award of interim attorney's fees and costs.  
21 Interim awards shall be governed by the following:

22 (1) Except for good cause shown, a proceeding for (or  
23 relating to) interim attorney's fees and costs in a  
24 pre-judgment dissolution proceeding shall be  
25 nonevidentiary and summary in nature. All hearings for or  
26 relating to interim attorney's fees and costs under this



1 subsection shall be scheduled expeditiously by the court.  
2 When a party files a petition for interim attorney's fees  
3 and costs supported by one or more affidavits that  
4 delineate relevant factors, the court (or a hearing  
5 officer) shall assess an interim award after affording the  
6 opposing party a reasonable opportunity to file a  
7 responsive pleading. A responsive pleading shall set out  
8 the amount of each retainer or other payment or payments,  
9 or both, previously paid to the responding party's counsel  
10 by or on behalf of the responding party. A responsive  
11 pleading shall include costs incurred, and shall indicate  
12 whether the costs are paid or unpaid. In assessing an  
13 interim award, the court shall consider all relevant  
14 factors, as presented, that appear reasonable and  
15 necessary, including to the extent applicable:

16 (A) the income and property of each party,  
17 including alleged marital property within the sole  
18 control of one party and alleged non-marital property  
19 within access to a party;

20 (B) the needs of each party;

21 (C) the realistic earning capacity of each party;

22 (D) any impairment to present earning capacity of  
23 either party, including age and physical and emotional  
24 health;

25 (E) the standard of living established during the  
26 marriage;

1 (F) the degree of complexity of the issues,  
2 including allocation of parental responsibility  
3 ~~custody~~, valuation or division (or both) of closely  
4 held businesses, and tax planning, as well as  
5 reasonable needs for expert investigations or expert  
6 witnesses, or both;

7 (G) each party's access to relevant information;

8 (H) the amount of the payment or payments made or  
9 reasonably expected to be made to the attorney for the  
10 other party; and

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

13 (2) Any assessment of an interim award (including one  
14 pursuant to an agreed order) shall be without prejudice to  
15 any final allocation and without prejudice as to any claim  
16 or right of either party or any counsel of record at the  
17 time of the award. Any such claim or right may be presented  
18 by the appropriate party or counsel at a hearing on  
19 contribution under subsection (j) of Section 503 or a  
20 hearing on counsel's fees under subsection (c) of Section  
21 508. Unless otherwise ordered by the court at the final  
22 hearing between the parties or in a hearing under  
23 subsection (j) of Section 503 or subsection (c) of Section  
24 508, interim awards, as well as the aggregate of all other  
25 payments by each party to counsel and related payments to  
26 third parties, shall be deemed to have been advances from

1 the parties' marital estate. Any portion of any interim  
2 award constituting an overpayment shall be remitted back to  
3 the appropriate party or parties, or, alternatively, to  
4 successor counsel, as the court determines and directs,  
5 after notice. An order for the award of interim attorney's  
6 fees shall be a standardized form order and labeled  
7 "Interim Fee Award Order".

8 (3) In any proceeding under this subsection (c-1), the  
9 court (or hearing officer) shall assess an interim award  
10 against an opposing party in an amount necessary to enable  
11 the petitioning party to participate adequately in the  
12 litigation, upon findings that the party from whom  
13 attorney's fees and costs are sought has the financial  
14 ability to pay reasonable amounts and that the party  
15 seeking attorney's fees and costs lacks sufficient access  
16 to assets or income to pay reasonable amounts. In  
17 determining an award, the court shall consider whether  
18 adequate participation in the litigation requires  
19 expenditure of more fees and costs for a party that is not  
20 in control of assets or relevant information. Except for  
21 good cause shown, an interim award shall not be less than  
22 payments made or reasonably expected to be made to the  
23 counsel for the other party. If the court finds that both  
24 parties lack financial ability or access to assets or  
25 income for reasonable attorney's fees and costs, the court  
26 (or hearing officer) shall enter an order that allocates

1 available funds for each party's counsel, including  
2 retainers or interim payments, or both, previously paid, in  
3 a manner that achieves substantial parity between the  
4 parties.

5 (4) The changes to this Section 501 made by this  
6 amendatory Act of 1996 apply to cases pending on or after  
7 June 1, 1997, except as otherwise provided in Section 508.

8 (c-2) Allocation of use of marital residence. Where there  
9 is on file a verified complaint or verified petition seeking  
10 temporary eviction from the marital residence, the court may,  
11 during the pendency of the proceeding, only in cases where the  
12 physical or mental well-being of either spouse or his or her  
13 children is jeopardized by occupancy of the marital residence  
14 by both spouses, and only upon due notice and full hearing,  
15 unless waived by the court on good cause shown, enter orders  
16 granting the exclusive possession of the marital residence to  
17 either spouse, by eviction from, or restoration of, the marital  
18 residence, until the final determination of the cause. The  
19 order may also provide for the nesting of children with the  
20 children having exclusive possession of the residence and the  
21 spouses alternating occupancy if the nesting arrangement is in  
22 the children's best interests pursuant to the factors listed in  
23 Section 602.7 of this Act. No such order shall in any manner  
24 affect any estate in homestead property of either party. In  
25 entering orders under this subsection (c-2), the court shall  
26 balance hardships to the parties.

1 (d) A temporary order entered under this Section:

2 (1) does not prejudice the rights of the parties or the  
3 child which are to be adjudicated at subsequent hearings in  
4 the proceeding;

5 (2) may be revoked or modified before final judgment,  
6 on a showing by affidavit and upon hearing; and

7 (3) terminates when the final judgment is entered or  
8 when the petition for dissolution of marriage or legal  
9 separation or declaration of invalidity of marriage is  
10 dismissed.

11 (e) The fees or costs of mediation under this Section shall  
12 be borne by the parties and may be assessed by the court as it  
13 deems equitable without prejudice and are subject to  
14 reallocation at the conclusion of the case.

15 (Source: P.A. 96-583, eff. 1-1-10.)

16 (750 ILCS 5/501.1) (from Ch. 40, par. 501.1)

17 Sec. 501.1. Dissolution action stay.

18 (a) Upon service of a summons and petition or praecipe  
19 filed under the Illinois Marriage and Dissolution of Marriage  
20 Act or upon the filing of the respondent's appearance in the  
21 proceeding, whichever first occurs, a dissolution action stay  
22 shall be in effect against both parties ~~and their agents and~~  
23 ~~employees~~, without bond or further notice, until a final  
24 judgement is entered, the proceeding is dismissed, or until  
25 further order of the court. ⌊ ÷

1           ~~(1) restraining both parties from transferring,~~  
2           ~~encumbering, concealing, destroying, spending, damaging, or in~~  
3           ~~any way disposing of any property, without the consent of the~~  
4           ~~other party or an order of the court, except in the usual~~  
5           ~~course of business, for the necessities of life, or for~~  
6           ~~reasonable costs, expenses, and attorney's fees arising from~~  
7           ~~the proceeding, as well as requiring each party to provide~~  
8           ~~written notice to the other party and his or her attorney of~~  
9           ~~any proposed extraordinary expenditure or transaction;~~

10           ~~(2) restraining both parties from physically abusing,~~  
11           ~~harassing, intimidating, striking, or interfering with the~~  
12           ~~personal liberty of the other party or the minor children of~~  
13           ~~either party.    and~~

14           ~~(3) restraining both parties from removing any minor~~  
15           ~~child of either party from the State of Illinois or from~~  
16           ~~concealing any such child from the other party, without the~~  
17           ~~consent of the other party or an order of the court.~~

18           The restraint provided in this subsection (a) does not  
19           operate to make unavailable any of the remedies provided in the  
20           Illinois Domestic Violence Act of 1986.

21           ~~A restraint of the parties' actions under this Section does~~  
22           ~~not affect the rights of a bona fide purchaser or mortgagee~~  
23           ~~whose interest in real property or whose beneficial interest in~~  
24           ~~real property under an Illinois land trust was acquired before~~  
25           ~~the filing of a lis pendens notice under Section 2-1901 of the~~  
26           ~~Code of Civil Procedure.~~

1           (b) (Blank). ~~Notice of any proposed extraordinary~~  
2 ~~expenditure or transaction, as required by subsection (a),~~  
3 ~~shall be given as soon as practicable, but not less than 7 days~~  
4 ~~before the proposed date for the carrying out or commencement~~  
5 ~~of the carrying out of the extraordinary expenditure or~~  
6 ~~transaction, except in an emergency, in which event notice~~  
7 ~~shall be given as soon as practicable under the circumstances.~~  
8 ~~If proper notice is given and if the party receiving the notice~~  
9 ~~does not object by filing a petition for injunctive relief~~  
10 ~~under the Code of Civil Procedure within 7 days of receipt of~~  
11 ~~the notice, the carrying out of the proposed extraordinary~~  
12 ~~expenditure or transaction is not a violation of the~~  
13 ~~dissolution action stay. The dissolution action stay shall~~  
14 ~~remain in full force and effect against both parties for 14~~  
15 ~~days after the date of filing of a petition for injunctive~~  
16 ~~relief by the objecting party (or a shorter period if the court~~  
17 ~~so orders); and no extension beyond that 14 day period shall be~~  
18 ~~granted by the court. For good cause shown, a party may file a~~  
19 ~~petition for a reduction in time with respect to any 7 day~~  
20 ~~notice requirement under this subsection.~~

21           (c) (Blank). ~~A party making any extraordinary expenditure~~  
22 ~~or carrying out any extraordinary transaction after a~~  
23 ~~dissolution action stay is in effect shall account promptly to~~  
24 ~~the court and to the other party for all of those expenditures~~  
25 ~~and transactions. This obligation to account applies~~  
26 ~~throughout the pendency of the proceeding, irrespective of (i)~~

1 ~~any notice given by any party as to any proposed extraordinary~~  
2 ~~expenditure or transaction, (ii) any filing of an objection and~~  
3 ~~petition under this Section or the absence of any such filing,~~  
4 ~~or (iii) any court ruling as to an issue presented to it by~~  
5 ~~either party.~~

6 (d) (Blank). ~~If the party making an extraordinary~~  
7 ~~expenditure or transaction fails to provide proper notice or if~~  
8 ~~despite proper notice the other party filed a petition and~~  
9 ~~prevailed on that petition, and the extraordinary expenditure~~  
10 ~~or transaction results in a loss of income or reduction in the~~  
11 ~~amount or in the value of property, there is a presumption of~~  
12 ~~dissipation of property, equal to the amount of the loss or~~  
13 ~~reduction, charged against the party for purposes of property~~  
14 ~~distribution under Section 503.~~

15 (e) In a proceeding filed under this Act, the summons shall  
16 provide notice of the entry of the automatic dissolution action  
17 stay in a form as required by applicable rules.

18 (Source: P.A. 87-881; 88-24.)

19 (750 ILCS 5/502) (from Ch. 40, par. 502)

20 Sec. 502. Agreement. (a) To promote amicable settlement of  
21 disputes between parties to a marriage attendant upon the  
22 dissolution of their marriage, the parties may enter into an a  
23 ~~written or oral~~ agreement containing provisions for  
24 disposition of any property owned by either of them,  
25 maintenance of either of them, and support, parental



1 responsibility and parenting time allocation ~~eustody and~~  
2 ~~visitation~~ of their children, and support of their children as  
3 provided in Section 513 after the children attain majority. Any  
4 agreement pursuant to this Section must be in writing, except  
5 for good cause shown with the prior approval of the court,  
6 before proceeding to an oral prove up.

7 (b) The terms of the agreement, except those providing for  
8 the support, parental responsibility and parenting time  
9 allocation ~~eustody and visitation~~ of children, are binding upon  
10 the court unless it finds, after considering the economic  
11 circumstances of the parties and any other relevant evidence  
12 produced by the parties, on their own motion or on request of  
13 the court, that the agreement is unconscionable. The terms of  
14 the agreement incorporated into the judgment are binding if  
15 there is any conflict between the terms of the agreement and  
16 any testimony made at an uncontested prove-up hearing on the  
17 grounds or the substance of the agreement.

18 (c) If the court finds the agreement unconscionable, it may  
19 request the parties to submit a revised agreement or upon  
20 hearing, may make orders for the disposition of property,  
21 maintenance, child support and other matters.

22 (d) Unless the agreement provides to the contrary, its  
23 terms shall be set forth in the judgment, and the parties shall  
24 be ordered to perform under such terms, or if the agreement  
25 provides that its terms shall not be set forth in the judgment,  
26 the judgment shall identify the agreement and state that the

1 court has approved its terms.

2 (e) Terms of the agreement set forth in the judgment are  
3 enforceable by all remedies available for enforcement of a  
4 judgment, including contempt, and are enforceable as contract  
5 terms.

6 (f) Child ~~Except for terms concerning the support, support~~  
7 ~~of children as provided in Section 513 after the children~~  
8 ~~attain majority, and parental responsibility and parenting~~  
9 ~~time allocation of children may be modified upon a showing of a~~  
10 ~~substantial change in circumstances. The parties may provide~~  
11 ~~that maintenance is non-modifiable in amount, duration, or~~  
12 ~~both. If the parties do not provide that maintenance is~~  
13 ~~non-modifiable in amount, duration, or both, then those terms~~  
14 ~~are modifiable upon a substantial change of circumstances.~~  
15 Property provisions of an agreement are never modifiable. The  
16 ~~eustody or visitation of children, the~~ judgment may expressly  
17 preclude or limit modification of other terms set forth in the  
18 judgment if the agreement so provides. Otherwise, terms of an  
19 agreement set forth in the judgment are automatically modified  
20 by modification of the judgment.

21 (Source: P.A. 83-216.)

22 (750 ILCS 5/503) (from Ch. 40, par. 503)

23 Sec. 503. Disposition of property and debts.

24 (a) For purposes of this Act, "marital property" means all  
25 property, including debts and other obligations, acquired by

1 either spouse subsequent to the marriage, except the following,  
2 which is known as "non-marital property":

3 (1) property acquired by gift, legacy or descent or  
4 property acquired in exchange for such property;

5 (2) property acquired in exchange for property  
6 acquired before the marriage ~~or in exchange for property~~  
7 ~~acquired by gift, legacy or descent;~~

8 (3) property acquired by a spouse after a judgment of  
9 legal separation;

10 (4) property excluded by valid agreement of the  
11 parties, including a premarital agreement or a postnuptial  
12 agreement;

13 (5) any judgment or property obtained by judgment  
14 awarded to a spouse from the other spouse except, however,  
15 when a spouse is required to sue the other spouse in order  
16 to obtain insurance coverage or otherwise recover from a  
17 third party and the recovery is directly related to amounts  
18 advanced by the marital estate, the judgment shall be  
19 considered marital property;

20 (6) property acquired, in whole or in part, before the  
21 marriage; the equitable portion acquired prior to the  
22 marriage shall be considered non-marital;

23 (6.5) all property acquired by a spouse by the sole use  
24 of non-marital property as collateral for a loan that then  
25 is used to acquire property during the marriage; to the  
26 extent that the marital estate repays any portion of the

1       loan, it shall be considered a contribution from the  
2       marital estate to the non-marital estate subject to  
3       reimbursement;

4           (7) the increase in value of non-marital property  
5       ~~acquired by a method listed in paragraphs (1) through (6)~~  
6       ~~of this subsection~~, irrespective of whether the increase  
7       results from a contribution of marital property,  
8       non-marital property, the personal effort of a spouse, or  
9       otherwise, subject to the right of reimbursement provided  
10       in subsection (c) of this Section; and

11           (8) income from property acquired by a method listed in  
12       paragraphs (1) through (7) of this subsection if the income  
13       is not attributable to the personal effort of a spouse.

14       Property acquired prior to a marriage that would otherwise  
15       be non-marital property shall not be deemed to be marital  
16       property solely because the property was acquired in  
17       contemplation of marriage. The court shall make specific  
18       factual findings as to its classification of assets as marital  
19       or non-marital property, values, and other factual findings  
20       supporting its property award.

21           (b) (1) For purposes of distribution of property ~~pursuant to~~  
22       ~~this Section~~, all property acquired by either spouse after the  
23       marriage and before a judgment of dissolution of marriage or  
24       declaration of invalidity of marriage is presumed marital  
25       property. This presumption includes, ~~including~~ non-marital  
26       property transferred into some form of co-ownership between the

1 spouses, ~~is presumed to be marital property,~~ regardless of  
2 whether title is held individually or by the spouses in some  
3 form of co-ownership such as joint tenancy, tenancy in common,  
4 tenancy by the entirety, or community property. A spouse may  
5 overcome the ~~The~~ presumption of marital property ~~is overcome~~ by  
6 ~~a~~ showing through clear and convincing evidence that the  
7 property was acquired by a method listed in subsection (a) of  
8 this Section or was done for estate or tax planning purposes or  
9 for other reasons that establish that the transfer was not  
10 intended to be a gift.

11 (2) For purposes of distribution of property pursuant to  
12 this Section, all pension benefits (including pension benefits  
13 under the Illinois Pension Code, defined benefit plans, defined  
14 contribution plans and accounts, individual retirement  
15 accounts, and non-qualified plans) acquired by or participated  
16 in by either spouse after the marriage and before a judgment of  
17 dissolution of marriage or declaration of invalidity of the  
18 marriage are presumed to be marital property, ~~regardless of~~  
19 ~~which spouse participates in the pension plan.~~ A spouse may  
20 overcome the ~~The~~ presumption that these pension benefits are  
21 marital property ~~is overcome~~ by ~~a~~ showing through clear and  
22 convincing evidence that the pension benefits were acquired by  
23 a method listed in subsection (a) of this Section. The right to  
24 a division of pension benefits in just proportions under this  
25 Section is enforceable under Section 1-119 of the Illinois  
26 Pension Code.

1           The value of pension benefits in a retirement system  
2 subject to the Illinois Pension Code shall be determined in  
3 accordance with the valuation procedures established by the  
4 retirement system.

5           The recognition of pension benefits as marital property and  
6 the division of those benefits pursuant to a Qualified Illinois  
7 Domestic Relations Order shall not be deemed to be a  
8 diminishment, alienation, or impairment of those benefits. The  
9 division of pension benefits is an allocation of property in  
10 which each spouse has a species of common ownership.

11           (3) For purposes of distribution of property under this  
12 Section, all stock options and restricted stock or similar form  
13 of benefit granted to either spouse after the marriage and  
14 before a judgment of dissolution of marriage or declaration of  
15 invalidity of marriage, whether vested or non-vested or whether  
16 their value is ascertainable, are presumed to be marital  
17 property. This presumption of marital property is overcome by a  
18 showing that the stock options or restricted stock or similar  
19 form of benefit were acquired by a method listed in subsection  
20 (a) of this Section. The court shall allocate stock options and  
21 restricted stock or similar form of benefit between the parties  
22 at the time of the judgment of dissolution of marriage or  
23 declaration of invalidity of marriage recognizing that the  
24 value of the stock options and restricted stock or similar form  
25 of benefit may not be then determinable and that the actual  
26 division of the options may not occur until a future date. In

1 making the allocation between the parties, the court shall  
2 consider, in addition to the factors set forth in subsection  
3 (d) of this Section, the following:

4 (i) All circumstances underlying the grant of the stock  
5 option and restricted stock or similar form of benefit  
6 including but not limited to the vesting schedule, whether  
7 the grant was for past, present, or future efforts, whether  
8 the grant is designed to promote future performance, or any  
9 combination thereof.

10 (ii) The length of time from the grant of the option to  
11 the time the option is exercisable.

12 (b-5) As to any policy of life insurance insuring the life  
13 of either spouse, or any interest in such policy, that  
14 constitutes marital property, whether whole life, term life,  
15 group term life, universal life, or other form of life  
16 insurance policy, and whether or not the value is  
17 ascertainable, the court shall allocate ownership, death  
18 benefits or the right to assign death benefits, and the  
19 obligation for premium payments, if any, equitably between the  
20 parties at the time of the judgment for dissolution or  
21 declaration of invalidity of marriage.

22 (c) Commingled marital and non-marital property shall be  
23 treated in the following manner, unless otherwise agreed by the  
24 spouses:

25 (1) (A) If marital and non-marital property are  
26 commingled by one estate being contributed into the other,

1 the following shall apply:

2 (i) If the contributed property loses its  
3 identity, the contributed property transmutes to the  
4 estate receiving the property, subject to the  
5 provisions of paragraph (2) of this subsection (c).

6 (ii) If the contributed property retains its  
7 identity, it does not transmute and remains property of  
8 the contributing estate.

9 (B) If marital and non-marital property are commingled  
10 into newly acquired property resulting in a loss of  
11 identity of the contributing estates, the commingled  
12 property shall be deemed transmuted to marital property,  
13 subject to the provisions of paragraph (2) of this  
14 subsection (c).

15 (2) (A) When one estate of property makes a contribution  
16 to another estate of property, the contributing estate  
17 shall be reimbursed from the estate receiving the  
18 contribution notwithstanding any transmutation. No such  
19 reimbursement shall be made with respect to a contribution  
20 that is not traceable by clear and convincing evidence or  
21 that was a gift. The court may provide for reimbursement  
22 out of the marital property to be divided or by imposing a  
23 lien against the non-marital property that received the  
24 contribution.

25 (B) When a spouse contributes personal effort to  
26 non-marital property, it shall be deemed a contribution to



1       the marital estate, which shall receive reimbursement for  
2       the efforts if the efforts are significant and result in  
3       substantial appreciation to the non-marital property  
4       except that if the spouse has been properly compensated for  
5       his or her efforts, it shall not be deemed a contribution  
6       to the marital estate and there shall be no reimbursement  
7       to the marital estate. The court may provide for  
8       reimbursement out of the marital property to be divided or  
9       by imposing a lien against the non-marital property which  
10       received the contribution.

