

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 99th 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 99th 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 99th 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 99th 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 99th 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 99th 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 responsibility allocation ~~custody~~ proceeding of an
10 out-of-state party, every court in this State, prior to
11 granting or modifying a parental responsibility allocation
12 ~~custody~~ judgment, shall inquire with LEADS and the National
13 Crime Information Center to ascertain whether the child or
14 children in question have been reported missing or have been
15 involved in or are the victims of a parental or noncustodial
16 abduction. Such inquiry may be conducted with any law
17 enforcement agency in this State that maintains a LEADS
18 terminal or has immediate access to one on a 24-hour-per-day,
19 7-day-per-week basis through a written agreement with another
20 law enforcement agency.

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

22 Section 5-10. The Code of Criminal Procedure of 1963 is

1 amended by changing Section 112A-23 as follows:

2 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

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

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

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

11 (i) remedies described in paragraphs (1), (2),
12 (3), (14), or (14.5) of subsection (b) of Section
13 112A-14,

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

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

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

1 time of the violation of the order of protection; or

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

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

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

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

26 (1) In a contempt proceeding where the petition for a

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

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

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

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

25 (1) By service, delivery, or notice under Section
26 112A-10.

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

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

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

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

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

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

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

17 (g) Penalties.

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

26 (2) The court shall hear and take into account evidence

1 of any factors in aggravation or mitigation before deciding
2 an appropriate penalty under paragraph (1) of this
3 subsection.

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

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

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

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

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

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

23 (i) to increase, revoke or modify the bail bond on
24 an underlying criminal charge pursuant to Section
25 110-6;

26 (ii) to revoke or modify an order of probation,

1 conditional discharge or supervision, pursuant to
2 Section 5-6-4 of the Unified Code of Corrections;

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

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

7 Section 5-15. The Illinois Marriage and Dissolution of
8 Marriage Act is amended by changing Sections 102, 104, 105,
9 107, 209, 219, 304, 401, 402, 403, 404, 405, 409, 411, 413,
10 452, 453, 501, 501.1, 502, 503, 504, 505, 505.1, 506, 508, 509,
11 510, 512, 513, 602.3, 801 and the heading of Part VI and by
12 adding Sections 513.5, 600, 601.2, 602.5, 602.7, 602.8, 602.9,
13 602.10, 602.11, 603.5, 603.10, 604.10, 606.5, 606.10, 607.5,
14 609.2, and 610.5 as follows:

15 (750 ILCS 5/102) (from Ch. 40, par. 102)

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

19 (1) provide adequate procedures for the solemnization and
20 registration of marriage;

21 (2) strengthen and preserve the integrity of marriage and
22 safeguard family relationships;

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

1 (4) mitigate the potential harm to ~~the~~ spouses and their
2 children caused by the process of an action brought under this
3 Act, and protect children from exposure to conflict and
4 violence ~~legal dissolution of marriage;~~

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

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

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

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

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

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

1 (D) continue existing parent-child relationships, and
2 secure the maximum involvement and cooperation of parents
3 regarding the physical, mental, moral, and emotional
4 well-being of the children during and after the litigation;
5 and

6 (E) promote or order parents to participate in programs
7 designed to educate parents to:

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

11 (ii) facilitate the maximum cooperation of parents
12 in raising their children;

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

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

1 ~~(7) secure the maximum involvement and cooperation of both~~
2 ~~parents regarding the physical, mental, moral and emotional~~
3 ~~well-being of the children during and after the litigation; and~~

4 (10) ~~(8)~~ make provision for the preservation and
5 conservation of marital assets during the litigation.

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

7 (750 ILCS 5/104) (from Ch. 40, par. 104)

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

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

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

23 (750 ILCS 5/105) (from Ch. 40, par. 105)

24 Sec. 105. Application of Civil Practice Law.)

1 (a) The provisions of the Civil Practice Law shall apply to
2 all proceedings under this Act, except as otherwise provided in
3 this Act.

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

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

18 (d) As used in this Section, "pleadings" includes any
19 petition or motion filed in the dissolution of marriage case
20 which, if independently filed, would constitute a separate
21 cause of action, including, but not limited to, actions for
22 declaratory judgment, injunctive relief, and orders of
23 protection. Actions under this subsection are subject to
24 motions filed pursuant to Sections 2-615 and 2-619 of the Code
25 of Civil Procedure.

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

1 (750 ILCS 5/107) (from Ch. 40, par. 107)

2 Sec. 107. Order of protection; status. Whenever relief is
3 sought under Part V, Part VI or Part VII of this Act, the court
4 shall inquire and parties shall advise the court,~~before~~
5 ~~granting relief, shall determine~~ whether any order of
6 protection has previously been entered in the instant
7 proceeding or any other proceeding in which any party, or a
8 child of any party, or both, if relevant, has been designated
9 as either a petitioner, respondent, or a protected person.

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

11 (750 ILCS 5/209) (from Ch. 40, par. 209)

12 Sec. 209. Solemnization and Registration.†

13 (a) A marriage may be solemnized by a judge of a court of
14 record, by a retired judge of a court of record, unless the
15 retired judge was removed from office by the Judicial Inquiry
16 Board, except that a retired judge shall not receive any
17 compensation from the State, a county or any unit of local
18 government in return for the solemnization of a marriage and
19 there shall be no effect upon any pension benefits conferred by
20 the Judges Retirement System of Illinois, by a judge of the
21 Court of Claims, by a county clerk in counties having 2,000,000
22 or more inhabitants, by a public official whose powers include
23 solemnization of marriages, or in accordance with the
24 prescriptions of any religious denomination, Indian Nation or

1 Tribe or Native Group, provided that when such prescriptions
2 require an officiant, the officiant be in good standing with
3 his or her religious denomination, Indian Nation or Tribe or
4 Native Group. Either the person solemnizing the marriage, or,
5 if no individual acting alone solemnized the marriage, both
6 parties to the marriage, shall complete the marriage
7 certificate form and forward it to the county clerk within 10
8 days after such marriage is solemnized.

9 (a-5) Nothing in this Act shall be construed to require any
10 religious denomination or Indian Nation or Tribe or Native
11 Group, or any minister, clergy, or officiant acting as a
12 representative of a religious denomination or Indian Nation or
13 Tribe or Native Group, to solemnize any marriage. Instead, any
14 religious denomination or Indian Nation or Tribe or Native
15 Group, or any minister, clergy, or officiant acting as a
16 representative of a religious denomination or Indian Nation or
17 Tribe or Native Group is free to choose which marriages it will
18 solemnize. Notwithstanding any other law to the contrary, a
19 refusal by a religious denomination or Indian Nation or Tribe
20 or Native Group, or any minister, clergy, or officiant acting
21 as a representative of a religious denomination or Indian
22 Nation or Tribe or Native Group to solemnize any marriage under
23 this Act shall not create or be the basis for any civil,
24 administrative, or criminal penalty, claim, or cause of action.

25 (a-10) No church, mosque, synagogue, temple,
26 nondenominational ministry, interdenominational or ecumenical

1 organization, mission organization, or other organization
2 whose principal purpose is the study, practice, or advancement
3 of religion is required to provide religious facilities for the
4 solemnization ceremony or celebration associated with the
5 solemnization ceremony of a marriage if the solemnization
6 ceremony or celebration associated with the solemnization
7 ceremony is in violation of its religious beliefs. An entity
8 identified in this subsection (a-10) shall be immune from any
9 civil, administrative, criminal penalty, claim, or cause of
10 action based on its refusal to provide religious facilities for
11 the solemnization ceremony or celebration associated with the
12 solemnization ceremony of a marriage if the solemnization
13 ceremony or celebration associated with the solemnization
14 ceremony is in violation of its religious beliefs. As used in
15 this subsection (a-10), "religious facilities" means
16 sanctuaries, parish halls, fellowship halls, and similar
17 facilities. "Religious facilities" does not include facilities
18 such as businesses, health care facilities, educational
19 facilities, or social service agencies.

20 (b) The solemnization of the marriage is not invalidated:
21 (1) by the fact that the person solemnizing the marriage was
22 not legally qualified to solemnize it, if a reasonable person
23 would believe the person solemnizing the marriage to be so
24 qualified; ~~if either party to the marriage believed him or her~~
25 ~~to be so qualified~~ or (2) by the fact that the marriage was
26 inadvertently solemnized in a county in Illinois other than the

1 county where the license was issued and filed.