11       ~~(1) When marital and non-marital property are~~  
12       ~~commingled by contributing one estate of property into~~  
13       ~~another resulting in a loss of identity of the contributed~~  
14       ~~property, the classification of the contributed property~~  
15       ~~is transmuted to the estate receiving the contribution,~~  
16       ~~subject to the provisions of paragraph (2) of this~~  
17       ~~subsection; provided that if marital and non-marital~~  
18       ~~property are commingled into newly acquired property~~  
19       ~~resulting in a loss of identity of the contributing~~  
20       ~~estates, the commingled property shall be deemed~~  
21       ~~transmuted to marital property, subject to the provisions~~  
22       ~~of paragraph (2) of this subsection.~~

23       ~~(2) When one estate of property makes a contribution to~~  
24       ~~another estate of property, or when a spouse contributes~~  
25       ~~personal effort to non-marital property, the contributing~~  
26       ~~estate shall be reimbursed from the estate receiving the~~

1 ~~contribution notwithstanding any transmutation; provided,~~  
2 ~~that no such reimbursement shall be made with respect to a~~  
3 ~~contribution which is not retraceable by clear and~~  
4 ~~convincing evidence, or was a gift, or, in the case of a~~  
5 ~~contribution of personal effort of a spouse to non marital~~  
6 ~~property, unless the effort is significant and results in~~  
7 ~~substantial appreciation of the non marital property.~~  
8 ~~Personal effort of a spouse shall be deemed a contribution~~  
9 ~~by the marital estate. The court may provide for~~  
10 ~~reimbursement out of the marital property to be divided or~~  
11 ~~by imposing a lien against the non marital property which~~  
12 ~~received the contribution.~~

13 (d) In a proceeding for dissolution of marriage or  
14 declaration of invalidity of marriage, or in a proceeding for  
15 disposition of property following dissolution of marriage by a  
16 court that ~~which~~ lacked personal jurisdiction over the absent  
17 spouse or lacked jurisdiction to dispose of the property, the  
18 court shall assign each spouse's non-marital property to that  
19 spouse. It also shall divide the marital property without  
20 regard to marital misconduct in just proportions considering  
21 all relevant factors, including:

22 (1) each party's ~~the~~ contribution ~~of each party~~ to the  
23 acquisition, preservation, or increase or decrease in  
24 value of the marital or non-marital property, including (i)  
25 any ~~such~~ decrease attributable to a ~~payment deemed to have~~  
26 ~~been~~ an advance from the parties' marital estate under

1 subsection (c-1)(2) of Section 501; ~~and~~ (ii) the  
2 contribution of a spouse as a homemaker or to the family  
3 unit; and (iii) whether the contribution is after the  
4 commencement of a proceeding for dissolution of marriage or  
5 declaration of invalidity of marriage;

6 (2) the dissipation by each party of the marital ~~or~~  
7 ~~non-marital~~ property, provided that a party's claim of  
8 dissipation is subject to the following conditions:

9 (i) a notice of intent to claim dissipation shall  
10 be given no later than 60 days before trial or 30 days  
11 after discovery closes, whichever is later;

12 (ii) the notice of intent to claim dissipation  
13 shall contain, at a minimum, a date or period of time  
14 during which the marriage began undergoing an  
15 irretrievable breakdown, an identification of the  
16 property dissipated, and a date or period of time  
17 during which the dissipation occurred;

18 (iii) the notice of intent to claim dissipation  
19 shall be filed with the clerk of the court and be  
20 served pursuant to applicable rules;

21 (iv) no dissipation shall be deemed to have  
22 occurred prior to 5 years before the filing of the  
23 petition for dissolution of marriage, or 3 years after  
24 the party claiming dissipation knew or should have  
25 known of the dissipation;

26 (3) the value of the property assigned to each spouse;

- 1           (4) the duration of the marriage;
- 2           (5) the relevant economic circumstances of each spouse  
3 when the division of property is to become effective,  
4 including the desirability of awarding the family home, or  
5 the right to live therein for reasonable periods, to the  
6 spouse having the primary residence ~~custody~~ of the  
7 children;
- 8           (6) any obligations and rights arising from a prior  
9 marriage of either party;
- 10          (7) any prenuptial or postnuptial ~~antenuptial~~  
11 agreement of the parties;
- 12          (8) the age, health, station, occupation, amount and  
13 sources of income, vocational skills, employability,  
14 estate, liabilities, and needs of each of the parties;
- 15          (9) the custodial provisions for any children;
- 16          (10) whether the apportionment is in lieu of or in  
17 addition to maintenance;
- 18          (11) the reasonable opportunity of each spouse for  
19 future acquisition of capital assets and income; and
- 20          (12) the tax consequences of the property division upon  
21 the respective economic circumstances of the parties.
- 22          (e) Each spouse has a species of common ownership in the  
23 marital property which vests at the time dissolution  
24 proceedings are commenced and continues only during the  
25 pendency of the action. Any such interest in marital property  
26 shall not encumber that property so as to restrict its

1 transfer, assignment or conveyance by the title holder unless  
2 such title holder is specifically enjoined from making such  
3 transfer, assignment or conveyance.

4 (f) In a proceeding for dissolution of marriage or  
5 declaration of invalidity of marriage or in a proceeding for  
6 disposition of property following dissolution of marriage by a  
7 court that lacked personal jurisdiction over the absent spouse  
8 or lacked jurisdiction to dispose of the property, the court,  
9 in determining the value of the marital and non-marital  
10 property for purposes of dividing the property, shall value the  
11 property as of the date of trial or some other date as close to  
12 the date of trial as is practicable.

13 (g) The court if necessary to protect and promote the best  
14 interests of the children may set aside a portion of the  
15 jointly or separately held estates of the parties in a separate  
16 fund or trust for the support, maintenance, education, physical  
17 and mental health, and general welfare of any minor, dependent,  
18 or incompetent child of the parties. In making a determination  
19 under this subsection, the court may consider, among other  
20 things, the conviction of a party of any of the offenses set  
21 forth in Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,  
22 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-13, 12-14, 12-14.1,  
23 12-15, or 12-16, or Section 12-3.05 except for subdivision  
24 (a) (4) or (g) (1), of the Criminal Code of 1961 or the Criminal  
25 Code of 2012 if the victim is a child of one or both of the  
26 parties, and there is a need for, and cost of, care, healing

1 and counseling for the child who is the victim of the crime.

2 (h) Unless specifically directed by a reviewing court, or  
3 upon good cause shown, the court shall not on remand consider  
4 any increase or decrease in the value of any "marital" or  
5 "non-marital" property occurring since the assessment of such  
6 property at the original trial or hearing, but shall use only  
7 that assessment made at the original trial or hearing.

8 (i) The court may make such judgments affecting the marital  
9 property as may be just and may enforce such judgments by  
10 ordering a sale of marital property, with proceeds therefrom to  
11 be applied as determined by the court.

12 (j) After proofs have closed in the final hearing on all  
13 other issues between the parties (or in conjunction with the  
14 final hearing, if all parties so stipulate) and before judgment  
15 is entered, a party's petition for contribution to fees and  
16 costs incurred in the proceeding shall be heard and decided, in  
17 accordance with the following provisions:

18 (1) A petition for contribution, if not filed before  
19 the final hearing on other issues between the parties,  
20 shall be filed no later than 14 ~~30~~ days after the closing  
21 of proofs in the final hearing or within such other period  
22 as the court orders.

23 (2) Any award of contribution to one party from the  
24 other party shall be based on the criteria for division of  
25 marital property under this Section 503 and, if maintenance  
26 has been awarded, on the criteria for an award of

1 maintenance under Section 504.

2 (3) The filing of a petition for contribution shall not  
3 be deemed to constitute a waiver of the attorney-client  
4 privilege between the petitioning party and current or  
5 former counsel; and such a waiver shall not constitute a  
6 prerequisite to a hearing for contribution. If either  
7 party's presentation on contribution, however, includes  
8 evidence within the scope of the attorney-client  
9 privilege, the disclosure or disclosures shall be narrowly  
10 construed and shall not be deemed by the court to  
11 constitute a general waiver of the privilege as to matters  
12 beyond the scope of the presentation.

13 (4) No finding on which a contribution award is based  
14 or denied shall be asserted against counsel or former  
15 counsel for purposes of any hearing under subsection (c) or  
16 (e) of Section 508.

17 (5) A contribution award (payable to either the  
18 petitioning party or the party's counsel, or jointly, as  
19 the court determines) may be in the form of either a set  
20 dollar amount or a percentage of fees and costs (or a  
21 portion of fees and costs) to be subsequently agreed upon  
22 by the petitioning party and counsel or, alternatively,  
23 thereafter determined in a hearing pursuant to subsection  
24 (c) of Section 508 or previously or thereafter determined  
25 in an independent proceeding under subsection (e) of  
26 Section 508.

1           (6) The changes to this Section 503 made by this  
2           amendatory Act of 1996 apply to cases pending on or after  
3           June 1, 1997, except as otherwise provided in Section 508.

4           (k) In determining the value of assets or property under  
5           this Section, the court shall employ a fair market value  
6           standard. The date of valuation for the purposes of division of  
7           assets shall be the date of trial or such other date as agreed  
8           by the parties or ordered by the court, within its discretion.  
9           If the court grants a petition brought under Section 2-1401 of  
10           the Code of Civil Procedure, then the court has the discretion  
11           to use the date of the trial or such other date as agreed upon  
12           by the parties, or ordered by the court within its discretion,  
13           for purposes of determining the value of assets or property.

14           (l) The court may seek the advice of financial experts or  
15           other professionals, whether or not employed by the court on a  
16           regular basis. The advice given shall be in writing and made  
17           available by the court to counsel. Counsel may examine as a  
18           witness any professional consulted by the court designated as  
19           the court's witness. Costs of a professional shall be allocated  
20           by the court between the parties.

21           (m) The changes made to this Section by this amendatory Act  
22           of the 97th General Assembly apply only to petitions for  
23           dissolution of marriage filed on or after the effective date of  
24           this amendatory Act of the 97th General Assembly.

25           (Source: P.A. 96-583, eff. 1-1-10; 96-1551, Article 1, Section  
26           985, eff. 7-1-11; 96-1551, Article 2, Section 1100, eff.



1 7-1-11; 97-608, eff. 1-1-12; 97-941, eff. 1-1-13; 97-1109, eff.  
2 1-1-13; 97-1150, eff. 1-25-13.)

3 (750 ILCS 5/504) (from Ch. 40, par. 504)

4 Sec. 504. Maintenance.

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

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

21 (2) the needs of each party;

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

24 (4) any impairment of the present and future earning  
25 capacity of the party seeking maintenance due to that party

1       devoting time to domestic duties or having forgone or  
2       delayed education, training, employment, or career  
3       opportunities due to the marriage. The court shall consider  
4       any impairment of the realistic present or the realistic  
5       future earning capacity of the party against whom  
6       maintenance is sought as a result of the marriage and the  
7       ultimate provisions of the judgment;

8               (5) the time necessary to enable the party seeking  
9       maintenance to acquire appropriate education, training,  
10       and employment, and whether that party is able to support  
11       himself or herself through appropriate employment or is the  
12       custodian of a child making it appropriate that the  
13       custodian not seek employment;

14               (6) the standard of living established during the  
15       marriage;

16               (7) the duration of the marriage;

17               (8) the age, health, station, occupation, amount and  
18       sources of income, vocational skills, employability,  
19       estate, liabilities, and needs of each of the parties ~~the~~  
20       ~~age and the physical and emotional condition of both~~  
21       ~~parties;~~

22               (8.5) any custodial arrangements;

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

25               (9.5) whether maintenance is in lieu of or in addition  
26       to the property allocation;

1 (10) contributions and services by the party seeking  
2 maintenance to the education, training, career or career  
3 potential, or license of the other spouse;

4 (10.5) contributions made to the marriage, including,  
5 without limitation, domestic duties, homemaker  
6 contributions, and other financial and non-financial  
7 contribution to the marriage;

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

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

11 The court shall make specific factual findings as to the  
12 type, amount, nature, and duration of the maintenance.

13 (b) (Blank).

14 (b-1) The court may order that the following types of  
15 maintenance be paid:

16 (1) temporary maintenance under Section 501;

17 (2) rehabilitative maintenance for a period of time,  
18 subject to a review;

19 (3) maintenance in gross;

20 (4) permanent maintenance for an indefinite period;

21 (5) non-modifiable as to duration maintenance in  
22 marriages that lasted 10 years or less at the time the  
23 action was commenced.

24 For a marriage that lasted more than 10 years, a fixed-term  
25 maintenance award is barred.

26 (b-2) Unless agreed to by the parties, an order for

1 unallocated maintenance and child support may not be entered on  
2 or after the effective date of this amendatory Act of the 98th  
3 General Assembly. This subsection (b-2) does not affect an  
4 order for unallocated maintenance and child support that was  
5 entered before the effective date of this amendatory Act of the  
6 98th General Assembly.

7 (b-5) Any maintenance obligation including any unallocated  
8 maintenance and child support obligation, or any portion of any  
9 support obligation, that becomes due and remains unpaid shall  
10 accrue simple interest as set forth in Section 505 of this Act.

11 (b-7) Any ~~new or existing~~ maintenance order including any  
12 unallocated maintenance and child support order entered by the  
13 court under this Section shall be deemed to be a series of  
14 judgments against the person obligated to pay support  
15 thereunder. Each such judgment to be in the amount of each  
16 payment or installment of support and each such judgment to be  
17 deemed entered as of the date the corresponding payment or  
18 installment becomes due under the terms of the support order,  
19 except no judgment shall arise as to any installment coming due  
20 after the termination of maintenance as provided by Section 510  
21 of the Illinois Marriage and Dissolution of Marriage Act or the  
22 provisions of any order for maintenance. Each such judgment  
23 shall have the full force, effect and attributes of any other  
24 judgment of this State, including the ability to be enforced.  
25 Notwithstanding any other State or local law to the contrary, a  
26 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 (f) An award ordered by a court upon entry of a dissolution  
19 judgment or upon entry of an award of maintenance following a  
20 reservation of maintenance in a dissolution judgment may be  
21 reasonably secured, in whole or in part, by life insurance on  
22 the payor's life on terms as to which the parties agree, or, if  
23 they do not agree, on such terms determined by the court,  
24 subject to the following:

25 (1) With respect to existing life insurance, provided  
26 the court is apprised through evidence, stipulation, or

1 otherwise as to level of death benefits, premium, and other  
2 relevant data and makes findings relative thereto, the  
3 court may allocate death benefits, the right to assign  
4 death benefits, or the obligation for future premium  
5 payments between the parties as it deems just.

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

9 (i) that the payor cooperate on all appropriate  
10 steps for the payee to obtain such new life insurance;  
11 and

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

20 In determining the maximum level of death benefit coverage,  
21 the court shall take into account all relevant facts and  
22 circumstances, including the impact on access to life  
23 insurance by the maintenance payor. If in resolving any  
24 issues under paragraph (2) of this subsection (f) a court  
25 reviews any submitted or proposed application for new  
26 insurance on the life of a maintenance payor, the review

1 shall be in camera.

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

10 (4) Life insurance may be awarded only at the time of  
11 the initial judgment.

12 (5) The payee shall have the sole obligation to pay the  
13 premiums.

14 (6) All applications shall be made at the time of the  
15 initial judgment and the court shall be limited to an in  
16 camera review of the application in determining whether the  
17 application was made in good faith.

18 (7) The court must consider the ability of the insured  
19 spouse to obtain additional insurance.

20 (Source: P.A. 97-186, eff. 7-22-11; 97-608, eff. 1-1-12;  
21 97-813, eff. 7-13-12.)

22 (750 ILCS 5/505) (from Ch. 40, par. 505)

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

24 (a) In a proceeding for dissolution of marriage, legal  
25 separation, declaration of invalidity of marriage, a

1 proceeding for child support following dissolution of the  
 2 marriage by a court that lacked personal jurisdiction over the  
 3 absent spouse, a proceeding for modification of a previous  
 4 order for child support under Section 510 of this Act, or any  
 5 proceeding authorized under Section 501 or 601 of this Act, the  
 6 court may order either or both parents owing a duty of support  
 7 to a child of the marriage to pay an amount reasonable and  
 8 necessary for the support of the child, without regard to  
 9 marital misconduct. The duty of support owed to a child  
 10 includes the obligation to provide for the reasonable and  
 11 necessary educational, physical, mental and emotional health  
 12 needs of the child. For purposes of this Section, the term  
 13 "child" shall include any child under age 18 and any child  
 14 under age 19 who is still attending high school. For purposes  
 15 of this Section, the term "supporting parent" means the parent  
 16 obligated to pay support to the other parent.

17 (1) The Court shall determine the minimum amount of  
 18 support by using the following guidelines:

19	Number of Children	Percent of Supporting Party's
20		Net Income
21	1	20%
22	2	28%
23	3	32%
24	4	40%
25	5	45%
26	6 or more	50%



1           (2) The above guidelines shall be applied in each case  
2 unless the court finds that a deviation from the guidelines  
3 is appropriate after considering the best interest of the  
4 child in light of the evidence, including, but not limited  
5 to, one or more of the following relevant factors:

6           (a) the financial resources and needs of the child;

7           (b) the financial resources and needs of the  
8 custodial parent;

9           (c) the standard of living the child would have  
10 enjoyed had the marriage not been dissolved;

11           (d) the physical, mental, and emotional needs of  
12 the child;

13           (d-5) the educational needs of the child; and

14           (e) the financial resources and needs of the  
15 supporting non-custodial parent.

16           If the court deviates from the guidelines, the court's  
17 finding shall state the amount of support that would have  
18 been required under the guidelines, if determinable. The  
19 court shall include the reason or reasons for the variance  
20 from the guidelines.

21           (2.5) The court, in its discretion, in addition to  
22 setting child support pursuant to the guidelines and  
23 factors, may order either or both parents owing a duty of  
24 support to a child of the marriage to contribute to the  
25 following expenses, if determined by the court to be  
26 reasonable:

1 (a) health needs not covered by insurance;

2 (b) child care;

3 (c) education; and

4 (d) extracurricular activities.

5 (3) "Net income" is defined as the total of all income  
6 from all sources, minus the following deductions:

7 (a) Federal income tax (properly calculated  
8 withholding or estimated payments);

9 (b) State income tax (properly calculated  
10 withholding or estimated payments);

11 (c) Social Security (FICA payments);

12 (d) Mandatory retirement contributions required by  
13 law or as a condition of employment;

14 (e) Union dues;

15 (f) Dependent and individual  
16 health/hospitalization insurance premiums and premiums  
17 for life insurance ordered by the court to reasonably  
18 secure payment of ordered child support;

19 (g) Prior obligations of support or maintenance  
20 actually paid pursuant to a court order;

21 (h) Expenditures for repayment of debts that  
22 represent reasonable and necessary expenses for the  
23 production of income, medical expenditures necessary  
24 to preserve life or health, reasonable expenditures  
25 for the benefit of the child and the other parent,  
26 exclusive of gifts. The court shall reduce net income

1           in determining the minimum amount of support to be  
2           ordered only for the period that such payments are due  
3           and shall enter an order containing provisions for its  
4           self-executing modification upon termination of such  
5           payment period;

6                   (i) Foster care payments paid by the Department of  
7           Children and Family Services for providing licensed  
8           foster care to a foster child.

9           (4) In cases where the court order provides for  
10          health/hospitalization insurance coverage pursuant to  
11          Section 505.2 of this Act, the premiums for that insurance,  
12          or that portion of the premiums for which the supporting  
13          party is responsible in the case of insurance provided  
14          through an employer's health insurance plan where the  
15          employer pays a portion of the premiums, shall be  
16          subtracted from net income in determining the minimum  
17          amount of support to be ordered.

18                  (4.5) In a proceeding for child support following  
19          dissolution of the marriage by a court that lacked personal  
20          jurisdiction over the absent spouse, and in which the court  
21          is requiring payment of support for the period before the  
22          date an order for current support is entered, there is a  
23          rebuttable presumption that the supporting party's net  
24          income for the prior period was the same as his or her net  
25          income at the time the order for current support is  
26          entered.

1           (5) If the net income cannot be determined because of  
2           default or any other reason, the court shall order support  
3           in an amount considered reasonable in the particular case.  
4           The final order in all cases shall state the support level  
5           in dollar amounts. However, if the court finds that the  
6           child support amount cannot be expressed exclusively as a  
7           dollar amount because all or a portion of the payor's net  
8           income is uncertain as to source, time of payment, or  
9           amount, the court may order a percentage amount of support  
10          in addition to a specific dollar amount and enter such  
11          other orders as may be necessary to determine and enforce,  
12          on a timely basis, the applicable support ordered.

13          (6) If (i) the supporting ~~non-custodial~~ parent was  
14          properly served with a request for discovery of financial  
15          information relating to the supporting ~~non-custodial~~  
16          parent's ability to provide child support, (ii) the  
17          supporting ~~non-custodial~~ parent failed to comply with the  
18          request, despite having been ordered to do so by the court,  
19          and (iii) the supporting ~~non-custodial~~ parent is not  
20          present at the hearing to determine support despite having  
21          received proper notice, then any relevant financial  
22          information concerning the supporting ~~non-custodial~~  
23          parent's ability to provide child support that was obtained  
24          pursuant to subpoena and proper notice shall be admitted  
25          into evidence without the need to establish any further  
26          foundation for its admission.

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

10 (b) Failure of either parent to comply with an order to pay  
11 support shall be punishable as in other cases of civil  
12 contempt. In addition to other penalties provided by law the  
13 Court may, after finding the parent guilty of contempt, order  
14 that the parent be:

15 (1) placed on probation with such conditions of  
16 probation as the Court deems advisable;

17 (2) sentenced to periodic imprisonment for a period not  
18 to exceed 6 months; provided, however, that the Court may  
19 permit the parent to be released for periods of time during  
20 the day or night to:

21 (A) work; or

22 (B) conduct a business or other self-employed  
23 occupation.

24 The Court may further order any part or all of the earnings  
25 of a parent during a sentence of periodic imprisonment paid to  
26 the Clerk of the Circuit Court or to the parent having the

1 majority of residential responsibility ~~custody~~ or to the  
2 guardian having the majority of residential responsibility  
3 ~~custody~~ of the children of the sentenced parent for the support  
4 of said children until further order of the Court.

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

17 If there is a unity of interest and ownership sufficient to  
18 render no financial separation between a supporting  
19 ~~non-custodial~~ parent and another person or persons or business  
20 entity, the court may pierce the ownership veil of the person,  
21 persons, or business entity to discover assets of the  
22 supporting ~~non-custodial~~ parent held in the name of that  
23 person, those persons, or that business entity. The following  
24 circumstances are sufficient to authorize a court to order  
25 discovery of the assets of a person, persons, or business  
26 entity and to compel the application of any discovered assets

1 toward payment on the judgment for support:

2 (1) the supporting ~~non-custodial~~ parent and the  
3 person, persons, or business entity maintain records  
4 together.

5 (2) the supporting ~~non-custodial~~ parent and the  
6 person, persons, or business entity fail to maintain an  
7 arm's length relationship between themselves with regard  
8 to any assets.

9 (3) the supporting ~~non-custodial~~ parent transfers  
10 assets to the person, persons, or business entity with the  
11 intent to perpetrate a fraud on the ~~custodial~~ parent  
12 receiving the support.

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

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

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

15 In addition to the penalties or punishment that may be  
16 imposed under this Section, any person whose conduct  
17 constitutes a violation of Section 15 of the Non-Support  
18 Punishment Act may be prosecuted under that Act, and a person  
19 convicted under that Act may be sentenced in accordance with  
20 that Act. The sentence may include but need not be limited to a  
21 requirement that the person perform community service under  
22 Section 50 of that Act or participate in a work alternative  
23 program under Section 50 of that Act. A person may not be  
24 required to participate in a work alternative program under  
25 Section 50 of that Act if the person is currently participating  
26 in a work program pursuant to Section 505.1 of this Act.



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

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

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

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

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

20 (f) All orders for support, when entered or modified, shall  
21 include a provision requiring the obligor to notify the court  
22 and, in cases in which a party is receiving child and spouse  
23 services under Article X of the Illinois Public Aid Code, the  
24 Department of Healthcare and Family Services, within 7 days,  
25 (i) of the name and address of any new employer of the obligor,  
26 (ii) whether the obligor has access to health insurance

1 coverage through the employer or other group coverage and, if  
2 so, the policy name and number and the names of persons covered  
3 under the policy, except only the initials of any covered  
4 minors shall be included, and (iii) of any new residential or  
5 mailing address or telephone number of the supporting  
6 ~~non-custodial~~ parent. In any subsequent action to enforce a  
7 support order, upon a sufficient showing that a diligent effort  
8 has been made to ascertain the location of the supporting  
9 ~~non-custodial~~ parent, service of process or provision of notice  
10 necessary in the case may be made at the last known address of  
11 the supporting ~~non-custodial~~ parent in any manner expressly  
12 provided by the Code of Civil Procedure or this Act, which  
13 service shall be sufficient for purposes of due process.

14 (g) An order for support shall include a date on which the  
15 current support obligation terminates. The termination date  
16 shall be no earlier than the date on which the child covered by  
17 the order will attain the age of 18. However, if the child will  
18 not graduate from high school until after attaining the age of  
19 18, then the termination date shall be no earlier than the  
20 earlier of the date on which the child's high school graduation  
21 will occur or the date on which the child will attain the age  
22 of 19. The order for support shall state that the termination  
23 date does not apply to any arrearage that may remain unpaid on  
24 that date. Nothing in this subsection shall be construed to  
25 prevent the court from modifying the order or terminating the  
26 order in the event the child is otherwise emancipated.

1 (g-5) If there is an unpaid arrearage or delinquency (as  
2 those terms are defined in the Income Withholding for Support  
3 Act) equal to at least one month's support obligation on the  
4 termination date stated in the order for support or, if there  
5 is no termination date stated in the order, on the date the  
6 child attains the age of majority or is otherwise emancipated,  
7 the periodic amount required to be paid for current support of  
8 that child immediately prior to that date shall automatically  
9 continue to be an obligation, not as current support but as  
10 periodic payment toward satisfaction of the unpaid arrearage or  
11 delinquency. That periodic payment shall be in addition to any  
12 periodic payment previously required for satisfaction of the  
13 arrearage or delinquency. The total periodic amount to be paid  
14 toward satisfaction of the arrearage or delinquency may be  
15 enforced and collected by any method provided by law for  
16 enforcement and collection of child support, including but not  
17 limited to income withholding under the Income Withholding for  
18 Support Act. Each order for support entered or modified on or  
19 after the effective date of this amendatory Act of the 93rd  
20 General Assembly must contain a statement notifying the parties  
21 of the requirements of this subsection. Failure to include the  
22 statement in the order for support does not affect the validity  
23 of the order or the operation of the provisions of this  
24 subsection with regard to the order. This subsection shall not  
25 be construed to prevent or affect the establishment or  
26 modification of an order for support of a minor child or the

1 establishment or modification of an order for support of a  
2 non-minor child or educational expenses under Section 513 of  
3 this Act.

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

23 (i) The court does not lose the powers of contempt,  
24 driver's license suspension, or other child support  
25 enforcement mechanisms, including, but not limited to,  
26 criminal prosecution as set forth in this Act, upon the

1 emancipation of the minor child or children.

2 (Source: P.A. 97-186, eff. 7-22-11; 97-608, eff. 1-1-12;  
3 97-813, eff. 7-13-12; 97-878, eff. 8-2-12; 97-941, eff. 1-1-13;  
4 97-1029, eff. 1-1-13; 98-463, eff. 8-16-13.)

5 (750 ILCS 5/508) (from Ch. 40, par. 508)

6 Sec. 508. Attorney's Fees; Client's Rights and  
7 Responsibilities Respecting Fees and Costs.

8 (a) The court from time to time, after due notice and  
9 hearing, and after considering the financial resources of the  
10 parties, may order any party to pay a reasonable amount for his  
11 own or the other party's costs and attorney's fees. Interim  
12 attorney's fees and costs may be awarded from the opposing  
13 party, in a pre-judgment dissolution proceeding in accordance  
14 with subsection (c-1) of Section 501 and in any other  
15 proceeding under this subsection. At the conclusion of any  
16 pre-judgment dissolution proceeding under this subsection,  
17 contribution to attorney's fees and costs may be awarded from  
18 the opposing party in accordance with subsection (j) of Section  
19 503 and in any other proceeding under this subsection. Fees and  
20 costs may be awarded in any proceeding to counsel from a former  
21 client in accordance with subsection (c) of this Section.  
22 Awards may be made in connection with the following:

23 (1) The maintenance or defense of any proceeding under  
24 this Act.

25 (2) The enforcement or modification of any order or

1 judgment under this Act.

2 (3) The defense of an appeal of any order or judgment  
3 under this Act, including the defense of appeals of  
4 post-judgment orders.

5 (3.1) The prosecution of any claim on appeal (if the  
6 prosecuting party has substantially prevailed).

7 (4) The maintenance or defense of a petition brought  
8 under Section 2-1401 of the Code of Civil Procedure seeking  
9 relief from a final order or judgment under this Act. Fees  
10 incurred with respect to motions under Section 2-1401 of  
11 the Code of Civil Procedure may be granted only if the  
12 underlying motion is granted.

13 (5) The costs and legal services of an attorney  
14 rendered in preparation of the commencement of the  
15 proceeding brought under this Act.

16 (6) Ancillary litigation incident to, or reasonably  
17 connected with, a proceeding under this Act.

18 (7) Costs and attorney's fees incurred in an action  
19 under the Hague Convention on the Civil Aspects of  
20 International Child Abduction.

21 All petitions for or relating to interim fees and costs  
22 under this subsection shall be accompanied by an affidavit as  
23 to the factual basis for the relief requested and all hearings  
24 relative to any such petition shall be scheduled expeditiously  
25 by the court. All provisions for contribution under this  
26 subsection shall also be subject to paragraphs (3), (4), and

1 (5) of subsection (j) of Section 503.

2 The court may order that the award of attorney's fees and  
3 costs (including an interim or contribution award) shall be  
4 paid directly to the attorney, who may enforce the order in his  
5 or her name, or that it shall be paid to the appropriate party.  
6 Judgment may be entered and enforcement had accordingly. Except  
7 as otherwise provided in subdivision (e)(1) of this Section,  
8 subsection (c) of this Section is exclusive as to the right of  
9 any counsel (or former counsel) of record to petition a court  
10 for an award and judgment for final fees and costs during the  
11 pendency of a proceeding under this Act.

12 A petition for temporary attorney's fees in a post-judgment  
13 case shall be heard on a non-evidentiary, summary basis.

14 (b) In every proceeding for the enforcement of an order or  
15 judgment when the court finds that the failure to comply with  
16 the order or judgment was without compelling cause or  
17 justification, the court shall order the party against whom the  
18 proceeding is brought to pay promptly the costs and reasonable  
19 attorney's fees of the prevailing party. If non-compliance is  
20 with respect to a discovery order, the non-compliance is  
21 presumptively without compelling cause or justification, and  
22 the presumption may only be rebutted by clear and convincing  
23 evidence. If at any time a court finds that a hearing under  
24 this Act was precipitated or conducted for any improper  
25 purpose, the court shall allocate fees and costs of all parties  
26 for the hearing to the party or counsel found to have acted



1 improperly. Improper purposes include, but are not limited to,  
2 harassment, unnecessary delay, or other acts needlessly  
3 increasing the cost of litigation.

4 (c) Final hearings for attorney's fees and costs against an  
5 attorney's own client, pursuant to a Petition for Setting Final  
6 Fees and Costs of either a counsel or a client, shall be  
7 governed by the following:

8 (1) No petition of a counsel of record may be filed  
9 against a client unless the filing counsel previously has  
10 been granted leave to withdraw as counsel of record or has  
11 filed a motion for leave to withdraw as counsel. On receipt  
12 of a petition of a client under this subsection (c), the  
13 counsel of record shall promptly file a motion for leave to  
14 withdraw as counsel. If the client and the counsel of  
15 record agree, however, a hearing on the motion for leave to  
16 withdraw as counsel filed pursuant to this subdivision  
17 (c)(1) may be deferred until completion of any alternative  
18 dispute resolution procedure under subdivision (c)(4). As  
19 to any Petition for Setting Final Fees and Costs against a  
20 client or counsel over whom the court has not obtained  
21 jurisdiction, a separate summons shall issue. Whenever a  
22 separate summons is not required, original notice as to a  
23 Petition for Setting Final Fees and Costs may be given, and  
24 documents served, in accordance with Illinois Supreme  
25 Court Rules 11 and 12.

26 (2) No final hearing under this subsection (c) is

1 permitted unless: (i) the counsel and the client had  
2 entered into a written engagement agreement at the time the  
3 client retained the counsel (or reasonably soon  
4 thereafter) and the agreement meets the requirements of  
5 subsection (f); (ii) the written engagement agreement is  
6 attached to an affidavit of counsel that is filed with the  
7 petition or with the counsel's response to a client's  
8 petition; (iii) judgment in any contribution hearing on  
9 behalf of the client has been entered or the right to a  
10 contribution hearing under subsection (j) of Section 503  
11 has been waived; (iv) the counsel has withdrawn as counsel  
12 of record; and (v) the petition seeks adjudication of all  
13 unresolved claims for fees and costs between the counsel  
14 and the client. Irrespective of a Petition for Setting  
15 Final Fees and Costs being heard in conjunction with an  
16 original proceeding under this Act, the relief requested  
17 under a Petition for Setting Final Fees and Costs  
18 constitutes a distinct cause of action. A pending but  
19 undetermined Petition for Setting Final Fees and Costs  
20 shall not affect appealability of any judgment or other  
21 adjudication in the original proceeding.

22 (3) The determination of reasonable attorney's fees  
23 and costs either under this subsection (c), whether  
24 initiated by a counsel or a client, or in an independent  
25 proceeding for services within the scope of subdivisions  
26 (1) through (5) of subsection (a), is within the sound

1 discretion of the trial court. The court shall first  
2 consider the written engagement agreement and, if the court  
3 finds that the former client and the filing counsel,  
4 pursuant to their written engagement agreement, entered  
5 into a contract which meets applicable requirements of  
6 court rules and addresses all material terms, then the  
7 contract shall be enforceable in accordance with its terms,  
8 subject to the further requirements of this subdivision  
9 (c)(3). Before ordering enforcement, however, the court  
10 shall consider the performance pursuant to the contract.  
11 Any amount awarded by the court must be found to be fair  
12 compensation for the services, pursuant to the contract,  
13 that the court finds were reasonable and necessary. Quantum  
14 meruit principles shall govern any award for legal services  
15 performed that is not based on the terms of the written  
16 engagement agreement (except that, if a court expressly  
17 finds in a particular case that aggregate billings to a  
18 client were unconscionably excessive, the court in its  
19 discretion may reduce the award otherwise determined  
20 appropriate or deny fees altogether).

21 (4) No final hearing under this subsection (c) is  
22 permitted unless any controversy over fees and costs (that  
23 is not otherwise subject to some form of alternative  
24 dispute resolution) has first been submitted to mediation,  
25 arbitration, or any other court approved alternative  
26 dispute resolution procedure, except as follows:

1           (A) In any circuit court for a single county with a  
2           population in excess of 1,000,000, the requirement of  
3           the controversy being submitted to an alternative  
4           dispute resolution procedure is mandatory unless the  
5           client and the counsel both affirmatively opt out of  
6           such procedures; or

7           (B) In any other circuit court, the requirement of  
8           the controversy being submitted to an alternative  
9           dispute resolution procedure is mandatory only if  
10          neither the client nor the counsel affirmatively opts  
11          out of such procedures.

12          After completion of any such procedure (or after one or  
13          both sides has opted out of such procedures), if the  
14          dispute is unresolved, any pending motion for leave to  
15          withdraw as counsel shall be promptly granted and a final  
16          hearing under this subsection (c) shall be expeditiously  
17          set and completed.

18          (5) A petition (or a praecipe for fee hearing without  
19          the petition) shall be filed no later than the end of the  
20          period in which it is permissible to file a motion pursuant  
21          to Section 2-1203 of the Code of Civil Procedure. A  
22          praecipe for fee hearing shall be dismissed if a Petition  
23          for Setting Final Fees and Costs is not filed within 60  
24          days after the filing of the praecipe. A counsel who  
25          becomes a party by filing a Petition for Setting Final Fees  
26          and Costs, or as a result of the client filing a Petition

1 for Setting Final Fees and Costs, shall not be entitled to  
2 exercise the right to a substitution of a judge without  
3 cause under subdivision (a)(2) of Section 2-1001 of the  
4 Code of Civil Procedure. Each of the foregoing deadlines  
5 for the filing of a praecipe or a petition shall be:

6 (A) tolled if a motion is filed under Section 2-1203 of  
7 the Code of Civil Procedure, in which instance a petition  
8 (or a praecipe) shall be filed no later than 30 days  
9 following disposition of all Section 2-1203 motions; or

10 (B) tolled if a notice of appeal is filed, in which  
11 instance a petition (or praecipe) shall be filed no later  
12 than 30 days following the date jurisdiction on the issue  
13 appealed is returned to the trial court.

14 If a praecipe has been timely filed, then by timely filed  
15 written stipulation between counsel and client (or former  
16 client), the deadline for the filing of a petition may be  
17 extended for a period of up to one year.

18 (d) A consent judgment, in favor of a current counsel of  
19 record against his or her own client for a specific amount in a  
20 marital settlement agreement, dissolution judgment, or any  
21 other instrument involving the other litigant, is prohibited. A  
22 consent judgment between client and counsel, however, is  
23 permissible if it is entered pursuant to a verified petition  
24 for entry of consent judgment, supported by an affidavit of the  
25 counsel of record that includes the counsel's representation  
26 that the client has been provided an itemization of the billing

1 or billings to the client, detailing hourly costs, time spent,  
2 and tasks performed, and by an affidavit of the client  
3 acknowledging receipt of that documentation, awareness of the  
4 right to a hearing, the right to be represented by counsel  
5 (other than counsel to whom the consent judgment is in favor),  
6 and the right to be present at the time of presentation of the  
7 petition, and agreement to the terms of the judgment. The  
8 petition may be filed at any time during which it is  
9 permissible for counsel of record to file a petition (or a  
10 praecipe) for a final fee hearing, except that no such petition  
11 for entry of consent judgment may be filed before adjudication  
12 (or waiver) of the client's right to contribution under  
13 subsection (j) of Section 503 or filed after the filing of a  
14 petition (or a praecipe) by counsel of record for a fee hearing  
15 under subsection (c) if the petition (or praecipe) remains  
16 pending. No consent security arrangement between a client and a  
17 counsel of record, pursuant to which assets of a client are  
18 collateralized to secure payment of legal fees or costs, is  
19 permissible unless approved in advance by the court as being  
20 reasonable under the circumstances.

21 (e) Counsel may pursue an award and judgment against a  
22 former client for legal fees and costs in an independent  
23 proceeding in the following circumstances:

24 (1) While a case under this Act is still pending, a  
25 former counsel may pursue such an award and judgment at any  
26 time subsequent to 90 days after the entry of an order

1 granting counsel leave to withdraw; and

2 (2) After the close of the period during which a  
3 petition (or praecipe) may be filed under subdivision  
4 (c)(5), if no such petition (or praecipe) for the counsel  
5 remains pending, any counsel or former counsel may pursue  
6 such an award and judgment in an independent proceeding.

7 In an independent proceeding, the prior applicability of this  
8 Section shall in no way be deemed to have diminished any other  
9 right of any counsel (or former counsel) to pursue an award and  
10 judgment for legal fees and costs on the basis of remedies that  
11 may otherwise exist under applicable law; and the limitations  
12 period for breach of contract shall apply. In an independent  
13 proceeding under subdivision (e)(1) in which the former counsel  
14 had represented a former client in a dissolution case that is  
15 still pending, the former client may bring in his or her spouse  
16 as a third-party defendant, provided on or before the final  
17 date for filing a petition (or praecipe) under subsection (c),  
18 the party files an appropriate third-party complaint under  
19 Section 2-406 of the Code of Civil Procedure. In any such case,  
20 any judgment later obtained by the former counsel shall be  
21 against both spouses or ex-spouses, jointly and severally  
22 (except that, if a hearing under subsection (j) of Section 503  
23 has already been concluded and the court hearing the  
24 contribution issue has imposed a percentage allocation between  
25 the parties as to fees and costs otherwise being adjudicated in  
26 the independent proceeding, the allocation shall be applied

1 without deviation by the court in the independent proceeding  
2 and a separate judgment shall be entered against each spouse  
3 for the appropriate amount). After the period for the  
4 commencement of a proceeding under subsection (c), the  
5 provisions of this Section (other than the standard set forth  
6 in subdivision (c) (3) and the terms respecting consent security  
7 arrangements in subsection (d) of this Section 508) shall be  
8 inapplicable.

9 The changes made by this amendatory Act of the 94th General  
10 Assembly are declarative of existing law.

11 (f) Unless the Supreme Court by rule addresses the matters  
12 set out in this subsection (f), a written engagement agreement  
13 within the scope of subdivision (c) (2) shall have appended to  
14 it verbatim the following Statement:

15 "STATEMENT OF CLIENT'S RIGHTS AND RESPONSIBILITIES

16 (1) WRITTEN ENGAGEMENT AGREEMENT. The written engagement  
17 agreement, prepared by the counsel, shall clearly address the  
18 objectives of representation and detail the fee arrangement,  
19 including all material terms. If fees are to be based on  
20 criteria apart from, or in addition to, hourly rates, such  
21 criteria (e.g., unique time demands and/or utilization of  
22 unique expertise) shall be delineated. The client shall receive  
23 a copy of the written engagement agreement and any additional  
24 clarification requested and is advised not to sign any such  
25 agreement which the client finds to be unsatisfactory or does



1 not understand.

2 (2) REPRESENTATION. Representation will commence upon the  
3 signing of the written engagement agreement. The counsel will  
4 provide competent representation, which requires legal  
5 knowledge, skill, thoroughness and preparation to handle those  
6 matters set forth in the written engagement agreement. Once  
7 employed, the counsel will act with reasonable diligence and  
8 promptness, as well as use his best efforts on behalf of the  
9 client, but he cannot guarantee results. The counsel will abide  
10 by the client's decision concerning the objectives of  
11 representation, including whether or not to accept an offer of  
12 settlement, and will endeavor to explain any matter to the  
13 extent reasonably necessary to permit the client to make  
14 informed decisions regarding representation. During the course  
15 of representation and afterwards, the counsel may not use or  
16 reveal a client's confidence or secrets, except as required or  
17 permitted by law.

18 (3) COMMUNICATION. The counsel will keep the client  
19 reasonably informed about the status of representation and will  
20 promptly respond to reasonable requests for information,  
21 including any reasonable request for an estimate respecting  
22 future costs of the representation or an appropriate portion of  
23 it. The client shall be truthful in all discussions with the  
24 counsel and provide all information or documentation required  
25 to enable the counsel to provide competent representation.  
26 During representation, the client is entitled to receive all

1 pleadings and substantive documents prepared on behalf of the  
2 client and every document received from any other counsel of  
3 record. At the end of the representation and on written request  
4 from the client, the counsel will return to the client all  
5 original documents and exhibits. In the event that the counsel  
6 withdraws from representation, or is discharged by the client,  
7 the counsel will turn over to the substituting counsel (or, if  
8 no substitutions, to the client) all original documents and  
9 exhibits together with complete copies of all pleadings and  
10 discovery within thirty (30) days of the counsel's withdrawal  
11 or discharge.

12 (4) ETHICAL CONDUCT. The counsel cannot be required to  
13 engage in conduct which is illegal, unethical, or fraudulent.  
14 In matters involving minor children, the counsel may refuse to  
15 engage in conduct which, in the counsel's professional  
16 judgment, would be contrary to the best interest of the  
17 client's minor child or children. A counsel who cannot  
18 ethically abide by his client's directions shall be allowed to  
19 withdraw from representation.

20 (5) FEES. The counsel's fee for services may not be  
21 contingent upon the securing of a dissolution of marriage or ~~7~~  
22 upon being allocated parental responsibility ~~obtaining~~  
23 ~~custody,~~ or be based upon the amount of maintenance, child  
24 support, or property settlement received, except as  
25 specifically permitted under Supreme Court rules. The counsel  
26 may not require a non-refundable retainer fee, but must remit

1 back any overpayment at the end of the representation. The  
2 counsel may enter into a consensual security arrangement with  
3 the client whereby assets of the client are pledged to secure  
4 payment of legal fees or costs, but only if the counsel first  
5 obtains approval of the Court. The counsel will prepare and  
6 provide the client with an itemized billing statement detailing  
7 hourly rates (and/or other criteria), time spent, tasks  
8 performed, and costs incurred on a regular basis, at least  
9 quarterly. The client should review each billing statement  
10 promptly and address any objection or error in a timely manner.  
11 The client will not be billed for time spent to explain or  
12 correct a billing statement. If an appropriately detailed  
13 written estimate is submitted to a client as to future costs  
14 for a counsel's representation or a portion of the contemplated  
15 services (i.e., relative to specific steps recommended by the  
16 counsel in the estimate) and, without objection from the  
17 client, the counsel then performs the contemplated services,  
18 all such services are presumptively reasonable and necessary,  
19 as well as to be deemed pursuant to the client's direction. In  
20 an appropriate case, the client may pursue contribution to his  
21 or her fees and costs from the other party.