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

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

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

6 Sec. 219. Offenses.† Any official issuing a license with
7 knowledge that the parties are thus prohibited from marrying
8 ~~intermarrying~~ and any person authorized to solemnize ~~celebrate~~
9 marriage who shall knowingly solemnize ~~celebrate~~ such a
10 marriage shall be guilty of a Class C misdemeanor ~~petty~~
11 ~~offense~~.

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

13 (750 ILCS 5/304) (from Ch. 40, par. 304)

14 Sec. 304. Retroactivity.† Unless the court finds, after a
15 consideration of all relevant circumstances, including the
16 effect of a retroactive judgment on third parties, that the
17 interests of justice would be served by making the judgment not
18 retroactive, it shall declare the marriage invalid as of the
19 date of the marriage. The provisions of this Act relating to
20 property rights of the spouses, maintenance, support ~~and~~
21 ~~custody~~ of children, and allocation of parental
22 responsibilities on dissolution of marriage are applicable to
23 non-retroactive judgments of invalidity of marriage only.

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

1 (750 ILCS 5/401) (from Ch. 40, par. 401)

2 Sec. 401. Dissolution of marriage.

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

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

15 (a-5) If the parties live separate and apart for a
16 continuous period of not less than 6 months immediately
17 preceding the entry of the judgment dissolving the marriage,
18 there is an irrebuttable presumption that the requirement of
19 irreconcilable differences has been met.; provided, however,
20 that a finding of residence of a party in any judgment entered
21 under this Act from January 1, 1982 through June 30, 1982 shall
22 satisfy the former domicile requirements of this Act; and if
23 one of the following grounds for dissolution has been proved:

24 ~~(1) That, without cause or provocation by the~~
25 ~~petitioner: the respondent was at the time of such~~

1 ~~marriage, and continues to be naturally impotent; the~~
2 ~~respondent had a wife or husband living at the time of the~~
3 ~~marriage; the respondent had committed adultery subsequent~~
4 ~~to the marriage; the respondent has wilfully deserted or~~
5 ~~absented himself or herself from the petitioner for the~~
6 ~~space of one year, including any period during which~~
7 ~~litigation may have pended between the spouses for~~
8 ~~dissolution of marriage or legal separation; the~~
9 ~~respondent has been guilty of habitual drunkenness for the~~
10 ~~space of 2 years; the respondent has been guilty of gross~~
11 ~~and confirmed habits caused by the excessive use of~~
12 ~~addictive drugs for the space of 2 years, or has attempted~~
13 ~~the life of the other by poison or other means showing~~
14 ~~malice, or has been guilty of extreme and repeated physical~~
15 ~~or mental cruelty, or has been convicted of a felony or~~
16 ~~other infamous crime; or the respondent has infected the~~
17 ~~other with a sexually transmitted disease. "Excessive use~~
18 ~~of addictive drugs", as used in this Section, refers to use~~
19 ~~of an addictive drug by a person when using the drug~~
20 ~~becomes a controlling or a dominant purpose of his life; or~~

21 ~~(2) That the spouses have lived separate and apart for~~
22 ~~a continuous period in excess of 2 years and irreconcilable~~
23 ~~differences have caused the irretrievable breakdown of the~~
24 ~~marriage and the court determines that efforts at~~
25 ~~reconciliation have failed or that future attempts at~~
26 ~~reconciliation would be impracticable and not in the best~~

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

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

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

22 ~~In computing the period during which the spouses have lived~~
23 ~~separate and apart for purposes of this Section, periods during~~
24 ~~which the spouses were living separate and apart prior to July~~
25 ~~1, 1984 are included.~~

26 (b) Judgment shall not be entered unless, to the extent it

1 has jurisdiction to do so, the court has considered, approved,
2 reserved or made provision for the allocation of parental
3 responsibilities ~~child custody~~, the support of any child of the
4 marriage entitled to support, the maintenance of either spouse
5 and the disposition of property. The court shall ~~may~~ enter a
6 judgment for dissolution that reserves any of these issues
7 either upon (i) agreement of the parties, or (ii) motion of
8 either party and a finding by the court that appropriate
9 circumstances exist.

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

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

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

19 (750 ILCS 5/402) (from Ch. 40, par. 402)

20 Sec. 402. Legal Separation.†

21 (a) Any person living separate and apart from his or her
22 spouse ~~without fault~~ may have a remedy for reasonable support
23 and maintenance while they so live apart.

24 (b) Such action shall be brought in the circuit court of
25 the county in which the petitioner or respondent resides or in

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

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

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

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

22 (c) A proceeding or judgment for legal separation shall not
23 bar either party from instituting an action for dissolution of
24 marriage, and if the party so moving has met the requirements
25 of Section 401, a judgment for dissolution shall be granted.
26 Absent an agreement set forth in a separation agreement that

1 provides for non-modifiable permanent maintenance, if a party
2 to a judgment for legal separation files an action for
3 dissolution of marriage, the issues of temporary and permanent
4 maintenance shall be decided de novo.

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

6 (750 ILCS 5/403) (from Ch. 40, par. 403)

7 Sec. 403. Pleadings - Commencement - Abolition of Existing
8 Defenses - Procedure.➤

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

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

14 (2) the date of the marriage and the place at which it
15 was registered;

16 (2.5) whether a petition for dissolution of marriage is
17 pending in any other county or state;

18 (3) that the jurisdictional requirements of subsection
19 (a) of Section 401 have been met and that irreconcilable
20 differences have caused the irretrievable breakdown of the
21 marriage; and that there exist grounds for dissolution of
22 marriage or legal separation. The petitioner need only
23 allege the name of the particular grounds relied upon,
24 which shall constitute a legally sufficient allegation of
25 the grounds; and the respondent shall be entitled to demand

1 ~~a bill of particulars prior to trial setting forth the~~
2 ~~facts constituting the grounds, if he so chooses. The~~
3 ~~petition must also contain:~~

4 (4) the names, ages and addresses of all living
5 children of the marriage and whether a spouse ~~the wife~~ is
6 pregnant;

7 (5) any arrangements as to support, allocation of
8 parental responsibility ~~custody and visitation~~ of the
9 children and maintenance of a spouse; and

10 (6) the relief sought.

11 (b) Either or both parties to the marriage may initiate the
12 proceeding.

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

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

20 (e) Contested trials shall be on a bifurcated basis with
21 the issue of whether irreconcilable differences have caused the
22 irretrievable breakdown of the marriage, as described in
23 Section 401, grounds being tried first, regardless of whether
24 that issue is contested or uncontested. Upon the court
25 determining that irreconcilable differences have caused the
26 irretrievable breakdown of the marriage ~~the grounds exist~~, the

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

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

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

1 (750 ILCS 5/404) (from Ch. 40, par. 404)

2 Sec. 404. Conciliation,~~mediation~~.

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

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

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

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

20 (750 ILCS 5/405) (from Ch. 40, par. 405)

21 Sec. 405. Hearing on Default - Notice.➤ If the respondent
22 is in default, the court shall proceed to hear the cause upon
23 testimony of petitioner taken in open court, and in no case of
24 default shall the court grant a dissolution of marriage or
25 legal separation or declaration of invalidity of marriage,

1 unless the judge is satisfied that all proper means have been
2 taken to notify the respondent of the pendency of the suit.
3 Whenever the judge is satisfied that the interests of the
4 respondent require it, the court may order such additional
5 notice as may be required. All of the provisions of the Code of
6 Civil Procedure relating to default hearings are applicable to
7 hearings on default.

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

9 (750 ILCS 5/409) (from Ch. 40, par. 409)

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

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

19 (750 ILCS 5/411) (from Ch. 40, par. 411)

20 Sec. 411. Commencement of Action.†

21 (a) Actions for dissolution of marriage or legal separation
22 shall be commenced as in other civil cases or, at the option of
23 petitioner, by filing a praecipe for summons with the clerk of
24 the court and paying the regular filing fees, in which latter

1 case, a petition shall be filed within 6 months thereafter, or
2 any extension for good cause shown granted by the court.

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

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

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

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

24 (d) An action for dissolution of marriage or legal
25 separation commenced by the filing a praecipe for summons
26 without the petition may ~~shall~~ be dismissed if ~~unless~~ a

1 petition for dissolution of marriage or legal separation has
2 not been filed within 6 months after the commencement of the
3 action or within the extension granted under subsection (a) of
4 this Section.