22 (6) DISPUTES. The counsel-client relationship is regulated  
23 by the Illinois Rules of Professional Conduct (Article VIII of  
24 the Illinois Supreme Court Rules), and any dispute shall be  
25 reviewed under the terms of such Rules."

26 (g) The changes to this Section 508 made by this amendatory

1 Act of 1996 apply to cases pending on or after June 1, 1997,  
2 except as follows:

3 (1) Subdivisions (c)(1) and (c)(2) of this Section 508,  
4 as well as provisions of subdivision (c)(3) of this Section  
5 508 pertaining to written engagement agreements, apply  
6 only to cases filed on or after June 1, 1997.

7 (2) The following do not apply in the case of a hearing  
8 under this Section that began before June 1, 1997:

9 (A) Subsection (c-1) of Section 501.

10 (B) Subsection (j) of Section 503.

11 (C) The changes to this Section 508 made by this  
12 amendatory Act of 1996 pertaining to the final setting  
13 of fees.

14 (Source: P.A. 96-583, eff. 1-1-10.)

15 (750 ILCS 5/510) (from Ch. 40, par. 510)

16 Sec. 510. Modification and termination of provisions for  
17 maintenance, support, educational expenses, and property  
18 disposition.

19 (a) Except as otherwise provided in paragraph (f) of  
20 Section 502 and in subsection (b), clause (3) of Section 505.2,  
21 the provisions of any judgment respecting maintenance or  
22 support may be modified only as to installments accruing  
23 subsequent to due notice by the moving party of the filing of  
24 the motion for modification. An order for child support may be  
25 modified as follows:

1           (1) upon a showing of a substantial change in  
2 circumstances; and

3           (2) without the necessity of showing a substantial  
4 change in circumstances, as follows:

5                   (A) upon a showing of an inconsistency of at least  
6 20%, but no less than \$10 per month, between the amount  
7 of the existing order and the amount of child support  
8 that results from application of the guidelines  
9 specified in Section 505 of this Act unless the  
10 inconsistency is due to the fact that the amount of the  
11 existing order resulted from a deviation from the  
12 guideline amount and there has not been a change in the  
13 circumstances that resulted in that deviation; or

14                   (B) upon a showing of a need to provide for the  
15 health care needs of the child under the order through  
16 health insurance or other means. In no event shall the  
17 eligibility for or receipt of medical assistance be  
18 considered to meet the need to provide for the child's  
19 health care needs.

20           The provisions of subparagraph (a)(2)(A) shall apply only  
21 in cases in which a party is receiving child support  
22 enforcement services from the Department of Healthcare and  
23 Family Services under Article X of the Illinois Public Aid  
24 Code, and only when at least 36 months have elapsed since the  
25 order for child support was entered or last modified.

26           (a-5) An order for maintenance may be modified or

1 terminated only upon a showing of a substantial change in  
2 circumstances. In all such proceedings, as well as in  
3 proceedings in which maintenance is being reviewed, the court  
4 shall consider the applicable factors set forth in subsection  
5 (a) of Section 504 and the following factors:

6 (1) any change in the employment status of either party  
7 and whether the change has been made in good faith;

8 (2) the efforts, if any, made by the party receiving  
9 maintenance to become self-supporting, and the  
10 reasonableness of the efforts where they are appropriate;

11 (3) any impairment of the present and future earning  
12 capacity of either party;

13 (4) the tax consequences of the maintenance payments  
14 upon the respective economic circumstances of the parties;

15 (5) the duration of the maintenance payments  
16 previously paid (and remaining to be paid) relative to the  
17 length of the marriage;

18 (6) the property, including retirement benefits,  
19 awarded to each party under the judgment of dissolution of  
20 marriage, judgment of legal separation, or judgment of  
21 declaration of invalidity of marriage and the present  
22 status of the property;

23 (7) the increase or decrease in each party's income  
24 since the prior judgment or order from which a review,  
25 modification, or termination is being sought;

26 (8) the property acquired and currently owned by each

1 party after the entry of the judgment of dissolution of  
2 marriage, judgment of legal separation, or judgment of  
3 declaration of invalidity of marriage; and

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

6 (b) The provisions as to property disposition may not be  
7 revoked or modified, unless the court finds the existence of  
8 conditions that justify the reopening of a judgment under the  
9 laws of this State.

10 (c) Unless otherwise agreed by the parties in a written  
11 agreement set forth in the judgment or otherwise approved by  
12 the court, the obligation to pay future maintenance is  
13 terminated upon the death of either party, ~~or~~ the remarriage of  
14 the party receiving maintenance, entry by the party receiving  
15 maintenance into a civil union, or if the party receiving  
16 maintenance cohabits with another person on a resident,  
17 continuing conjugal basis. Any obligation of a payor party for  
18 premium payments respecting insurance on such party's life  
19 imposed under subsection (f) of Section 504 is also terminated  
20 on the occurrence of any of the foregoing events, unless  
21 otherwise agreed by the parties. Any termination of an  
22 obligation for maintenance as a result of the death of the  
23 payor party, however, shall be inapplicable to any right of the  
24 other party or such other party's designee to receive a death  
25 benefit under such insurance on the payor party's life. A party  
26 receiving maintenance must advise the payor of his or her

1 intention to marry or enter into a civil union at least 30 days  
2 before the remarriage or entry into the civil union, unless the  
3 decision is made within said time period. In that event, he or  
4 she must notify the other party within 72 hours of getting  
5 married or entering into a civil union. Failure to notify the  
6 payor as required by this subsection allows any subsequent  
7 petition for termination to be made retroactive, to the date of  
8 marriage or civil union, with reimbursement permitted for the  
9 amount paid prior to notification.

10 (c-5) The court shall make specific factual findings as to  
11 the reason for the modification as well as the amount, nature,  
12 and duration of the modified maintenance reward.

13 (d) Unless otherwise provided in this Act, or as agreed in  
14 writing or expressly provided in the judgment, provisions for  
15 the support of a child are terminated by emancipation of the  
16 child, or if the child has attained the age of 18 and is still  
17 attending high school, provisions for the support of the child  
18 are terminated upon the date that the child graduates from high  
19 school or the date the child attains the age of 19, whichever  
20 is earlier, but not by the death of a parent obligated to  
21 support or educate the child. An existing obligation to pay for  
22 support or educational expenses, or both, is not terminated by  
23 the death of a parent. When a parent obligated to pay support  
24 or educational expenses, or both, dies, the amount of support  
25 or educational expenses, or both, may be enforced, modified,  
26 revoked or commuted to a lump sum payment, as equity may



1 require, and that determination may be provided for at the time  
2 of the dissolution of the marriage or thereafter.

3 (e) The right to petition for support or educational  
4 expenses, or both, under Sections 505 and 513 is not  
5 extinguished by the death of a parent. Upon a petition filed  
6 before or after a parent's death, the court may award sums of  
7 money out of the decedent's estate for the child's support or  
8 educational expenses, or both, as equity may require. The time  
9 within which a claim may be filed against the estate of a  
10 decedent under Sections 505 and 513 and subsection (d) and this  
11 subsection shall be governed by the provisions of the Probate  
12 Act of 1975, as a barrable, noncontingent claim.

13 (f) A petition to modify or terminate child support,  
14 allocation of parental responsibilities ~~custody~~, or visitation  
15 shall not delay any child support enforcement litigation or  
16 supplementary proceeding on behalf of the obligee, including,  
17 but not limited to, a petition for a rule to show cause, for  
18 non-wage garnishment, or for a restraining order.

19 (Source: P.A. 97-608, eff. 1-1-12.)

20 (750 ILCS 5/512) (from Ch. 40, par. 512)

21 Sec. 512. Post-Judgment Venue.) After 30 days from the  
22 entry of a judgment of dissolution of marriage or dissolution  
23 of a civil union or the last modification thereof, any further  
24 proceedings to enforce or modify the judgment shall be as  
25 follows:

1 (a) If the respondent does not then reside within this  
2 State, further proceedings shall be had either in the judicial  
3 circuit wherein the moving party resides or where the judgment  
4 was entered or last modified.

5 (b) If one or both of the parties then resides in the  
6 judicial circuit wherein the judgment was entered or last  
7 modified, further proceedings shall be had in the judicial  
8 circuit that last exercised jurisdiction in the matter;  
9 provided, however, that the court may in its discretion,  
10 transfer matters involving a change in the allocation of  
11 parental responsibility ~~child custody~~ to the judicial circuit  
12 where the minor or dependent child resides.

13 (c) If neither party then resides in the judicial circuit  
14 wherein the judgment was entered or last modified, further  
15 proceedings shall be had in that circuit or in the judicial  
16 circuit wherein either party resides ~~or where the respondent is~~  
17 ~~actively employed~~; provided, however, that the court may, in  
18 its discretion, transfer matters involving a change in the  
19 allocation of parental responsibility ~~child custody~~ to the  
20 judicial circuit where the minor or dependent child resides.

21 (d) Objection to venue is waived if not made within such  
22 time as the respondent's answer is due. Counter relief shall be  
23 heard and determined by the court hearing any matter already  
24 pending.

25 (Source: P.A. 80-923.)

1 (750 ILCS 5/513) (from Ch. 40, par. 513)

2 Sec. 513. Educational Expenses ~~Support~~ for a Non-minor  
3 Child ~~Children and Educational Expenses~~.

4 (a) The court may award sums of money out of the property  
5 and income of either or both parties or the estate of a  
6 deceased parent, as equity may require, for the educational  
7 expenses ~~support~~ of any ~~the~~ child ~~or children~~ of the parties.  
8 Unless otherwise agreed to by the parties, all educational  
9 expenses which are the subject of a petition brought pursuant  
10 to this Section shall be incurred no later than the student's  
11 23rd birthday.

12 (b) Regardless of whether an award has been made under  
13 subsection (a), the court may require both parties and the  
14 child to complete the Free Application for Federal Student Aid  
15 (FAFSA) and other financial aid forms and to submit any form of  
16 that type prior to the designated submission deadline for the  
17 form. The court may require either or both parties to provide  
18 funds for the child so as to pay for the cost of up to 5 college  
19 applications, the cost of 2 standardized college entrance  
20 examinations, and the cost of one standardized college entrance  
21 examination preparatory course.

22 (c) The authority under this Section to make provision for  
23 educational expenses extends not only to periods of college  
24 education or vocational or professional or other training after  
25 graduation from high school, but also to any period during  
26 which the child of the parties is still attending high school,

1 even though he or she attained the age of 19.

2 (d) Educational expenses may include, but shall not be  
3 limited to, the following:

4 (1) except for good cause shown, the actual cost of the  
5 child's post-secondary expenses, including tuition and  
6 fees, provided that the cost for tuition and fees does not  
7 exceed the amount of tuition and fees paid by a student at  
8 the University of Illinois at Urbana-Champaign for the same  
9 academic year;

10 (2) the actual costs of the child's housing expenses,  
11 whether on-campus and off-campus, provided that the  
12 housing expenses do not exceed the cost for the same  
13 academic year of a double-occupancy student room, with a  
14 standard meal plan, in a residence hall operated by the  
15 University of Illinois at Urbana-Champaign;

16 (3) the actual costs of the child's medical expenses,  
17 including medical insurance, and dental expenses; and

18 (4) the reasonable living expenses of the child during  
19 the academic year and periods of recess:

20 (A) if the child is a resident student attending a  
21 post-secondary educational program; or

22 (B) if the child is living with one party at that  
23 party's home and attending a post-secondary  
24 educational program as a non-resident student, in  
25 which case the living expenses include an amount that  
26 pays for the reasonable cost of the child's food,

1           utilities, and transportation.

2           (e) Sums may be ordered payable to the child, to either  
3 party, or to the educational institution, directly or through a  
4 special account or trust created for that purpose, as the court  
5 sees fit.

6           (f) If educational expenses are ordered payable, each party  
7 and the child shall sign any consent necessary for the  
8 educational institution to provide a supporting party with  
9 access to the child's academic transcripts, records, and grade  
10 reports. The consent shall not apply to any non-academic  
11 records. Failure to execute the required consent may be a basis  
12 for a modification or termination of any order entered under  
13 this Section. Unless the court specifically finds that the  
14 child's safety would be jeopardized, each party is entitled to  
15 know the name of the educational institution the child attends.

16           (g) The authority under this Section to make provision for  
17 educational expenses terminates when the child: fails to  
18 maintain a "C" grade point average, except in the event of  
19 illness or other good cause shown; attains the age of 23;  
20 receives a baccalaureate degree; or marries or becomes a party  
21 to a civil union. A child's enlisting in the armed forces,  
22 being incarcerated, or becoming pregnant does not terminate the  
23 court's authority to make provisions for the educational  
24 expenses for the child under this Section.

25           (h) An account established prior to the dissolution that is  
26 to be used for the child's post-secondary education, that is an

1 account in a state tuition program under Section 529 of the  
2 Internal Revenue Code, or that is some other college savings  
3 plan, is to be considered by the court to be a resource of the  
4 child, provided that any post-judgment contribution made by a  
5 party to such an account is to be considered a contribution  
6 from that party.

7 (i) The child is not a third party beneficiary to the  
8 settlement agreement or judgment between the parties after  
9 trial and is not entitled to file a petition for contribution.  
10 If the parties' settlement agreement describes the manner in  
11 which a child's educational expenses will be paid, or if the  
12 court makes an award pursuant to this Section, then the parties  
13 are responsible pursuant to that agreement or award for the  
14 child's educational expenses, but in no event shall the court  
15 consider the child a third party beneficiary of that provision.  
16 In the event of the death of a party who would have the right to  
17 file a petition for contribution, the child of the party may  
18 file a petition for contribution.

19 ~~who have attained majority in the following instances:~~

20 ~~(1) When the child is mentally or physically disabled~~  
21 ~~and not otherwise emancipated, an application for support~~  
22 ~~may be made before or after the child has attained~~  
23 ~~majority.~~

24 ~~(2) The court may also make provision for the~~  
25 ~~educational expenses of the child or children of the~~  
26 ~~parties, whether of minor or majority age, and an~~

1 ~~application for educational expenses may be made before or~~  
2 ~~after the child has attained majority, or after the death~~  
3 ~~of either parent. The authority under this Section to make~~  
4 ~~provision for educational expenses extends not only to~~  
5 ~~periods of college education or professional or other~~  
6 ~~training after graduation from high school, but also to any~~  
7 ~~period during which the child of the parties is still~~  
8 ~~attending high school, even though he or she attained the~~  
9 ~~age of 19. The educational expenses may include, but shall~~  
10 ~~not be limited to, room, board, dues, tuition,~~  
11 ~~transportation, books, fees, registration and application~~  
12 ~~costs, medical expenses including medical insurance,~~  
13 ~~dental expenses, and living expenses during the school year~~  
14 ~~and periods of recess, which sums may be ordered payable to~~  
15 ~~the child, to either parent, or to the educational~~  
16 ~~institution, directly or through a special account or trust~~  
17 ~~created for that purpose, as the court sees fit.~~

18 ~~If educational expenses are ordered payable, each~~  
19 ~~parent and the child shall sign any consents necessary for~~  
20 ~~the educational institution to provide the supporting~~  
21 ~~parent with access to the child's academic transcripts,~~  
22 ~~records, and grade reports. The consents shall not apply to~~  
23 ~~any non-academic records. Failure to execute the required~~  
24 ~~consent may be a basis for a modification or termination of~~  
25 ~~any order entered under this Section. Unless the court~~  
26 ~~specifically finds that the child's safety would be~~

1 ~~jeopardized, each parent is entitled to know the name of~~  
2 ~~the educational institution the child attends. This~~  
3 ~~amendatory Act of the 95th General Assembly applies to all~~  
4 ~~orders entered under this paragraph (2) on or after the~~  
5 ~~effective date of this amendatory Act of the 95th General~~  
6 ~~Assembly.~~

7 ~~The authority under this Section to make provision for~~  
8 ~~educational expenses, except where the child is mentally or~~  
9 ~~physically disabled and not otherwise emancipated,~~  
10 ~~terminates when the child receives a baccalaureate degree.~~

11 (j) (b) In making awards under this Section ~~paragraph (1)~~  
12 ~~or (2) of subsection (a)~~, or pursuant to a petition or motion  
13 to decrease, modify, or terminate any such award, the court  
14 shall consider all relevant factors that appear reasonable and  
15 necessary, including:

16 (1) The present and future financial resources of both  
17 parties to meet their needs, including, but not limited to,  
18 savings for retirement ~~The financial resources of both~~  
19 ~~parents.~~

20 (2) The standard of living the child would have enjoyed  
21 had the marriage or civil union not been dissolved. The  
22 court may consider factors beyond the financial  
23 circumstances of the parties.

24 (3) The financial resources of the child.

25 (4) The child's academic performance.

26 (k) Relief under this Section is retroactive only to the



1 date of filing of a petition, and shall not apply to  
2 enforcement under this Section by either of the parties.

3 (Source: P.A. 95-954, eff. 8-29-08.)

4 (750 ILCS 5/513.5 new)

5 Sec. 513.5. Support for a non-minor child with a  
6 disability.

7 (a) The court may award sums of money out of the property  
8 and income of either or both parties or the estate of a  
9 deceased parent, as equity may require, for the support of a  
10 child of the parties who has attained majority when the child  
11 is mentally or physically disabled and not otherwise  
12 emancipated. The sums awarded may be paid to one of the  
13 parents, to a trust created by the parties for the benefit of  
14 the non-minor child with a disability, or irrevocably to a  
15 special needs trust, established by the parties and for the  
16 sole benefit of the non-minor child with a disability, pursuant  
17 to subdivisions (d)(4)(A) or (d)(4)(C) of 42 U.S.C. 1396p,  
18 Section 15.1 of the Trusts and Trustees Act, and applicable  
19 provisions of the Social Security Administration Program  
20 Operating Manual System. An application for support for a  
21 non-minor disabled child may be made before or after the child  
22 has attained majority. Unless an application for educational  
23 expenses is made for a mentally or physically disabled child  
24 under Section 513, the disability that is the basis for the  
25 application for support must have arisen while the child was

1 eligible for support under Section 505 or 513 of this Act.

2 (b) In making awards under this Section, or pursuant to a  
3 petition or motion to decrease, modify, or terminate any such  
4 award, the court shall consider all relevant factors that  
5 appear reasonable and necessary, including:

6 (1) the present and future financial resources of both  
7 parties to meet their needs, including, but not limited to,  
8 savings for retirement;

9 (2) the standard of living the child would have enjoyed  
10 had the marriage or civil union not been dissolved. The  
11 court may consider factors beyond the pure financial  
12 circumstances of the parties;

13 (3) the financial resources of the child; and

14 (4) any financial or other resource provided to or for  
15 the child including, but not limited to, any Supplemental  
16 Security Income, any home-based support provided pursuant  
17 to the Home-Based Support Services Law for Mentally  
18 Disabled Adults, and any other State, federal, or local  
19 benefit available to the non-minor disabled child.

20 (c) As used in this Section:

21 A "disabled" individual means an individual who has a  
22 physical or mental impairment that substantially limits a major  
23 life activity, has a record of such an impairment, or is  
24 regarded as having such an impairment.

25 "Disability" means a mental or physical impairment that  
26 substantially limits a major life activity.

1 (750 ILCS 5/Pt. VI heading)

2 PART VI

3 ALLOCATION OF PARENTAL RESPONSIBILITIES ~~CUSTODY~~

4 (750 ILCS 5/600 new)

5 Sec. 600. Definitions. For purposes of this Part VI:

6 "Abuse" has the meaning ascribed to that term in Section  
7 103 of the Illinois Domestic Violence Act of 1986.

8 "Allocation judgment" means a judgment allocating parental  
9 responsibilities.

10 "Caretaking functions" means tasks that involve  
11 interaction with a child or that direct, arrange, and supervise  
12 the interaction with and care of a child provided by others, or  
13 for obtaining the resources allowing for the provision of these  
14 functions. The term includes, but is not limited to, the  
15 following:

16 (1) satisfying a child's nutritional needs; managing a  
17 child's bedtime and wake-up routines; caring for a child  
18 when the child is sick or injured; being attentive to a  
19 child's personal hygiene needs, including washing,  
20 grooming, and dressing; playing with a child and arranging  
21 for recreation; protecting a child's physical safety; and  
22 providing transportation for a child;

23 (2) directing a child's various developmental needs,  
24 including the acquisition of motor and language skills,

1 toilet training, self-confidence, and maturation;

2 (3) providing discipline, giving instruction in  
3 manners, assigning and supervising chores, and performing  
4 other tasks that attend to a child's needs for behavioral  
5 control and self-restraint;

6 (4) arranging for a child's education, including  
7 arranging for remedial or special services appropriate to  
8 the child's needs and interests, communicating with  
9 teachers and counselors, and supervising homework;

10 (5) helping a child develop and maintain appropriate  
11 interpersonal relationships with peers, siblings, and  
12 other family members;

13 (6) arranging for health-care providers, medical  
14 follow-up, and home health care for a child;

15 (7) providing moral and ethical guidance for a child;

16 and

17 (8) arranging alternative care for a child by a family  
18 member, babysitter, or other child care provider or  
19 facility, including investigating such alternatives,  
20 communicating with providers, and supervising such care.

21 "Parental responsibilities" means both parenting time and  
22 significant decision-making responsibilities with respect to a  
23 child.

24 "Parenting time" means the time during which a parent is  
25 physically with a child and exercises caretaking functions and  
26 non-significant decision-making responsibilities with respect

1 to the child.

2 "Parenting plan" means a written agreement that allocates  
3 significant decision-making responsibilities, parenting time,  
4 or both.

5 "Relocation" means a change of residence of more than 25  
6 miles for more than 90 days that significantly impairs a  
7 parent's ability to exercise the parental responsibilities  
8 that the parent has been exercising or is entitled to exercise  
9 under a parenting plan or allocation judgment.

10 "Religious upbringing" means the choice of religion or  
11 denomination of a religion, religious schooling, religious  
12 training, or participation in religious customs or practices.

13 "Residential responsibility" means the amount of time a  
14 child spends in a parent's care.

15 "Restriction of parenting time" means any limitation or  
16 condition placed on parenting time, including supervision.