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

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

12 (750 ILCS 5/413) (from Ch. 40, par. 413)

13 Sec. 413. Judgment.†

14 (a) A judgment of dissolution of marriage or of legal
15 separation or of declaration of invalidity of marriage shall be
16 entered within 60 days of the closing of proofs; however, if
17 the court enters an order specifying good cause as to why the
18 court needs an additional 30 days, the judgment shall be
19 entered within 90 days of the closing of proofs, including any
20 hearing under subsection (j) of Section 503 of this Act and
21 submission of closing arguments. A judgment of dissolution of
22 marriage or of legal separation or of declaration of invalidity
23 of marriage is final when entered, subject to the right of
24 appeal. An appeal from the judgment of dissolution of marriage
25 that does not challenge the finding as to grounds does not

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

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

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

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

26 (c) Upon request by a wife whose marriage is dissolved or

1 declared invalid, the court shall order her maiden name or a
2 former name restored.

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

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

8 (750 ILCS 5/452)

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

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

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

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

1 ~~reconciliation would be impracticable and not in the best~~
2 ~~interests of the family.~~

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

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

8 (f) Neither party has any interest in real property or
9 retirement benefits unless the retirement benefits are
10 exclusively held in individual retirement accounts and the
11 combined value of the accounts is less than \$10,000.

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

13 (h) The total fair market value of all marital
14 property, after deducting all encumbrances, is less than
15 \$50,000 ~~\$10,000~~, the combined gross annualized income from
16 all sources is less than \$60,000 ~~\$35,000~~, and neither party
17 has a gross annualized income from all sources in excess of
18 \$30,000 ~~\$20,000~~.

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

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

26 (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

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

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

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

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

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

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

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

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

20 Issues concerning temporary maintenance or temporary
21 support of a child entitled to support shall be dealt with on a
22 summary basis based on allocated parenting time, financial
23 affidavits, tax returns, pay stubs, banking statements, and
24 other relevant documentation, except an evidentiary hearing
25 may be held upon a showing of good cause. If a party
26 intentionally or recklessly files an inaccurate or misleading

1 financial affidavit, the court shall impose significant
2 penalties and sanctions including, but not limited to, costs
3 and attorney's fees resulting from the improper
4 representation.

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

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

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

20 (1) Except for good cause shown, a proceeding for (or
21 relating to) interim attorney's fees and costs in a
22 pre-judgment dissolution proceeding shall be
23 nonevidentiary and summary in nature. All hearings for or
24 relating to interim attorney's fees and costs under this
25 subsection shall be scheduled expeditiously by the court.
26 When a party files a petition for interim attorney's fees

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

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

18 (B) the needs of each party;

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

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

23 (E) the standard of living established during the
24 marriage;

25 (F) the degree of complexity of the issues,
26 including allocation of parental responsibility

1 ~~custody~~, valuation or division (or both) of closely
2 held businesses, and tax planning, as well as
3 reasonable needs for expert investigations or expert
4 witnesses, or both;

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

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

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

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

1 the appropriate party or parties, or, alternatively, to
2 successor counsel, as the court determines and directs,
3 after notice in a form designated by the Supreme Court. An
4 order for the award of interim attorney's fees shall be a
5 standardized form order and labeled "Interim Fee Award
6 Order".

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

1 retainers or interim payments, or both, previously paid, in
2 a manner that achieves substantial parity between the
3 parties.

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

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

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

24 (1) does not prejudice the rights of the parties or the
25 child which are to be adjudicated at subsequent hearings in
26 the proceeding;

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

3 (3) terminates when the final judgment is entered or
4 when the petition for dissolution of marriage or legal
5 separation or declaration of invalidity of marriage is
6 dismissed.

7 (e) The fees or costs of mediation shall be borne by the
8 parties and may be assessed by the court as it deems equitable
9 without prejudice and are subject to reallocation at the
10 conclusion of the case.