17 "Significant decision-making" means deciding issues of  
18 long-term importance in the life of a child.

19 "Step-parent" means a person, other than a biological or  
20 adoptive parent, who is or was married to or is or was in a  
21 civil union with a legal parent.

22 "Supervision" means the presence of a third party during a  
23 parent's exercise of parenting time.

24 (750 ILCS 5/601.2 new)

25 Sec. 601.2. Jurisdiction; commencement of proceeding.

1       (a) A court of this State that is competent to allocate  
2 parental responsibilities has jurisdiction to make such an  
3 allocation in original or modification proceedings as provided  
4 in Section 201 of the Uniform Child-Custody Jurisdiction and  
5 Enforcement Act as adopted by this State.

6       (b) A proceeding for allocation of parental  
7 responsibilities with respect to a child is commenced in the  
8 court:

9           (1) by filing a petition for dissolution of marriage or  
10 legal separation or declaration of invalidity of marriage;

11           (2) by filing a petition for allocation of parental  
12 responsibilities with respect to the child in the county in  
13 which the child resides;

14           (3) by a person other than a parent, by filing a  
15 petition for allocation of parental responsibilities in  
16 the county in which he or she is permanently a resident or  
17 found, but only if he or she is not in the physical custody  
18 of one of his or her parents;

19           (4) by a step-parent, by filing a petition, if all of  
20 the following circumstances are met:

21               (A) the child is at least 12 years old;

22               (B) the parent having the majority of residential  
23 responsibility and step-parent were married for at  
24 least 5 years during which the child resided with the  
25 parent and step-parent;

26               (C) the parent having the majority of residential

1           responsibility is deceased or is disabled and cannot  
2           perform the duties of a parent to the child;

3           (D) the step-parent provided for the care,  
4           control, and welfare of the child prior to the  
5           initiation of proceedings for allocation of parental  
6           responsibilities;

7           (E) the child wishes to live with the step-parent;  
8           and

9           (F) it is alleged to be in the best interests and  
10           welfare of the child to live with the step-parent as  
11           provided in Section 602.5 of this Act; or

12           (5) when one of the parents is deceased, by a  
13           grandparent who is a parent or step-parent of a deceased  
14           parent, by filing a petition, if one or more of the  
15           following existed at the time of the parent's death:

16           (A) the surviving parent had been absent from the  
17           marital abode for more than one month without the  
18           deceased spouse knowing his or her whereabouts;

19           (B) the surviving parent was in State or federal  
20           custody; or

21           (C) the surviving parent had: (i) received  
22           supervision for or been convicted of any violation of  
23           Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,  
24           11-1.70, 12C-5, 12C-10, 12C-35, 12C-40, 12C-45, 18-6,  
25           19-6, or Article 12 of the Criminal Code of 1961 or the  
26           Criminal Code of 2012 directed towards the deceased

1 parent or the child; or (ii) received supervision or  
2 been convicted of violating an order of protection  
3 entered under Section 217, 218, or 219 of the Illinois  
4 Domestic Violence Act of 1986 for the protection of the  
5 deceased parent or the child.

6 (c) When a proceeding for allocation of parental  
7 responsibilities is commenced, the party commencing the action  
8 must, at least 30 days before any hearing on the petition,  
9 serve a written notice and a copy of the petition on the  
10 child's parent and on any party previously appearing in any  
11 prior proceeding for allocation of parental responsibilities  
12 with respect to the child. Nothing in this Section shall  
13 preclude a party in a proceeding for allocation of parental  
14 responsibilities from moving for a temporary order under  
15 Section 602.5.

16 (750 ILCS 5/602.5 new)

17 Sec. 602.5. Allocation of parental responsibilities:  
18 decision-making.

19 (a) Generally. The court shall allocate decision-making  
20 responsibilities according to the child's best interests.  
21 Nothing in this Act requires that each parent be allocated  
22 decision-making responsibilities.

23 (b) Allocation of significant decision-making  
24 responsibilities. Unless the parents otherwise agree in  
25 writing on an allocation of significant decision-making



1 responsibilities, the court shall make the determination. The  
2 court shall allocate to one or both of the parents the  
3 significant decision-making responsibility for each  
4 significant issue affecting the child. Those significant  
5 issues shall include, without limitation, the following:

6 (1) Education, including the choice of schools and  
7 tutors.

8 (2) Health, including all decisions relating to the  
9 medical, dental, and psychological needs of the child and  
10 to the treatments arising or resulting from those needs.

11 (3) Religion, subject to the following provisions:

12 (A) The court shall allocate parental  
13 responsibility for the child's religious upbringing in  
14 accordance with any express or implied agreement  
15 between the parents.

16 (B) The court shall consider evidence of the  
17 parents' past conduct as to the child's religious  
18 upbringing in allocating parental responsibilities  
19 consistent with demonstrated past conduct in the  
20 absence of an express or implied agreement between the  
21 parents.

22 (C) The court shall not allocate any aspect of the  
23 child's religious upbringing if it determines that the  
24 parents do not or did not have an express or implied  
25 agreement for such religious upbringing or that there  
26 is insufficient evidence to demonstrate a course of

1 conduct regarding the child's religious upbringing  
2 that could serve as a basis for any such order.

3 (4) Extracurricular activities.

4 (c) Determination of child's best interests. In  
5 determining the child's best interests for purposes of  
6 allocating significant decision-making responsibilities, the  
7 court shall consider all relevant factors, including, without  
8 limitation, the following:

9 (1) the wishes of a child who is sufficiently mature to  
10 express reasoned and independent preferences as to  
11 significant decisions;

12 (2) the child's adjustment to his or her home, school,  
13 and community;

14 (3) the mental and physical health of all individuals  
15 involved;

16 (4) the ability of the parents to cooperate to make  
17 decisions, or the level of conflict between the parties  
18 that may affect their ability to share decision-making;

19 (5) the level of each parent's participation in past  
20 significant decision-making with respect to the child;

21 (6) any prior agreement or course of conduct between  
22 the parents relating to decision-making with respect to the  
23 child;

24 (7) the wishes of the parents;

25 (8) the child's needs in light of economic, physical,  
26 or other circumstances;

1           (9) the distance between the parents' residences, the  
2           cost and difficulty of transporting the child, each  
3           parent's and the child's daily schedules, and the ability  
4           of the parents to cooperate in the arrangement;

5           (10) whether a restriction on decision-making is  
6           appropriate under Section 603.10;

7           (11) the willingness and ability of each parent to  
8           facilitate and encourage a close and continuing  
9           relationship between the other parent and the child; and

10           (12) any other factor that the court expressly finds to  
11           be relevant.

12           (d) A parent shall have sole responsibility for making  
13           routine decisions with respect to the child and for emergency  
14           decisions affecting the child's health and safety during that  
15           parent's parenting time.

16           (e) In allocating significant decision-making  
17           responsibilities, the court shall not consider conduct of a  
18           parent that does not affect that parent's relationship to the  
19           child.

20           (750 ILCS 5/602.7 new)

21           Sec. 602.7. Parenting time.

22           (a) Best interests. The court shall allocate parenting time  
23           according to the child's best interests.

24           (b) Allocation of parenting time. Unless the parents  
25           present a mutually agreed written parenting plan and that plan

1 is approved by the court, the court shall allocate parenting  
2 time. It is presumed both parents are fit and the court shall  
3 not place any restrictions on parenting time as defined in  
4 Section 600 and described in Section 603.10, unless it finds by  
5 a preponderance of the evidence that a parent's exercise of  
6 parenting time would seriously endanger the child's physical,  
7 mental, moral, or emotional health.

8 In determining the child's best interests for purposes of  
9 allocating parenting time, the court shall consider all  
10 relevant factors, including, without limitation, the  
11 following:

12 (1) the wishes of each parent seeking parenting time;

13 (2) the wishes of a child who is sufficiently mature to  
14 express reasoned and independent preferences as to  
15 parenting time;

16 (3) the amount of time each parent spent performing  
17 caretaking functions with respect to the child in the 24  
18 months preceding the filing of any petition for allocation  
19 of parental responsibilities or, if the child is under 2  
20 years of age, since the child's birth;

21 (4) any prior agreement or course of conduct between  
22 the parents relating to caretaking functions with respect  
23 to the child;

24 (5) the interaction and interrelationship of the child  
25 with his or her parents and siblings and with any other  
26 person who may significantly affect the child's best

1 interests;

2 (6) the child's adjustment to his or her home, school,  
3 and community;

4 (7) the mental and physical health of all individuals  
5 involved;

6 (8) the child's needs in light of economic, physical,  
7 or other circumstances;

8 (9) the distance between the parents' residences, the  
9 cost and difficulty of transporting the child, each  
10 parent's and the child's daily schedules, and the ability  
11 of the parents to cooperate in the arrangement;

12 (10) whether a restriction on parenting time is  
13 appropriate;

14 (11) the physical violence or threat of physical  
15 violence by a parent, whether directed against the child or  
16 directed against another person;

17 (12) the willingness and ability of each parent to  
18 place the needs of the child ahead of his or her own needs;

19 (13) the willingness and ability of each parent to  
20 facilitate and encourage a close and continuing  
21 relationship between the other parent and the child;

22 (14) the occurrence of abuse, including, but not  
23 limited to, abuse as defined in the Illinois Domestic  
24 Violence Act of 1986 and the Abused and Neglected Child  
25 Reporting Act, whether against the child or another person;

26 (15) whether one of the parents is a convicted sex

1 offender or lives with a convicted sex offender and, if so,  
2 the exact nature of the offense and what if any treatment  
3 the offender has successfully participated in; the parties  
4 are entitled to a hearing on the issues raised in this  
5 paragraph (15);

6 (16) the terms of a parent's military family-care plan  
7 that a parent must complete before deployment if a parent  
8 is a member of the United States Armed Forces who is being  
9 deployed; and

10 (17) any other factor that the court expressly finds to  
11 be relevant.

12 (c) In allocating parenting time, the court shall not  
13 consider conduct of a parent that does not affect that parent's  
14 relationship to the child.

15 (d) A parent who is not allocated parenting time is not  
16 entitled to access to the child's school or health care records  
17 unless a court finds that it is in the child's best interests  
18 to provide those records to the parent.

19 (e) Upon motion, the court may allow a parent who is  
20 deployed or who has orders to be deployed as a member of the  
21 United States Armed Forces to designate a person known to the  
22 child to exercise reasonable substitute parenting time on  
23 behalf of the deployed parent, if the court determines that  
24 substitute parenting time is in the best interests of the  
25 child. In determining whether substitute parenting time is in  
26 the best interests of the child, the court shall consider all

1 of the relevant factors listed in subsection (b) of this  
2 Section and apply those factors to the person designated as a  
3 substitute for the deployed parent for parenting time purposes.

4 (750 ILCS 5/602.8 new)

5 Sec. 602.8. Parenting time by parents not allocated  
6 parental responsibilities.

7 (a) A parent who has established parentage under the laws  
8 of this State and who is not granted parental responsibilities  
9 of a child is entitled to reasonable parenting time with the  
10 child, subject to subsections (d) and (e) of Section 603.10 of  
11 this Act, unless the court finds, after a hearing, that the  
12 parenting time would seriously endanger the child's mental,  
13 moral, or physical health or significantly impair the child's  
14 emotional development. The order setting forth parenting time  
15 shall be in the child's best interests pursuant to the factors  
16 set forth in subsection (b) of Section 602.7 of this Section.

17 (b) The court may modify an order granting or denying  
18 parenting time pursuant to Section 610.5 of this Act. The court  
19 may restrict parenting time, and modify an order restricting  
20 parenting time, pursuant to Section 603.10 of this Act.

21 (c) If the street address of the parent allocated parental  
22 responsibilities is not identified, pursuant to Section 708 of  
23 this Act, the court shall require the parties to identify  
24 reasonable alternative arrangements for parenting time by a  
25 parent not allocated parental responsibilities, including but

1 not limited to parenting time of the minor child at the  
2 residence of another person or at a local public or private  
3 facility.

4 (750 ILCS 5/602.9 new)

5 Sec. 602.9. Visitation by certain non-parents.

6 (a) As used in this Section:

7 (1) "electronic communication" means time that a  
8 grandparent, great-grandparent, sibling, or step-parent  
9 spends with a child during which the child is not in the  
10 person's actual physical custody, but which is facilitated  
11 by the use of communication tools such as the telephone,  
12 electronic mail, instant messaging, video conferencing or  
13 other wired or wireless technologies via the Internet, or  
14 another medium of communication;

15 (2) "sibling" means a brother or sister either of the  
16 whole blood or the half blood, stepbrother, or stepsister  
17 of the minor child;

18 (3) "step-parent" is a person married to or in a civil  
19 union with a child's parent, including a person married to  
20 or in a civil union with the child's parent immediately  
21 prior to the parent's death; and

22 (4) "visitation" means in-person time spent between a  
23 child and the child's grandparent, great-grandparent,  
24 sibling, or step-parent. In appropriate circumstances,  
25 visitation may include electronic communication under



1 conditions and at times determined by the court.

2 (b) General provisions.

3 (1) An appropriate person, as identified in  
4 subsections (c) and (d) of this Section, may bring an  
5 action in circuit court by petition, or by filing a  
6 petition in a pending dissolution proceeding or any other  
7 proceeding that involves parental responsibilities,  
8 parenting time, or visitation issues regarding the child,  
9 requesting visitation with the child pursuant to this  
10 Section. If there is not a pending proceeding involving  
11 parental responsibilities, parenting time, or visitation  
12 with the child, the petition for visitation with the child  
13 must be filed in the county in which the child resides.  
14 Notice of the petition shall be given as provided in  
15 subsection (c) of Section 601.2 of this Act.

16 (2) This Section does not apply to a child:

17 (A) in whose interests a petition is pending under  
18 Section 2-13 of the Juvenile Court Act of 1987; or

19 (B) in whose interests a petition to adopt by an  
20 unrelated person is pending under the Adoption Act; or

21 (C) who has been voluntarily surrendered by the  
22 parent or parents, except for a surrender to the  
23 Department of Children and Family Services or a foster  
24 care facility; or

25 (D) who has been previously adopted by an  
26 individual or individuals who are not related to the

1 biological parents of the child or who is the subject  
2 of a pending adoption petition by an individual or  
3 individuals who are not related to the biological  
4 parents of the child.

5 (3) A petition for visitation may be filed under this  
6 Section only if there has been an unreasonable denial of  
7 visitation by a parent and the denial has caused the child  
8 undue mental, physical, or emotional harm.

9 (4) There is a rebuttable presumption that a fit  
10 parent's actions and decisions regarding grandparent,  
11 great-grandparent, sibling, or step-parent visitation are  
12 not harmful to the child's mental, physical, or emotional  
13 health. The burden is on the party filing a petition under  
14 this Section to prove that the parent's actions and  
15 decisions regarding visitation will cause undue harm to the  
16 child's mental, physical, or emotional health.

17 (5) In determining whether to grant visitation, the  
18 court shall consider the following:

19 (A) the preference of the child if the child is  
20 determined to be of sufficient maturity to express a  
21 preference;

22 (B) the mental and physical health of the child;

23 (C) the mental and physical health of the  
24 grandparent, great-grandparent, sibling, or  
25 step-parent;

26 (D) the length and quality of the prior

1 relationship between the child and the grandparent,  
2 great-grandparent, sibling, or step-parent;

3 (E) the good faith of the party in filing the  
4 petition;

5 (F) the good faith of the person denying  
6 visitation;

7 (G) the quantity of the visitation time requested  
8 and the potential adverse impact that visitation would  
9 have on the child's customary activities;

10 (H) any other fact that establishes that the loss  
11 of the relationship between the petitioner and the  
12 child is likely to unduly harm the child's mental,  
13 physical, or emotional health; and

14 (I) whether visitation can be structured in a way  
15 to minimize the child's exposure to conflicts between  
16 the adults.

17 (6) Any visitation rights granted under this Section  
18 before the filing of a petition for adoption of the child  
19 shall automatically terminate by operation of law upon the  
20 entry of an order terminating parental rights or granting  
21 the adoption of the child, whichever is earlier. If the  
22 person or persons who adopted the child are related to the  
23 child, as defined by Section 1 of the Adoption Act, any  
24 person who was related to the child as grandparent,  
25 great-grandparent, or sibling prior to the adoption shall  
26 have standing to bring an action under this Section

1 requesting visitation with the child.

2 (7) The court may order visitation rights for the  
3 grandparent, great-grandparent, sibling, or step-parent  
4 that include reasonable access without requiring overnight  
5 or possessory visitation.

6 (c) Visitation by grandparents, great-grandparents, and  
7 siblings.

8 (1) Grandparents, great-grandparents, and siblings of  
9 a minor child who is one year old or older may bring a  
10 petition for visitation and electronic communication under  
11 this Section if there is an unreasonable denial of  
12 visitation by a parent that causes undue mental, physical,  
13 or emotional harm to the child and if at least one of the  
14 following conditions exists:

15 (A) the child's other parent is deceased or has  
16 been missing for at least 3 months. For the purposes of  
17 this subsection a parent is considered to be missing if  
18 the parent's location has not been determined and the  
19 parent has been reported as missing to a law  
20 enforcement agency; or

21 (B) a parent of the child is incompetent as a  
22 matter of law; or

23 (C) a parent has been incarcerated in jail or  
24 prison during the 3-month period preceding the filing  
25 of the petition; or

26 (D) the child's mother and father have been granted

1 a dissolution of marriage or have been legally  
2 separated from each other or there is pending a  
3 dissolution proceeding involving a parent of the child  
4 or another court proceeding involving parental  
5 responsibilities, parenting time, or visitation of the  
6 child (other than any adoption proceeding of an  
7 unrelated child or a proceeding under Article II of the  
8 Juvenile Court Act of 1987) and at least one parent  
9 does not object to the grandparent, great-grandparent,  
10 or sibling having visitation with the child. The  
11 visitation of the grandparent, great-grandparent, or  
12 sibling must not diminish the parenting time of the  
13 parent who is not related to the grandparent,  
14 great-grandparent, or sibling seeking visitation; or

15 (E) the child is born to parents who are not  
16 married to each other, the parents are not living  
17 together, and the petitioner is a grandparent,  
18 great-grandparent, or sibling of the child, and  
19 parentage has been established by a court of competent  
20 jurisdiction.

21 (2) In addition to the factors set forth in subdivision  
22 (b) (5) of this Section, the court should consider:

23 (A) whether the child resided with the petitioner  
24 for at least 6 consecutive months with or without a  
25 parent present;

26 (B) whether the child had frequent and regular

1 contact or visitation with the petitioner for at least  
2 12 consecutive months; and

3 (C) whether the grandparent, great-grandparent,  
4 sibling, or step-parent was a primary caretaker of the  
5 child for a period of not less than 6 consecutive  
6 months.

7 (3) Any order granting visitation privileges with the  
8 child to a grandparent or great-grandparent who is related  
9 to the child through a parent whose contact with the child  
10 is prohibited or restricted shall contain the following  
11 provision:

12 "If the (grandparent or great-grandparent, whichever  
13 is applicable) who has been granted visitation privileges  
14 under this order uses the visitation privileges to  
15 facilitate contact between the child and the child's parent  
16 whose contact with the child has been prohibited or  
17 restricted, the visitation privileges granted under this  
18 order shall be permanently revoked."

19 (4) A petition for visitation privileges may not be  
20 filed pursuant to this subsection (b) by the parents or  
21 grandparents of a putative father if the paternity of the  
22 putative father has not been legally established.

23 (d) Visitation by step-parents. A step-parent may bring a  
24 petition for visitation and electronic communication under  
25 this Section if there is an unreasonable denial of visitation  
26 by a parent that causes undue mental, physical, or emotional

1 harm to the child.

2 (e) Modification of visitation orders.

3 (1) Unless by stipulation of the parties, no motion to  
4 modify a grandparent, great-grandparent, sibling, or  
5 step-parent visitation order may be made earlier than 2  
6 years after the date the order was filed, unless the court  
7 permits it to be made on the basis of affidavits that there  
8 is reason to believe the child's present environment may  
9 endanger seriously the child's mental, physical, or  
10 emotional health.

11 (2) The court shall not modify an order that grants  
12 visitation to a grandparent, great-grandparent, sibling,  
13 or step-parent unless it finds by clear and convincing  
14 evidence, upon the basis of facts that have arisen since  
15 the prior visitation order or that were unknown to the  
16 court at the time of entry of the prior visitation order,  
17 that a change has occurred in the circumstances of the  
18 child or his or her custodian, and that the modification is  
19 necessary to protect the mental, physical, or emotional  
20 health of the child. The court shall state in its decision  
21 specific findings of fact in support of its modification or  
22 termination of the grandparent, great-grandparent,  
23 sibling, or step-parent visitation. A child's parent may  
24 always petition to modify visitation upon changed  
25 circumstances when necessary to promote the child's best  
26 interests.

1           (3) Notice of a motion requesting modification of a  
2           visitation order shall be provided as set forth in  
3           subsection (c) of Section 601.2 of this Act.

4           (4) Attorney's fees and costs shall be assessed against  
5           a party seeking modification of the visitation order if the  
6           court finds that the modification action is vexatious and  
7           constitutes harassment.

8           (5) If any court has entered an order prohibiting a  
9           parent of a child from any contact with a child or  
10           restricting the parent's contact with the child, the  
11           following provisions shall apply:

12           (A) If an order has been entered granting  
13           visitation privileges with the child to a grandparent  
14           or great-grandparent who is related to the child  
15           through the parent whose contact with the child is  
16           prohibited or restricted, the visitation privileges of  
17           the grandparent or great-grandparent may be revoked  
18           if:

19           (i) a court has entered an order prohibiting  
20           the parent from any contact with the child, and the  
21           grandparent or great-grandparent is found to have  
22           used his or her visitation privileges to  
23           facilitate contact between the child and the  
24           parent; or

25           (ii) a court has entered an order restricting  
26           the parent's contact with the child, and the



1 grandparent or great-grandparent is found to have  
2 used his or her visitation privileges to  
3 facilitate contact between the child and the  
4 parent in a manner that violates the terms of the  
5 order restricting the parent's contact with the  
6 child.

7 Nothing in this paragraph (5) limits the authority of  
8 the court to enforce its orders in any manner permitted by  
9 law.

10 (f) No minor child's grandparent, great-grandparent,  
11 sibling, or step-parent who was convicted of any offense  
12 involving an illegal sex act perpetrated upon a victim less  
13 than 18 years of age including, but not limited to, offenses  
14 for violations of Section 11-1.20, 11-1.30, 11-1.40, 11-1.50,  
15 11-1.60, 11-1.70, or Article 12 of the Criminal Code of 1961 or  
16 the Criminal Code of 2012, is entitled to visitation while  
17 incarcerated or while on parole, probation, conditional  
18 discharge, periodic imprisonment, or mandatory supervised  
19 release for that offense, and upon discharge from incarceration  
20 for a misdemeanor offense or upon discharge from parole,  
21 probation, conditional discharge, periodic imprisonment, or  
22 mandatory supervised release for a felony offense. Visitation  
23 shall be denied until the person successfully completes a  
24 treatment program approved by the court. Upon completion of  
25 treatment, the court may deny visitation based on the factors  
26 listed in subdivision (b) (5) of Section 607 of this Act.

1       (g) No minor child's grandparent, great-grandparent,  
2 sibling, or step-parent may be granted visitation under this  
3 Section if he or she has been convicted of first degree murder  
4 of a parent, grandparent, great-grandparent, or sibling of the  
5 child who is the subject of the visitation request. Pursuant to  
6 a motion to modify visitation, the court shall revoke  
7 visitation rights previously granted to any person who would  
8 otherwise be entitled to petition for visitation rights under  
9 this Section, if the person has been convicted of first degree  
10 murder of a parent, grandparent, great-grandparent, or sibling  
11 of the child who is the subject of the visitation order. Until  
12 an order is entered pursuant to this subsection, no person may  
13 visit, with the child present, a person who has been convicted  
14 of first degree murder of the parent, grandparent,  
15 great-grandparent, or sibling of the child without the consent  
16 of the child's parent, other than a parent convicted of first  
17 degree murder as set forth herein, or legal guardian.

18       (750 ILCS 5/602.10 new)

19       Sec. 602.10. Parenting plan.

20       (a) Filing of parenting plan. All parents, within 90 days  
21 after service or filing of any petition for allocation of  
22 parental responsibilities, must file with the court, either  
23 jointly or separately, a proposed parenting plan supported by  
24 an affidavit or affidavits that comply with subsection (g).

25       (b) No parenting plan filed. In the absence of filing of

1 one or more parenting plans with supporting affidavits, the  
2 court must conduct an evidentiary hearing to allocate parental  
3 responsibilities.

4 (c) Mediation. The court may order mediation to assist the  
5 parents in formulating or modifying a parenting plan or in  
6 implementing a parenting plan. Costs under this subsection  
7 shall be allocated between the parties pursuant to the  
8 applicable statute or Supreme Court Rule.

9 (d) Parents' agreement on parenting plan. The parents may  
10 agree on a parenting plan at any time. The parenting plan must  
11 be in writing and signed by both parents. The parents must  
12 submit the parenting plan to the court for approval within 90  
13 days after service of a petition for allocation of parental  
14 responsibilities, parenting time, or the filing of an  
15 appearance. The parenting plan must be accompanied by a joint  
16 affidavit that complies with subsection (g), unless the filing  
17 of such an affidavit is excused by the court. If the court does  
18 not approve the parenting plan, the court shall make express  
19 findings of the reason or reasons for its refusal to approve  
20 the plan. The court, on its own motion, may conduct an  
21 evidentiary hearing to determine whether the parenting plan is  
22 in the child's best interests.

23 (e) Parents cannot agree on parenting plan. When parents  
24 fail to submit an agreed parenting plan, each parent must file  
25 and submit a written, signed parenting plan to the court within  
26 90 days after service of a petition for allocation of parental

1 responsibilities or the filing of an appearance. The  
2 determination of residential parenting time should be based on  
3 the child's best interests. The plan must be accompanied by a  
4 separate affidavit that complies with subsection (g). The  
5 filing of the plan and affidavit may be excused by the court  
6 if:

7 (1) the parties have commenced mediation for the  
8 purpose of formulating a parenting plan; or

9 (2) the parents have agreed in writing to extend the  
10 time for filing a proposed plan and supporting affidavit  
11 and the court has approved such an extension; or

12 (3) the court orders otherwise for good cause shown.

13 (f) Parenting plan contents. At a minimum, a parenting plan  
14 must set forth the following:

15 (1) an allocation of significant decision-making  
16 responsibilities;

17 (2) provisions for the child's living arrangements and  
18 for each parent's parenting time, including either:

19 (A) a schedule that designates in which parent's  
20 home the minor child will reside on given days; or

21 (B) a formula or method for determining such a  
22 schedule in sufficient detail to be enforced in a  
23 subsequent proceeding;

24 (3) a mediation provision addressing any proposed  
25 revisions or disputes, except that this provision is not  
26 required if one parent is allocated all significant

1 decision-making responsibilities;

2 (4) each parent's right of access to medical, dental,  
3 and psychological records (subject to the Mental Health and  
4 Developmental Disabilities Confidentiality Act), child  
5 care records, and school and extracurricular records,  
6 reports, and schedules, unless expressly denied by a court  
7 order or denied under subsection (g) of Section 602.5;

8 (5) a designation of the parent who will be denominated  
9 as the parent with the majority of the residential  
10 responsibility for purposes of Section 606.10;

11 (6) the child's residential address for school  
12 enrollment purposes only;

13 (7) each parent's residence address and phone number,  
14 and each parent's place of employment and employment  
15 address and phone number;

16 (8) a requirement that a parent changing his or her  
17 residence provide at least 60 days prior written notice of  
18 the change to any other parent under the parenting plan or  
19 allocation judgment, unless such notice is impracticable  
20 or unless otherwise ordered by the court. If such notice is  
21 impracticable, written notice shall be given at the  
22 earliest date practicable. At a minimum, the notice shall  
23 set forth the following:

24 (A) the intended date of the change of residence;

25 and

26 (B) the address of the new residence;

1           (9) provisions requiring each parent to notify the  
2           other of emergencies, health care, travel plans, or other  
3           significant child-related issues;

4           (10) transportation arrangements between the parents;

5           (11) provisions for communications with the child  
6           during the other parent's parenting time;

7           (12) provisions for resolving issues arising from a  
8           parent's future relocation;

9           (13) provisions for future modifications of the  
10           parenting plan, if specified events occur; and

11           (14) any other provision that addresses the child's  
12           best interests or that will otherwise facilitate  
13           cooperation between the parents.

14           The personal information under items (6), (7), and (8) of  
15           this subsection is not required if there is evidence of or the  
16           parenting plan states that there is a history of domestic  
17           violence or abuse, or it is shown that the release of the  
18           information is not in the child's or parent's best interests.

19           (g) Affidavit. The affidavit supporting a proposed  
20           parenting plan must contain, to the best of the affiant's  
21           knowledge, all of the following:

22           (1) the name and address of the child and the name and  
23           address of every parent and any other person previously  
24           appearing in any prior allocation proceeding;

25           (2) the name and address of every person with whom the  
26           child has lived for one year or more, and the period of

1 time during which the child and each such person lived  
2 together. If the child is less than one year old, the  
3 affidavit must contain the name and address of any person  
4 with whom the child lived for more than 60 days;

5 (3) a summary of the caretaking functions performed by  
6 each person identified under paragraph (2), including such  
7 functions performed during at least the 24 months preceding  
8 the filing of the action for allocation of parental  
9 responsibilities;

10 (4) a schedule of each parent's current hours of  
11 employment, availability to perform caretaking functions  
12 with respect to the child, existing child care  
13 arrangements, and any anticipated changes;

14 (5) a summary schedule of the child's school and  
15 extracurricular activities;

16 (6) a summary of any relevant existing risk factors,  
17 including orders arising from allegations of abuse and the  
18 case number and issuing court; and

19 (7) a summary of the known areas of agreement and  
20 disagreement between the parents concerning a proposed  
21 parenting plan.

22 The personal information under items (1), (2), (4), and (5)  
23 of this subsection is not required if there is evidence of or  
24 the affidavit states that there is a history of domestic  
25 violence or abuse, or if it is shown that the release of the  
26 information is not in the child's or parent's best interests.

1       (h) The court shall conduct a trial or hearing to determine  
2 a plan which it finds to be in the best interests of the child  
3 and maximizes the child's relationship and access to both  
4 parents. The court shall take the parenting plans into  
5 consideration when determining parenting time and  
6 responsibilities at trial or hearing.

7           (750 ILCS 5/603.5 new)

8       Sec. 603.5. Temporary orders.

9       (a) A court may order a temporary allocation of parental  
10 responsibilities in the child's best interests before the entry  
11 of a final allocation judgment. Any temporary allocation shall  
12 be made in accordance with the standards set forth in Sections  
13 602.5 and 602.7: (i) after a hearing; or (ii) if there is no  
14 objection, on the basis of affidavits that, at a minimum,  
15 comply with subsection (e) of Section 602.10.

16       (b) A temporary order allocating parental responsibilities  
17 shall be deemed vacated when the action in which it was granted  
18 is dismissed, unless a parent moves to continue the action for  
19 allocation of parental responsibilities filed under Section  
20 601.5.

21       (c) A temporary order allocating parental responsibilities  
22 does not preclude access to the child by a parent who has been  
23 exercising a reasonable share of caretaking functions with  
24 respect to the child, unless a denial of such access is in the  
25 child's best interests as determined in accordance with Section



1 602.5.

2 (750 ILCS 5/603.10 new)

3 Sec. 603.10. Restriction of parental responsibilities.

4 (a) After hearing, if the court finds by a preponderance of  
5 the evidence that a parent engaged in any conduct that  
6 seriously endangered the child's mental, moral, or physical  
7 health or that significantly impaired the child's emotional  
8 development, the court shall enter orders as necessary to  
9 protect the child. Such orders may include, but are not limited  
10 to, orders for one or more of the following:

11 (1) a reduction, elimination, or other adjustment of  
12 the parent's decision-making responsibilities or parenting  
13 time, or both decision-making responsibilities and  
14 parenting time;

15 (2) supervision, including ordering the Department of  
16 Children and Family Services to exercise continuing  
17 supervision under Section 5 of the Children and Family  
18 Services Act to ensure compliance with the allocation  
19 judgment;

20 (3) requiring the exchange of the child between the  
21 parents through an intermediary or in a protected setting;

22 (4) restraining a parent's communication with or  
23 proximity to the other parent or the child;

24 (5) requiring a parent to abstain from possessing or  
25 consuming alcohol or non-prescribed drugs while exercising

1 parenting time with the child and within a specified period  
2 immediately preceding the exercise of parenting time;

3 (6) restricting the presence of specific persons while  
4 a parent is exercising parenting time with the child;

5 (7) requiring a parent to post a bond to secure the  
6 return of the child following the parent's exercise of  
7 parenting time or to secure other performance required by  
8 the court;

9 (8) requiring a parent to complete a treatment program  
10 for perpetrators of abuse, for drug or alcohol abuse, or  
11 for other behavior that is the basis for restricting  
12 parental responsibilities under this Section; and

13 (9) any other constraints or conditions that the court  
14 deems necessary to provide for the child's safety or  
15 welfare.

16 (b) The court may modify an order restricting parental  
17 responsibilities if, after hearing, the court finds by a  
18 preponderance of the evidence that a modification is in the  
19 child's best interests based on (i) a change of circumstances  
20 that occurred after the entry of an order restricting parental  
21 responsibilities; or (ii) conduct of which the court was  
22 previously unaware that seriously endangers the child. In  
23 determining whether to modify an order under this subsection,  
24 the court must consider factors that include, but need not be  
25 limited to, the following:

26 (1) abuse, neglect, or abandonment of the child as

1 determined by any findings of the Department of Children  
2 and Family Services, including an indicated report filed  
3 under the Abused and Neglected Child Reporting Act;

4 (2) abusing or allowing abuse of another person that  
5 had an impact upon the child;

6 (3) use of drugs, alcohol, or any other substance in a  
7 way that interferes with the parent's ability to perform  
8 caretaking functions with respect to the child; and

9 (4) persistent continuing interference with the other  
10 parent's access to the child, except for actions taken with  
11 a reasonable, good-faith belief that they are necessary to  
12 protect the child's safety pending adjudication of the  
13 facts underlying that belief, provided that the  
14 interfering parent initiates a proceeding to determine  
15 those facts as soon as practicable.

16 (c) An order granting parenting time to a parent may be  
17 revoked by the court if that parent is found to have knowingly  
18 used his or her parenting time to facilitate contact between  
19 the child and a parent who has been barred from contact with  
20 the child or to have knowingly used his or her parenting time  
21 to facilitate contact with the child that violates any  
22 restrictions imposed on the parent's parenting time by a court  
23 of competent jurisdiction. Nothing in this subsection limits a  
24 court's authority to enforce its orders in any other manner  
25 authorized by law.

26 (d) An order granting parenting time with a child whose

1 parent is prohibited from contact with the child, or whose  
2 parenting time is restricted, shall contain the following  
3 provision:

4 "If a parent granted parenting time under this order  
5 uses that time to facilitate contact between the child and  
6 a parent whose parenting time is restricted, or if such a  
7 parent violates any restrictions placed on his or her  
8 parenting time by the court, the parenting time granted  
9 under this order shall be revoked until further order of  
10 court."

11 (e) A parent who, after an evidentiary hearing, is  
12 determined by the court to have been convicted of any offense  
13 involving an illegal sex act perpetrated upon a victim less  
14 than 18 years of age, including but not limited to an offense  
15 under Article 11 of the Criminal Code of 2012, is not entitled  
16 to parenting time while incarcerated or while on parole,  
17 probation, conditional discharge, periodic imprisonment, or  
18 mandatory supervised release for a felony offense, until the  
19 parent complies with such terms and conditions as the court  
20 determines are in the child's best interests, taking into  
21 account the exact nature of the offense and what, if any,  
22 treatment in which the parent successfully participated.

23 (f) A parent may not, while the child is present, visit any  
24 other parent of the child who has been convicted of first  
25 degree murder, unless the court finds, after considering all  
26 relevant factors, including those set forth in subsection (c)

1 of Section 602.5, that it would be in the child's best  
2 interests to allow the child to be present during such a visit.

3 (750 ILCS 5/604.10 new)

4 Sec. 604.10. Interviews; evaluations; investigation.

5 (a) Court's interview of child. The court may interview the  
6 child in chambers to ascertain the child's wishes as to the  
7 allocation of parental responsibilities. Counsel shall be  
8 present at the interview unless otherwise agreed upon by the  
9 parties. The entire interview shall be recorded by a court  
10 reporter. The transcript of the interview shall be filed under  
11 seal and released only upon order of the court. The cost of the  
12 court reporter and transcript shall be paid by the court.

13 (b) Court's professional. The court may seek the advice of  
14 any professional, whether or not regularly employed by the  
15 court, to assist the court in determining the child's best  
16 interests. The advice to the court shall be in writing and sent  
17 by the professional to counsel for the parties and to the  
18 court, under seal. The writing may be admitted into evidence  
19 without testimony from its author, unless a party objects. A  
20 professional consulted by the court shall testify as the  
21 court's witness and be subject to cross-examination. The court  
22 shall order all costs and fees of the professional to be paid  
23 by one or more of the parties, subject to reallocation in  
24 accordance with subsection (a) of Section 508.

25 The professional's report must, at a minimum, set forth the

1 following:

2 (1) a description of the procedures employed during the  
3 evaluation;

4 (2) a report of the data collected;

5 (3) all test results;

6 (4) any conclusions of the professional relating to the  
7 allocation of parental responsibilities under Sections  
8 602.5 and 602.7;

9 (5) any recommendations of the professional concerning  
10 the allocation of parental responsibilities or the child's  
11 relocation; and

12 (6) an explanation of any limitations in the evaluation  
13 or any reservations of the professional regarding the  
14 resulting recommendations.

15 (c) Evaluation by a party's retained professional. In a  
16 proceeding to allocate parental responsibilities or to  
17 relocate a child, upon notice and motion made by a parent or  
18 any party to the litigation within a reasonable time before  
19 trial, the court shall order an evaluation to assist the court  
20 in determining the child's best interests unless the court  
21 finds that an evaluation under this Section is untimely or not  
22 in the best interests of the child. The evaluation may be in  
23 place of or in addition to any advice given to the court by a  
24 professional under subsection (b). A motion for an evaluation  
25 under this subsection must, at a minimum, identify the proposed  
26 evaluator and the evaluator's specialty or discipline. An order

1 for an evaluation under this subsection must set forth the  
2 evaluator's name, address, and telephone number and the time,  
3 place, conditions, and scope of the evaluation. No person shall  
4 be required to travel an unreasonable distance for the  
5 evaluation. The party requesting the evaluation shall pay the  
6 evaluator's fees and costs unless otherwise ordered by the  
7 court.

8 The evaluator's report must, at a minimum, set forth the  
9 following:

10 (1) a description of the procedures employed during the  
11 evaluation;

12 (2) a report of the data collected;

13 (3) all test results;

14 (4) any conclusions of the evaluator relating to the  
15 allocation of parental responsibilities under Sections  
16 602.5 and 602.7;

17 (5) any recommendations of the evaluator concerning  
18 the allocation of parental responsibilities or the child's  
19 relocation; and

20 (6) an explanation of any limitations in the evaluation  
21 or any reservations of the evaluator regarding the  
22 resulting recommendations.

23 A party who retains a professional to conduct an evaluation  
24 under this subsection shall cause the evaluator's written  
25 report to be sent to the attorneys of record no less than 60  
26 days before the hearing on the allocation of parental

1 responsibilities, unless otherwise ordered by the court; if a  
2 party fails to comply with this provision, the court may not  
3 admit the evaluator's report into evidence and may not allow  
4 the evaluator to testify.

5 The party calling an evaluator to testify at trial shall  
6 disclose the evaluator as a controlled expert witness in  
7 accordance with the Supreme Court Rules.

8 Any party to the litigation may call the evaluator as a  
9 witness. That party shall pay the evaluator's fees and costs  
10 for testifying, unless otherwise ordered by the court.

11 (d) Investigation. Upon notice and a motion by a parent or  
12 any party to the litigation, or upon the court's own motion,  
13 the court may order an investigation and report to assist the  
14 court in allocating parental responsibilities. The  
15 investigation may be made by any agency, private entity, or  
16 individual deemed appropriate by the court. The court shall  
17 specify the purpose and scope of the investigation.

18 The investigator's report must, at a minimum, set forth the  
19 following:

20 (1) a description of the procedures employed during the  
21 investigation;

22 (2) a report of the data collected;

23 (3) all test results;

24 (4) any conclusions of the investigator relating to the  
25 allocation of parental responsibilities under Sections  
26 602.5 and 602.7;



1           (5) any recommendations of the investigator concerning  
2           the allocation of parental responsibilities or the child's  
3           relocation; and

4           (6) an explanation of any limitations in the  
5           investigation or any reservations of the investigator  
6           regarding the resulting recommendations.

7           The investigator shall send his or her report to all  
8           attorneys of record, and to any party not represented, at least  
9           60 days before the hearing on the allocation of parental  
10           responsibilities. The court shall examine and consider the  
11           investigator's report only after it has been admitted into  
12           evidence or after the parties have waived their right to  
13           cross-examine the investigator.

14           The investigator shall make available to all attorneys of  
15           record, and to any party not represented, the investigator's  
16           file, and the names and addresses of all persons whom the  
17           investigator has consulted. Any party to the proceeding may  
18           call the investigator, or any person consulted by the  
19           investigator as a court's witness, for cross-examination. No  
20           fees shall be paid for any investigation by a governmental  
21           agency. The fees incurred by any other investigator shall be  
22           allocated in accordance with Section 508.

23           (750 ILCS 5/606.5 new)

24           Sec. 606.5. Hearings.

25           (a) Proceedings to allocate parental responsibilities

1 shall receive priority in being set for hearing.

2 (b) The court, without a jury, shall determine questions of  
3 law and fact.

4 (c) Previous statements made by the child relating to any  
5 allegations that the child is an abused or neglected child  
6 within the meaning of the Abused and Neglected Child Reporting  
7 Act, or an abused or neglected minor within the meaning of the  
8 Juvenile Court Act of 1987, shall be admissible in evidence in  
9 a hearing concerning allocation of parental responsibilities.  
10 No such statement, however, if uncorroborated and not subject  
11 to cross examination, shall be sufficient in itself to support  
12 a finding of abuse or neglect.

13 (d) If the court finds that a public hearing may be  
14 detrimental to the child's best interests, the court shall  
15 exclude the public from the hearing, but the court may admit  
16 any person having:

17 (1) a direct and legitimate interest in the case; or

18 (2) a legitimate educational or research interest in  
19 the work of the court, but only with the permission of both  
20 parties and subject to court approval.

21 (e) The court may make an appropriate order sealing the  
22 records of any interview, report, investigation, or testimony.

23 (750 ILCS 5/606.10 new)

24 Sec. 606.10. Designation of custodian for purposes of other  
25 statutes. Solely for the purposes of all State and federal

1 statutes that require a designation or determination of custody  
2 or a custodian, a parenting plan shall designate the parent who  
3 is allocated the majority of residential responsibility. This  
4 designation shall not affect parents' rights and  
5 responsibilities under the parenting plan.

6 (750 ILCS 5/607.5 new)

7 Sec. 607.5. Abuse of allocated parenting time.

8 (a) The court shall provide an expedited procedure for the  
9 enforcement of allocated parenting time.

10 (b) An action for the enforcement of allocated parenting  
11 time may be commenced by a parent or a person appointed under  
12 Section 506 by filing a petition setting forth: (i) the  
13 petitioner's name and residence address or mailing address,  
14 except that if the petition states that disclosure of  
15 petitioner's address would risk abuse of petitioner or any  
16 member of petitioner's family or household or reveal the  
17 confidential address of a shelter for domestic violence  
18 victims, that address may be omitted from the petition; (ii)  
19 the respondent's name and place of residence, place of  
20 employment, or mailing address; (iii) the terms of the  
21 parenting plan or allocation judgment then in effect; (iv) the  
22 nature of the violation of the allocation of parenting time,  
23 giving dates and other relevant information; and (v) that a  
24 reasonable attempt was made to resolve the dispute.

25 (c) If the court finds by a preponderance of the evidence

1 that a parent has not complied with allocated parenting time  
2 according to an approved parenting plan or a court order, the  
3 court, in the child's best interests, shall issue an order that  
4 may include one or more of the following:

5 (1) an imposition of additional terms and conditions  
6 consistent with the court's previous allocation of  
7 parenting time or other order;

8 (2) a requirement that either or both of the parties  
9 attend a parental education program at the expense of the  
10 non-complying parent;

11 (3) a requirement that the parties participate in  
12 family counseling at the expense of the non-complying  
13 parent;

14 (4) a requirement that the non-complying parent post a  
15 cash bond or other security to ensure future compliance,  
16 including a provision that the bond or other security may  
17 be forfeited to the other parent for payment of expenses on  
18 behalf of the child as the court shall direct;

19 (5) a requirement that makeup parenting time be  
20 provided for the aggrieved parent or child under the  
21 following conditions:

22 (A) that the parenting time is of the same type and  
23 duration as the parenting time that was denied,  
24 including but not limited to parenting time during  
25 weekends, on holidays, and on weekdays and during times  
26 when the child is not in school;

1           (B) that the parenting time is made up within 6  
2           months after the noncompliance occurs, unless the  
3           period of time or holiday cannot be made up within 6  
4           months, in which case the parenting time shall be made  
5           up within one year after the noncompliance occurs;

6           (6) a finding that the non-complying parent is in  
7           contempt of court;

8           (7) an imposition on the non-complying parent of an  
9           appropriate civil fine per incident of denied parenting  
10          time;

11          (8) a requirement that the non-complying parent  
12          reimburse the other parent for all reasonable expenses  
13          incurred as a result of the violation of the parenting plan  
14          or court order; and

15          (9) any other provision that may promote the child's  
16          best interests.

17          (d) In addition to any other order entered under subsection  
18          (c), except for good cause shown, the court shall order a  
19          parent who has failed to provide allocated parenting time or to  
20          exercise allocated parenting time to pay the aggrieved party  
21          his or her reasonable attorney's fees, court costs, and  
22          expenses associated with an action brought under this Section.  
23          If the court finds that the respondent in an action brought  
24          under this Section has not violated the allocated parenting  
25          time, the court may order the petitioner to pay the  
26          respondent's reasonable attorney's fees, court costs, and

1 expenses incurred in the action.

2 (e) Nothing in this Section precludes a party from  
3 maintaining any other action as provided by law.

4 (750 ILCS 5/609.2 new)

5 Sec. 609.2. Parent's relocation.

6 (a) A parent's relocation constitutes a substantial change  
7 in circumstances for purposes of Section 610.5.

8 (b) Only a parent who has been allocated a majority of  
9 parenting time may seek to relocate with a child, except that  
10 when parents have equal parenting time, either parent may seek  
11 to relocate with a child.

12 (c) A parent intending to relocate must provide at least 60  
13 days' prior written notice to any other parent under the  
14 parenting plan or allocation judgment unless such notice is  
15 impracticable (in which case written notice shall be given at  
16 the earliest date practicable) or unless otherwise ordered by  
17 the court. A copy of the notice required under this Section  
18 shall be filed with the clerk of the circuit court. At a  
19 minimum, the notice must set forth the following:

20 (1) the intended date of the parent's relocation;

21 (2) the address of the parent's intended new residence,  
22 if known;

23 (3) the specific reasons for the parent's intended  
24 relocation;

25 (4) a proposal modifying the parents' parental

1 responsibilities, if necessary, in light of the  
2 relocation; and

3 (5) if the parent's intended relocation requires a  
4 change in the child's school, a statement of how the  
5 relocating parent intends to meet the child's educational  
6 needs.

7 The court may consider a parent's failure to comply with  
8 the notice requirements of this Section without good cause (i)  
9 as a factor in determining whether the parent's relocation is  
10 in good faith; and (ii) as a basis for awarding reasonable  
11 attorney's fees and costs resulting from the parent's failure  
12 to comply with these provisions.

13 (d) If the parent who is not seeking to relocate signs the  
14 notice that was filed pursuant to subsection (c) and files it  
15 with the court, relocation shall be allowed without any further  
16 court action.

17 (e) The court shall modify the parenting plan or allocation  
18 judgment to accommodate a parent's relocation as agreed by the  
19 parents, as long as the agreed modification is in the child's  
20 best interests.

21 (f) The court shall modify the parenting plan or allocation  
22 judgment to accommodate the relocation without changing the  
23 proportion of parental responsibilities between the parties,  
24 if practicable, as long as such a modification is in the  
25 child's best interests.

26 (g) If a parent's relocation makes it impracticable to

1 maintain the same proportion of parental responsibilities  
2 between the parties, the court shall modify the parenting plan  
3 or allocation judgment in accordance with the child's best  
4 interests. The court shall consider the following factors:

5 (1) the factors set forth in subsection (c) of this  
6 Section;

7 (2) the reasons, if any, why a parent is objecting to  
8 the intended relocation;

9 (3) the history and quality of each parent's  
10 relationship with the child since the implementation of any  
11 previous parenting plan or allocation judgment;

12 (4) the educational opportunities for the child at the  
13 existing location and at the proposed new location;

14 (5) the presence or absence of extended family at the  
15 existing location and at the proposed new location;

16 (6) the anticipated impact of the relocation on the  
17 child;

18 (7) whether the court will be able to fashion a  
19 reasonable allocation of parental responsibilities between  
20 all parents if the relocation occurs;

21 (8) the wishes of the child after taking into  
22 consideration the child's age and maturity;

23 (9) whether the intended relocation is valid, in good  
24 faith, and to a location that is reasonable in light of the  
25 purpose;

26 (10) possible arrangements for the exercise of



1 parental responsibilities appropriate to the parents'  
2 resources and circumstances and the developmental level of  
3 the child;

4 (11) minimization of the impairment to a parent-child  
5 relationship caused by a parent's relocation; and

6 (12) any other relevant factors bearing on the child's  
7 best interests.

8 (h) Unless the non-relocating parent demonstrates that a  
9 reallocation of parental responsibilities is necessary to  
10 prevent harm to the child, the court shall deny the  
11 non-relocating parent's request for a reallocation of parental  
12 responsibilities based on relocation if the non-relocating  
13 parent either:

14 (1) failed to object to the relocation within the time  
15 allowed; or

16 (2) has substantially failed or refused to exercise the  
17 parental responsibilities allocated to him or her under the  
18 parenting plan or allocation judgment.

19 (750 ILCS 5/610.5 new)

20 Sec. 610.5. Modification.

21 (a) Unless by stipulation of the parties or except as  
22 provided in subsection (b) of this Section, no motion to modify  
23 an order allocating parental responsibilities may be made  
24 earlier than 2 years after its date, unless the court permits  
25 it to be made on the basis of affidavits that there is reason

1 to believe the child's present environment may endanger  
2 seriously his or her mental, moral, or physical health or  
3 significantly impair the child's emotional development.

4 (b) A motion to modify an order allocating parental  
5 responsibilities may be made at any time by a party who has  
6 been informed of the existence of facts requiring notice to be  
7 given under Section 607.5 of this Act.

8 (c) Except in a case concerning the modification of any  
9 restriction of parental responsibilities under Section 603.10,  
10 the court shall modify a parenting plan or allocation judgment  
11 when necessary to serve the child's best interests if the court  
12 finds, by a preponderance of the evidence, that on the basis of  
13 facts that have arisen since the entry of the existing  
14 parenting plan or allocation judgment or were not anticipated  
15 therein, a substantial change has occurred in the circumstances  
16 of the child or of either parent and that a modification is  
17 necessary to serve the child's best interests.

18 (d) The court shall modify a parenting plan or allocation  
19 judgment in accordance with a parental agreement, unless it  
20 finds that the modification is not in the child's best  
21 interests.

22 (e) The court may modify a parenting plan or allocation  
23 judgment without a showing of changed circumstances if (i) the  
24 modification is in the child's best interests; and (ii) any of  
25 the following are proven as to the modification:

26 (1) the modification reflects the actual arrangement

1 under which the child has been receiving care, without  
2 parental objection, for the 6 months preceding the filing  
3 of the petition for modification, provided that the  
4 arrangement is not the result of a parent's acquiescence  
5 resulting from circumstances that negated the parent's  
6 ability to give meaningful consent;

7 (2) the modification constitutes a minor modification  
8 in the parenting plan or allocation judgment; and

9 (3) the modification is necessary to modify an agreed  
10 parenting plan or allocation judgment that the court would  
11 not have ordered or approved under Section 602.5 or 602.7  
12 had the court been aware of the circumstances at the time  
13 of the order or approval.

14 (f) Attorney's fees and costs shall be assessed against a  
15 party seeking modification if the court finds that the  
16 modification action is vexatious or constitutes harassment. If  
17 the court finds that a parent has repeatedly filed frivolous  
18 motions for modification, the court may bar the parent from  
19 filing a motion for modification for a period of time.

20 (750 ILCS 5/612 new)

21 Sec. 612. Application of provisions concerning allocation  
22 of parental responsibilities.

23 (a) The changes made by this amendatory Act of the 98th  
24 General Assembly apply to all proceedings commenced on or after  
25 the effective date of this amendatory Act of the 98th General

1 Assembly.

2 (b) The changes made by this amendatory Act of the 98th  
3 General Assembly apply to all actions pending on the effective  
4 date of this amendatory Act of the 98th General Assembly and to  
5 all proceedings commenced no more than 6 months before that  
6 effective date with respect to issues on which a judgment has  
7 not been entered. Evidence adduced after the effective date of  
8 this amendatory Act of the 98th General Assembly shall comply  
9 with the changes made by this amendatory Act of the 98th  
10 General Assembly.

11 (c) The changes made by this amendatory Act of the 98th  
12 General Assembly apply to all proceedings commenced on or after  
13 the effective date of this amendatory Act of the 98th General  
14 Assembly for the modification of a judgment or order entered  
15 before that effective date.

16 (d) In any action or proceeding in which an appeal was  
17 pending or a new trial was ordered before the effective date of  
18 this amendatory Act of the 98th General Assembly, the law in  
19 effect at the time of the order sustaining the appeal or the  
20 new trial governs the appeal, the new trial, and any subsequent  
21 trial or appeal.

22 (750 ILCS 5/406 rep.)

23 (750 ILCS 5/407 rep.)

24 (750 ILCS 5/408 rep.)

25 (750 ILCS 5/412 rep.)

1 (750 ILCS 5/514 rep.)  
2 (750 ILCS 5/515 rep.)  
3 (750 ILCS 5/516 rep.)  
4 (750 ILCS 5/517 rep.)  
5 (750 ILCS 5/601 rep.)  
6 (750 ILCS 5/601.5 rep.)  
7 (750 ILCS 5/602 rep.)  
8 (750 ILCS 5/602.1 rep.)  
9 (750 ILCS 5/603 rep.)  
10 (750 ILCS 5/604 rep.)  
11 (750 ILCS 5/604.5 rep.)  
12 (750 ILCS 5/605 rep.)  
13 (750 ILCS 5/606 rep.)  
14 (750 ILCS 5/607 rep.)  
15 (750 ILCS 5/607.1 rep.)  
16 (750 ILCS 5/608 rep.)  
17 (750 ILCS 5/609 rep.)  
18 (750 ILCS 5/610 rep.)  
19 (750 ILCS 5/611 rep.)  
20 (750 ILCS 5/701 rep.)  
21 (750 ILCS 5/703 rep.)

22 Section 5-20. The Illinois Marriage and Dissolution of  
23 Marriage Act is amended by repealing Sections 406, 407, 408,  
24 412, 514, 515, 516, 517, 601, 601.5, 602, 602.1, 603, 604,  
25 604.5, 605, 606, 607, 607.1, 608, 609, 610, 611, 701, and 703.

1           Section 5-25. The Illinois Domestic Violence Act of 1986 is  
2 amended by changing Sections 214 and 223 as follows:

3           (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

4           Sec. 214. Order of protection; remedies.

5           (a) Issuance of order. If the court finds that petitioner  
6 has been abused by a family or household member or that  
7 petitioner is a high-risk adult who has been abused, neglected,  
8 or exploited, as defined in this Act, an order of protection  
9 prohibiting the abuse, neglect, or exploitation shall issue;  
10 provided that petitioner must also satisfy the requirements of  
11 one of the following Sections, as appropriate: Section 217 on  
12 emergency orders, Section 218 on interim orders, or Section 219  
13 on plenary orders. Petitioner shall not be denied an order of  
14 protection because petitioner or respondent is a minor. The  
15 court, when determining whether or not to issue an order of  
16 protection, shall not require physical manifestations of abuse  
17 on the person of the victim. Modification and extension of  
18 prior orders of protection shall be in accordance with this  
19 Act.

20           (b) Remedies and standards. The remedies to be included in  
21 an order of protection shall be determined in accordance with  
22 this Section and one of the following Sections, as appropriate:  
23 Section 217 on emergency orders, Section 218 on interim orders,  
24 and Section 219 on plenary orders. The remedies listed in this  
25 subsection shall be in addition to other civil or criminal

1 remedies available to petitioner.

2 (1) Prohibition of abuse, neglect, or exploitation.  
3 Prohibit respondent's harassment, interference with  
4 personal liberty, intimidation of a dependent, physical  
5 abuse, or willful deprivation, neglect or exploitation, as  
6 defined in this Act, or stalking of the petitioner, as  
7 defined in Section 12-7.3 of the Criminal Code of 2012, if  
8 such abuse, neglect, exploitation, or stalking has  
9 occurred or otherwise appears likely to occur if not  
10 prohibited.

11 (2) Grant of exclusive possession of residence.  
12 Prohibit respondent from entering or remaining in any  
13 residence, household, or premises of the petitioner,  
14 including one owned or leased by respondent, if petitioner  
15 has a right to occupancy thereof. The grant of exclusive  
16 possession of the residence, household, or premises shall  
17 not affect title to real property, nor shall the court be  
18 limited by the standard set forth in Section 701 of the  
19 Illinois Marriage and Dissolution of Marriage Act.

20 (A) Right to occupancy. A party has a right to  
21 occupancy of a residence or household if it is solely  
22 or jointly owned or leased by that party, that party's  
23 spouse, a person with a legal duty to support that  
24 party or a minor child in that party's care, or by any  
25 person or entity other than the opposing party that  
26 authorizes that party's occupancy (e.g., a domestic

1 violence shelter). Standards set forth in subparagraph  
2 (B) shall not preclude equitable relief.

3 (B) Presumption of hardships. If petitioner and  
4 respondent each has the right to occupancy of a  
5 residence or household, the court shall balance (i) the  
6 hardships to respondent and any minor child or  
7 dependent adult in respondent's care resulting from  
8 entry of this remedy with (ii) the hardships to  
9 petitioner and any minor child or dependent adult in  
10 petitioner's care resulting from continued exposure to  
11 the risk of abuse (should petitioner remain at the  
12 residence or household) or from loss of possession of  
13 the residence or household (should petitioner leave to  
14 avoid the risk of abuse). When determining the balance  
15 of hardships, the court shall also take into account  
16 the accessibility of the residence or household.  
17 Hardships need not be balanced if respondent does not  
18 have a right to occupancy.

19 The balance of hardships is presumed to favor  
20 possession by petitioner unless the presumption is  
21 rebutted by a preponderance of the evidence, showing  
22 that the hardships to respondent substantially  
23 outweigh the hardships to petitioner and any minor  
24 child or dependent adult in petitioner's care. The  
25 court, on the request of petitioner or on its own  
26 motion, may order respondent to provide suitable,



1           accessible, alternate housing for petitioner instead  
2           of excluding respondent from a mutual residence or  
3           household.

4           (3) Stay away order and additional prohibitions. Order  
5           respondent to stay away from petitioner or any other person  
6           protected by the order of protection, or prohibit  
7           respondent from entering or remaining present at  
8           petitioner's school, place of employment, or other  
9           specified places at times when petitioner is present, or  
10          both, if reasonable, given the balance of hardships.  
11          Hardships need not be balanced for the court to enter a  
12          stay away order or prohibit entry if respondent has no  
13          right to enter the premises.

14                 (A) If an order of protection grants petitioner  
15                 exclusive possession of the residence, or prohibits  
16                 respondent from entering the residence, or orders  
17                 respondent to stay away from petitioner or other  
18                 protected persons, then the court may allow respondent  
19                 access to the residence to remove items of clothing and  
20                 personal adornment used exclusively by respondent,  
21                 medications, and other items as the court directs. The  
22                 right to access shall be exercised on only one occasion  
23                 as the court directs and in the presence of an  
24                 agreed-upon adult third party or law enforcement  
25                 officer.

26                 (B) When the petitioner and the respondent attend

1           the same public, private, or non-public elementary,  
2           middle, or high school, the court when issuing an order  
3           of protection and providing relief shall consider the  
4           severity of the act, any continuing physical danger or  
5           emotional distress to the petitioner, the educational  
6           rights guaranteed to the petitioner and respondent  
7           under federal and State law, the availability of a  
8           transfer of the respondent to another school, a change  
9           of placement or a change of program of the respondent,  
10          the expense, difficulty, and educational disruption  
11          that would be caused by a transfer of the respondent to  
12          another school, and any other relevant facts of the  
13          case. The court may order that the respondent not  
14          attend the public, private, or non-public elementary,  
15          middle, or high school attended by the petitioner,  
16          order that the respondent accept a change of placement  
17          or change of program, as determined by the school  
18          district or private or non-public school, or place  
19          restrictions on the respondent's movements within the  
20          school attended by the petitioner. The respondent  
21          bears the burden of proving by a preponderance of the  
22          evidence that a transfer, change of placement, or  
23          change of program of the respondent is not available.  
24          The respondent also bears the burden of production with  
25          respect to the expense, difficulty, and educational  
26          disruption that would be caused by a transfer of the

1           respondent to another school. A transfer, change of  
2           placement, or change of program is not unavailable to  
3           the respondent solely on the ground that the respondent  
4           does not agree with the school district's or private or  
5           non-public school's transfer, change of placement, or  
6           change of program or solely on the ground that the  
7           respondent fails or refuses to consent or otherwise  
8           does not take an action required to effectuate a  
9           transfer, change of placement, or change of program.  
10          When a court orders a respondent to stay away from the  
11          public, private, or non-public school attended by the  
12          petitioner and the respondent requests a transfer to  
13          another attendance center within the respondent's  
14          school district or private or non-public school, the  
15          school district or private or non-public school shall  
16          have sole discretion to determine the attendance  
17          center to which the respondent is transferred. In the  
18          event the court order results in a transfer of the  
19          minor respondent to another attendance center, a  
20          change in the respondent's placement, or a change of  
21          the respondent's program, the parents, guardian, or  
22          legal custodian of the respondent is responsible for  
23          transportation and other costs associated with the  
24          transfer or change.

25                 (C) The court may order the parents, guardian, or  
26          legal custodian of a minor respondent to take certain

1 actions or to refrain from taking certain actions to  
2 ensure that the respondent complies with the order. In  
3 the event the court orders a transfer of the respondent  
4 to another school, the parents, guardian, or legal  
5 custodian of the respondent is responsible for  
6 transportation and other costs associated with the  
7 change of school by the respondent.

8 (4) Counseling. Require or recommend the respondent to  
9 undergo counseling for a specified duration with a social  
10 worker, psychologist, clinical psychologist, psychiatrist,  
11 family service agency, alcohol or substance abuse program,  
12 mental health center guidance counselor, agency providing  
13 services to elders, program designed for domestic violence  
14 abusers or any other guidance service the court deems  
15 appropriate. The Court may order the respondent in any  
16 intimate partner relationship to report to an Illinois  
17 Department of Human Services protocol approved partner  
18 abuse intervention program for an assessment and to follow  
19 all recommended treatment.

20 (5) Physical care and possession of the minor child. In  
21 order to protect the minor child from abuse, neglect, or  
22 unwarranted separation from the person who has been the  
23 minor child's primary caretaker, or to otherwise protect  
24 the well-being of the minor child, the court may do either  
25 or both of the following: (i) grant petitioner physical  
26 care or possession of the minor child, or both, or (ii)

1 order respondent to return a minor child to, or not remove  
2 a minor child from, the physical care of a parent or person  
3 in loco parentis.

4 If a court finds, after a hearing, that respondent has  
5 committed abuse (as defined in Section 103) of a minor  
6 child, there shall be a rebuttable presumption that  
7 awarding physical care to respondent would not be in the  
8 minor child's best interest.

9 (6) Temporary allocation of parental responsibilities  
10 ~~legal custody~~. Award temporary parental responsibility  
11 ~~legal custody~~ to petitioner in accordance with this  
12 Section, the Illinois Marriage and Dissolution of Marriage  
13 Act, the Illinois Parentage Act of 1984, and this State's  
14 Uniform Child-Custody Jurisdiction and Enforcement Act.

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 temporary parental responsibility ~~legal custody~~  
19 to respondent would not be in the child's best interest.

20 (7) Parenting time Visitation. Determine the parenting  
21 time ~~visitation rights~~, if any, of respondent in any case  
22 in which the court awards physical care or allocates  
23 temporary parental responsibility ~~legal custody~~ of a minor  
24 child to petitioner. The court shall restrict or deny  
25 respondent's parenting time ~~visitation~~ with a minor child  
26 if the court finds that respondent has done or is likely to

1 do any of the following: (i) abuse or endanger the minor  
2 child during parenting time ~~visitation~~; (ii) use the  
3 parenting time ~~visitation~~ as an opportunity to abuse or  
4 harass petitioner or petitioner's family or household  
5 members; (iii) improperly conceal or detain the minor  
6 child; or (iv) otherwise act in a manner that is not in the  
7 best interests of the minor child. The court shall not be  
8 limited by the standards set forth in Section 603.10 ~~607.1~~  
9 of the Illinois Marriage and Dissolution of Marriage Act.  
10 If the court grants parenting time ~~visitation~~, the order  
11 shall specify dates and times for the parenting time  
12 ~~visitation~~ to take place or other specific parameters or  
13 conditions that are appropriate. No order for parenting  
14 time ~~visitation~~ shall refer merely to the term "reasonable  
15 parenting time ~~visitation~~".

16 Petitioner may deny respondent access to the minor  
17 child if, when respondent arrives for parenting time  
18 ~~visitation~~, respondent is under the influence of drugs or  
19 alcohol and constitutes a threat to the safety and  
20 well-being of petitioner or petitioner's minor children or  
21 is behaving in a violent or abusive manner.

22 If necessary to protect any member of petitioner's  
23 family or household from future abuse, respondent shall be  
24 prohibited from coming to petitioner's residence to meet  
25 the minor child for parenting time ~~visitation~~, and the  
26 parties shall submit to the court their recommendations for

1 reasonable alternative arrangements for parenting time  
2 ~~visitation~~. A person may be approved to supervise parenting  
3 time ~~visitation~~ only after filing an affidavit accepting  
4 that responsibility and acknowledging accountability to  
5 the court.

6 (8) Removal or concealment of minor child. Prohibit  
7 respondent from removing a minor child from the State or  
8 concealing the child within the State.

9 (9) Order to appear. Order the respondent to appear in  
10 court, alone or with a minor child, to prevent abuse,  
11 neglect, removal or concealment of the child, to return the  
12 child to the custody or care of the petitioner or to permit  
13 any court-ordered interview or examination of the child or  
14 the respondent.

15 (10) Possession of personal property. Grant petitioner  
16 exclusive possession of personal property and, if  
17 respondent has possession or control, direct respondent to  
18 promptly make it available to petitioner, if:

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

21 (ii) the parties own the property jointly; sharing  
22 it would risk abuse of petitioner by respondent or is  
23 impracticable; and the balance of hardships favors  
24 temporary possession by petitioner.

25 If petitioner's sole claim to ownership of the property  
26 is that it is marital property, the court may award

1 petitioner temporary possession thereof under the  
2 standards of subparagraph (ii) of this paragraph only if a  
3 proper proceeding has been filed under the Illinois  
4 Marriage and Dissolution of Marriage Act, as now or  
5 hereafter amended.

6 No order under this provision shall affect title to  
7 property.

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

12 (i) petitioner, but not respondent, owns the  
13 property; or

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

16 If petitioner's sole claim to ownership of the property  
17 is that it is marital property, the court may grant  
18 petitioner relief under subparagraph (ii) of this  
19 paragraph only if a proper proceeding has been filed under  
20 the Illinois Marriage and Dissolution of Marriage Act, as  
21 now or hereafter amended.

22 The court may further prohibit respondent from  
23 improperly using the financial or other resources of an  
24 aged member of the family or household for the profit or  
25 advantage of respondent or of any other person.

26 (11.5) Protection of animals. Grant the petitioner the



1 exclusive care, custody, or control of any animal owned,  
2 possessed, leased, kept, or held by either the petitioner  
3 or the respondent or a minor child residing in the  
4 residence or household of either the petitioner or the  
5 respondent and order the respondent to stay away from the  
6 animal and forbid the respondent from taking,  
7 transferring, encumbering, concealing, harming, or  
8 otherwise disposing of the animal.

9 (12) Order for payment of support. Order respondent to  
10 pay temporary support for the petitioner or any child in  
11 the petitioner's care or over whom the petitioner has been  
12 allocated parental responsibility ~~custody~~, when the  
13 respondent has a legal obligation to support that person,  
14 in accordance with the Illinois Marriage and Dissolution of  
15 Marriage Act, which shall govern, among other matters, the  
16 amount of support, payment through the clerk and  
17 withholding of income to secure payment. An order for child  
18 support may be granted to a petitioner with lawful physical  
19 care ~~or custody~~ of a child, or an order or agreement for  
20 physical care of a child ~~or custody~~, prior to entry of an  
21 order allocating parental responsibility ~~for legal~~  
22 ~~custody~~. Such a support order shall expire upon entry of a  
23 valid order allocating parental responsibility differently  
24 ~~granting legal custody to another~~, unless otherwise  
25 provided in the ~~custody~~ order.

26 (13) Order for payment of losses. Order respondent to

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

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

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

25 (14) Prohibition of entry. Prohibit the respondent  
26 from entering or remaining in the residence or household

1 while the respondent is under the influence of alcohol or  
2 drugs and constitutes a threat to the safety and well-being  
3 of the petitioner or the petitioner's children.

4 (14.5) Prohibition of firearm possession.

5 (a) Prohibit a respondent against whom an order of  
6 protection was issued from possessing any firearms  
7 during the duration of the order if the order:

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

11 (2) restrains such person from harassing,  
12 stalking, or threatening an intimate partner of  
13 such person or child of such intimate partner or  
14 person, or engaging in other conduct that would  
15 place an intimate partner in reasonable fear of  
16 bodily injury to the partner or child; and

17 (3)(i) includes a finding that such person  
18 represents a credible threat to the physical  
19 safety of such intimate partner or child; or (ii)  
20 by its terms explicitly prohibits the use,  
21 attempted use, or threatened use of physical force  
22 against such intimate partner or child that would  
23 reasonably be expected to cause bodily injury.

24 Any Firearm Owner's Identification Card in the  
25 possession of the respondent, except as provided in  
26 subsection (b), shall be ordered by the court to be

1 turned over to the local law enforcement agency. The  
2 local law enforcement agency shall immediately mail  
3 the card to the Department of State Police Firearm  
4 Owner's Identification Card Office for safekeeping.  
5 The court shall issue a warrant for seizure of any  
6 firearm in the possession of the respondent, to be kept  
7 by the local law enforcement agency for safekeeping,  
8 except as provided in subsection (b). The period of  
9 safekeeping shall be for the duration of the order of  
10 protection. The firearm or firearms and Firearm  
11 Owner's Identification Card, if unexpired, shall at  
12 the respondent's request, be returned to the  
13 respondent at the end of the order of protection. It is  
14 the respondent's responsibility to notify the  
15 Department of State Police Firearm Owner's  
16 Identification Card Office.

17 (b) If the respondent is a peace officer as defined  
18 in Section 2-13 of the Criminal Code of 2012, the court  
19 shall order that any firearms used by the respondent in  
20 the performance of his or her duties as a peace officer  
21 be surrendered to the chief law enforcement executive  
22 of the agency in which the respondent is employed, who  
23 shall retain the firearms for safekeeping for the  
24 duration of the order of protection.

25 (c) Upon expiration of the period of safekeeping,  
26 if the firearms or Firearm Owner's Identification Card

1 cannot be returned to respondent because respondent  
2 cannot be located, fails to respond to requests to  
3 retrieve the firearms, or is not lawfully eligible to  
4 possess a firearm, upon petition from the local law  
5 enforcement agency, the court may order the local law  
6 enforcement agency to destroy the firearms, use the  
7 firearms for training purposes, or for any other  
8 application as deemed appropriate by the local law  
9 enforcement agency; or that the firearms be turned over  
10 to a third party who is lawfully eligible to possess  
11 firearms, and who does not reside with respondent.

12 (15) Prohibition of access to records. If an order of  
13 protection prohibits respondent from having contact with  
14 the minor child, or if petitioner's address is omitted  
15 under subsection (b) of Section 203, or if necessary to  
16 prevent abuse or wrongful removal or concealment of a minor  
17 child, the order shall deny respondent access to, and  
18 prohibit respondent from inspecting, obtaining, or  
19 attempting to inspect or obtain, school or any other  
20 records of the minor child who is in the care of  
21 petitioner.

22 (16) Order for payment of shelter services. Order  
23 respondent to reimburse a shelter providing temporary  
24 housing and counseling services to the petitioner for the  
25 cost of the services, as certified by the shelter and  
26 deemed reasonable by the court.

1           (17) Order for injunctive relief. Enter injunctive  
2 relief necessary or appropriate to prevent further abuse of  
3 a family or household member or further abuse, neglect, or  
4 exploitation of a high-risk adult with disabilities or to  
5 effectuate one of the granted remedies, if supported by the  
6 balance of hardships. If the harm to be prevented by the  
7 injunction is abuse or any other harm that one of the  
8 remedies listed in paragraphs (1) through (16) of this  
9 subsection is designed to prevent, no further evidence is  
10 necessary that the harm is an irreparable injury.

11           (c) Relevant factors; findings.

12           (1) In determining whether to grant a specific remedy,  
13 other than payment of support, the court shall consider  
14 relevant factors, including but not limited to the  
15 following:

16           (i) the nature, frequency, severity, pattern and  
17 consequences of the respondent's past abuse, neglect  
18 or exploitation of the petitioner or any family or  
19 household member, including the concealment of his or  
20 her location in order to evade service of process or  
21 notice, and the likelihood of danger of future abuse,  
22 neglect, or exploitation to petitioner or any member of  
23 petitioner's or respondent's family or household; and

24           (ii) the danger that any minor child will be abused  
25 or neglected or improperly relocated ~~removed~~ from the  
26 jurisdiction, improperly concealed within the State or

1           improperly separated from the child's primary  
2           caretaker.

3           (2) In comparing relative hardships resulting to the  
4           parties from loss of possession of the family home, the  
5           court shall consider relevant factors, including but not  
6           limited to the following:

7                   (i) availability, accessibility, cost, safety,  
8                   adequacy, location and other characteristics of  
9                   alternate housing for each party and any minor child or  
10                  dependent adult in the party's care;

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

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

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

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

22                   (ii) Whether the conduct or actions of respondent,  
23                   unless prohibited, will likely cause irreparable harm  
24                   or continued abuse.

25                   (iii) Whether it is necessary to grant the  
26                   requested relief in order to protect petitioner or

1 other alleged abused persons.

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

7 When a verified petition for an emergency order of  
8 protection in accordance with the requirements of Sections  
9 203 and 217 is presented to the court, the court shall  
10 examine petitioner on oath or affirmation. An emergency  
11 order of protection shall be issued by the court if it  
12 appears from the contents of the petition and the  
13 examination of petitioner that the averments are  
14 sufficient to indicate abuse by respondent and to support  
15 the granting of relief under the issuance of the emergency  
16 order of protection.

17 (5) Never married parties. No rights or  
18 responsibilities for a minor child born outside of marriage  
19 attach to a putative father until a father and child  
20 relationship has been established under the Illinois  
21 Parentage Act of 1984, the Illinois Public Aid Code,  
22 Section 12 of the Vital Records Act, the Juvenile Court Act  
23 of 1987, the Probate Act of 1985, the Revised Uniform  
24 Reciprocal Enforcement of Support Act, the Uniform  
25 Interstate Family Support Act, the Expedited Child Support  
26 Act of 1990, any judicial, administrative, or other act of



1 another state or territory, any other Illinois statute, or  
2 by any foreign nation establishing the father and child  
3 relationship, any other proceeding substantially in  
4 conformity with the Personal Responsibility and Work  
5 Opportunity Reconciliation Act of 1996 (Pub. L. 104-193),  
6 or where both parties appeared in open court or at an  
7 administrative hearing acknowledging under oath or  
8 admitting by affirmation the existence of a father and  
9 child relationship. Absent such an adjudication, finding,  
10 or acknowledgement, no putative father shall be granted  
11 temporary allocation of parental responsibilities,  
12 including parenting time ~~custody of the minor child,~~  
13 ~~visitation~~ with the minor child, or physical care and  
14 possession of the minor child, nor shall an order of  
15 payment for support of the minor child be entered.

16 (d) Balance of hardships; findings. If the court finds that  
17 the balance of hardships does not support the granting of a  
18 remedy governed by paragraph (2), (3), (10), (11), or (16) of  
19 subsection (b) of this Section, which may require such  
20 balancing, the court's findings shall so indicate and shall  
21 include a finding as to whether granting the remedy will result  
22 in hardship to respondent that would substantially outweigh the  
23 hardship to petitioner from denial of the remedy. The findings  
24 shall be an official record or in writing.

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

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

4           (2) Respondent was voluntarily intoxicated;

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

9           (4) Petitioner did not act in self-defense or defense  
10          of another;

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

13          (6) Petitioner did not leave the residence or household  
14          to avoid further abuse, neglect, or exploitation by  
15          respondent;

16          (7) Conduct by any family or household member excused  
17          the abuse, neglect, or exploitation by respondent, unless  
18          that same conduct would have excused such abuse, neglect,  
19          or exploitation if the parties had not been family or  
20          household members.

21          (Source: P.A. 96-701, eff. 1-1-10; 96-1239, eff. 1-1-11;  
22          97-158, eff. 1-1-12; 97-294, eff. 1-1-12; 97-813, eff. 7-13-12;  
23          97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13.)

24          (750 ILCS 60/223) (from Ch. 40, par. 2312-23)

25          Sec. 223. Enforcement of orders of protection.

1           (a) When violation is crime. A violation of any order of  
2 protection, whether issued in a civil or criminal proceeding,  
3 shall be enforced by a criminal court when:

4           (1) The respondent commits the crime of violation of an  
5 order of protection pursuant to Section 12-3.4 or 12-30 of  
6 the Criminal Code of 1961 or the Criminal Code of 2012, by  
7 having knowingly violated:

8           (i) remedies described in paragraphs (1), (2),  
9 (3), (14), or (14.5) of subsection (b) of Section 214  
10 of this Act; or

11           (ii) a remedy, which is substantially similar to  
12 the remedies authorized under paragraphs (1), (2),  
13 (3), (14), and (14.5) of subsection (b) of Section 214  
14 of this Act, in a valid order of protection which is  
15 authorized under the laws of another state, tribe, or  
16 United States territory; or

17           (iii) any other remedy when the act constitutes a  
18 crime against the protected parties as defined by the  
19 Criminal Code of 1961 or the Criminal Code of 2012.

20           Prosecution for a violation of an order of protection  
21 shall not bar concurrent prosecution for any other crime,  
22 including any crime that may have been committed at the  
23 time of the violation of the order of protection; or

24           (2) The respondent commits the crime of child abduction  
25 pursuant to Section 10-5 of the Criminal Code of 1961 or  
26 the Criminal Code of 2012, by having knowingly violated:

1 (i) remedies described in paragraphs (5), (6) or  
2 (8) of subsection (b) of Section 214 of this Act; or

3 (ii) a remedy, which is substantially similar to  
4 the remedies authorized under paragraphs (5), (6), or  
5 (8) of subsection (b) of Section 214 of this Act, in a  
6 valid order of protection which is authorized under the  
7 laws of another state, tribe, or United States  
8 territory.

9 (b) When violation is contempt of court. A violation of any  
10 valid Illinois order of protection, whether issued in a civil  
11 or criminal proceeding, may be enforced through civil or  
12 criminal contempt procedures, as appropriate, by any court with  
13 jurisdiction, regardless where the act or acts which violated  
14 the order of protection were committed, to the extent  
15 consistent with the venue provisions of this Act. Nothing in  
16 this Act shall preclude any Illinois court from enforcing any  
17 valid order of protection issued in another state. Illinois  
18 courts may enforce orders of protection through both criminal  
19 prosecution and contempt proceedings, unless the action which  
20 is second in time is barred by collateral estoppel or the  
21 constitutional prohibition against double jeopardy.

22 (1) In a contempt proceeding where the petition for a  
23 rule to show cause sets forth facts evidencing an immediate  
24 danger that the respondent will flee the jurisdiction,  
25 conceal a child, or inflict physical abuse on the  
26 petitioner or minor children or on dependent adults in

1 petitioner's care, the court may order the attachment of  
2 the respondent without prior service of the rule to show  
3 cause or the petition for a rule to show cause. Bond shall  
4 be set unless specifically denied in writing.

5 (2) A petition for a rule to show cause for violation  
6 of an order of protection shall be treated as an expedited  
7 proceeding.

8 (b-1) The court shall not hold a school district or private  
9 or non-public school or any of its employees in civil or  
10 criminal contempt unless the school district or private or  
11 non-public school has been allowed to intervene.

12 (b-2) The court may hold the parents, guardian, or legal  
13 custodian of a minor respondent in civil or criminal contempt  
14 for a violation of any provision of any order entered under  
15 this Act for conduct of the minor respondent in violation of  
16 this Act if the parents, guardian, or legal custodian directed,  
17 encouraged, or assisted the respondent minor in such conduct.

18 (c) Violation of custody or support orders or temporary or  
19 final judgments allocating parental responsibilities. A  
20 violation of remedies described in paragraphs (5), (6), (8), or  
21 (9) of subsection (b) of Section 214 of this Act may be  
22 enforced by any remedy provided by Section 607.5 ~~611~~ of the  
23 Illinois Marriage and Dissolution of Marriage Act. The court  
24 may enforce any order for support issued under paragraph (12)  
25 of subsection (b) of Section 214 in the manner provided for  
26 under Parts V and VII of the Illinois Marriage and Dissolution

1 of Marriage Act.

2 (d) Actual knowledge. An order of protection may be  
3 enforced pursuant to this Section if the respondent violates  
4 the order after the respondent has actual knowledge of its  
5 contents as shown through one of the following means:

6 (1) By service, delivery, or notice under Section 210.

7 (2) By notice under Section 210.1 or 211.

8 (3) By service of an order of protection under Section  
9 222.

10 (4) By other means demonstrating actual knowledge of  
11 the contents of the order.

12 (e) The enforcement of an order of protection in civil or  
13 criminal court shall not be affected by either of the  
14 following:

15 (1) The existence of a separate, correlative order,  
16 entered under Section 215.

17 (2) Any finding or order entered in a conjoined  
18 criminal proceeding.

19 (f) Circumstances. The court, when determining whether or  
20 not a violation of an order of protection has occurred, shall  
21 not require physical manifestations of abuse on the person of  
22 the victim.

23 (g) Penalties.

24 (1) Except as provided in paragraph (3) of this  
25 subsection, where the court finds the commission of a crime  
26 or contempt of court under subsections (a) or (b) of this

1 Section, the penalty shall be the penalty that generally  
2 applies in such criminal or contempt proceedings, and may  
3 include one or more of the following: incarceration,  
4 payment of restitution, a fine, payment of attorneys' fees  
5 and costs, or community service.

6 (2) The court shall hear and take into account evidence  
7 of any factors in aggravation or mitigation before deciding  
8 an appropriate penalty under paragraph (1) of this  
9 subsection.

10 (3) To the extent permitted by law, the court is  
11 encouraged to:

12 (i) increase the penalty for the knowing violation  
13 of any order of protection over any penalty previously  
14 imposed by any court for respondent's violation of any  
15 order of protection or penal statute involving  
16 petitioner as victim and respondent as defendant;

17 (ii) impose a minimum penalty of 24 hours  
18 imprisonment for respondent's first violation of any  
19 order of protection; and

20 (iii) impose a minimum penalty of 48 hours  
21 imprisonment for respondent's second or subsequent  
22 violation of an order of protection

23 unless the court explicitly finds that an increased penalty  
24 or that period of imprisonment would be manifestly unjust.

25 (4) In addition to any other penalties imposed for a  
26 violation of an order of protection, a criminal court may

1 consider evidence of any violations of an order of  
2 protection:

3 (i) to increase, revoke or modify the bail bond on  
4 an underlying criminal charge pursuant to Section  
5 110-6 of the Code of Criminal Procedure of 1963;

6 (ii) to revoke or modify an order of probation,  
7 conditional discharge or supervision, pursuant to  
8 Section 5-6-4 of the Unified Code of Corrections;

9 (iii) to revoke or modify a sentence of periodic  
10 imprisonment, pursuant to Section 5-7-2 of the Unified  
11 Code of Corrections.

12 (5) In addition to any other penalties, the court shall  
13 impose an additional fine of \$20 as authorized by Section  
14 5-9-1.11 of the Unified Code of Corrections upon any person  
15 convicted of or placed on supervision for a violation of an  
16 order of protection. The additional fine shall be imposed  
17 for each violation of this Section.

18 (Source: P.A. 96-1551, eff. 7-1-11; 97-294, eff. 1-1-12;  
19 97-1150, eff. 1-25-13.)

20 Section 5-30. The Probate Act of 1975 is amended by  
21 changing Section 11-7.1 as follows:

22 (755 ILCS 5/11-7.1) (from Ch. 110 1/2, par. 11-7.1)

23 Sec. 11-7.1. Parenting time ~~Visitation rights~~.

24 (a) Whenever both natural or adoptive parents of a minor



1 are deceased, an allocation of parenting time ~~visitation rights~~  
2 shall be granted to the grandparents of the minor who are the  
3 parents of the minor's legal parents unless it is shown that  
4 such parenting time ~~visitation~~ would be detrimental to the best  
5 interests and welfare of the minor. In the discretion of the  
6 court, reasonable parenting time ~~visitation rights~~ may be  
7 granted to any other relative of the minor or other person  
8 having an interest in the welfare of the child. However, the  
9 court shall not grant parenting time ~~visitation privileges~~ to  
10 any person who otherwise might have parenting time ~~visitation~~  
11 ~~privileges~~ under this Section where the minor has been adopted  
12 subsequent to the death of both his legal parents except where  
13 such adoption is by a close relative. For the purpose of this  
14 Section, "close relative" shall include, but not be limited to,  
15 a grandparent, aunt, uncle, first cousin, or adult brother or  
16 sister.

17 Where such adoption is by a close relative, the court shall  
18 not grant parenting time ~~visitation privileges~~ under this  
19 Section unless the petitioner alleges and proves that he or she  
20 has been unreasonably denied parenting time ~~visitation~~ with the  
21 child. The court may grant reasonable parenting time ~~visitation~~  
22 ~~privileges~~ upon finding that such parenting time ~~visitation~~  
23 would be in the best interest of the child.

24 An order denying parenting time ~~visitation rights~~ to  
25 grandparents of the minor shall be in writing and shall state  
26 the reasons for denial. An order denying parenting time

1 ~~visitation rights~~ is a final order for purposes of appeal.

2 (b) Unless the court determines, after considering all  
3 relevant factors, including but not limited to those set forth  
4 in Section 602.7 ~~602(a)~~ of the Illinois Marriage and  
5 Dissolution of Marriage Act, that it would be in the best  
6 interests of the child to allow parenting time ~~visitation~~, the  
7 court shall not enter an order providing parenting time  
8 ~~visitation rights~~ and pursuant to a motion to modify parenting  
9 time ~~visitation~~ brought under Section 610.5 ~~607(f)~~ of the  
10 Illinois Marriage and Dissolution of Marriage Act shall revoke  
11 parenting time ~~visitation rights~~ previously granted to any  
12 person who would otherwise be entitled to petition for  
13 parenting time ~~visitation rights~~ under this Section who has  
14 been convicted of first degree murder of the parent,  
15 grandparent, great-grandparent, or sibling of the child who is  
16 the subject of the order. Until an order is entered pursuant to  
17 this subsection, no person shall visit, with the child present,  
18 a person who has been convicted of first degree murder of the  
19 parent, grandparent, great-grandparent, or sibling of the  
20 child without the consent of the child's parent, other than a  
21 parent convicted of first degree murder as set forth herein, or  
22 legal guardian.

23 (Source: P.A. 90-801, eff. 6-1-99.)