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

12 (750 ILCS 5/501.1) (from Ch. 40, par. 501.1)

13 Sec. 501.1. Dissolution action stay.

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

22 ~~(1) restraining both parties from transferring,~~
23 ~~encumbering, concealing, destroying, spending, damaging, or in~~
24 ~~any way disposing of any property, without the consent of the~~
25 ~~other party or an order of the court, except in the usual~~

1 ~~course of business, for the necessities of life, or for~~
2 ~~reasonable costs, expenses, and attorney's fees arising from~~
3 ~~the proceeding, as well as requiring each party to provide~~
4 ~~written notice to the other party and his or her attorney of~~
5 ~~any proposed extraordinary expenditure or transaction;~~

6 (1) ~~(2)~~ restraining both parties from physically
7 abusing, harassing, intimidating, striking, or interfering
8 with the personal liberty of the other party or the minor
9 children of either party; and

10 (2) ~~(3)~~ restraining both parties from removing any
11 minor child of either party from the State of Illinois or
12 from concealing any such child from the other party,
13 without the consent of the other party or an order of the
14 court.

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

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

24 (b) (Blank). ~~Notice of any proposed extraordinary~~
25 ~~expenditure or transaction, as required by subsection (a),~~
26 ~~shall be given as soon as practicable, but not less than 7 days~~

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

18 (c) (Blank). ~~A party making any extraordinary expenditure~~
19 ~~or carrying out any extraordinary transaction after a~~
20 ~~dissolution action stay is in effect shall account promptly to~~
21 ~~the court and to the other party for all of those expenditures~~
22 ~~and transactions. This obligation to account applies~~
23 ~~throughout the pendency of the proceeding, irrespective of (i)~~
24 ~~any notice given by any party as to any proposed extraordinary~~
25 ~~expenditure or transaction, (ii) any filing of an objection and~~
26 ~~petition under this Section or the absence of any such filing,~~

1 ~~or (iii) any court ruling as to an issue presented to it by~~
2 ~~either party.~~

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

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

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

16 (750 ILCS 5/502) (from Ch. 40, par. 502)

17 Sec. 502. Agreement.

18 (a) To promote amicable settlement of disputes between
19 parties to a marriage attendant upon the dissolution of their
20 marriage, the parties may enter into an ~~a written or oral~~
21 agreement containing provisions for disposition of any
22 property owned by either of them, maintenance of either of
23 them, ~~and~~ support, parental responsibility allocation custody
24 ~~and visitation~~ of their children, and support of their children
25 as provided in Section 513 after the children attain majority.

1 Any agreement pursuant to this Section must be in writing,
2 except for good cause shown with the approval of the court,
3 before proceeding to an oral prove up.

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

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

19 (d) Unless the agreement provides to the contrary, its
20 terms shall be set forth in the judgment, and the parties shall
21 be ordered to perform under such terms, or if the agreement
22 provides that its terms shall not be set forth in the judgment,
23 the judgment shall identify the agreement and state that the
24 court has approved its terms.

25 (e) Terms of the agreement set forth in the judgment are
26 enforceable by all remedies available for enforcement of a

1 judgment, including contempt, and are enforceable as contract
2 terms.

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

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

19 (750 ILCS 5/503) (from Ch. 40, par. 503)

20 Sec. 503. Disposition of property and debts.

21 (a) For purposes of this Act, "marital property" means all
22 property, including debts and other obligations, acquired by
23 either spouse subsequent to the marriage, except the following,
24 which is known as "non-marital property":

25 (1) property acquired by gift, legacy or descent or

1 property acquired in exchange for such property;

2 (2) property acquired in exchange for property
3 acquired before the marriage ~~or in exchange for property~~
4 ~~acquired by gift, legacy or descent;~~

5 (3) property acquired by a spouse after a judgment of
6 legal separation;

7 (4) property excluded by valid agreement of the
8 parties, including a premarital agreement or a postnuptial
9 agreement;

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

17 (6) property acquired before the marriage, except as it
18 relates to retirement plans that may have both marital and
19 non-marital characteristics;

20 (6.5) all property acquired by a spouse by the sole use
21 of non-marital property as collateral for a loan that then
22 is used to acquire property during the marriage; to the
23 extent that the marital estate repays any portion of the
24 loan, it shall be considered a contribution from the
25 marital estate to the non-marital estate subject to
26 reimbursement;

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

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

11 Property acquired prior to a marriage that would otherwise
12 be non-marital property shall not be deemed to be marital
13 property solely because the property was acquired in
14 contemplation of marriage.

15 The court shall make specific factual findings as to its
16 classification of assets as marital or non-marital property,
17 values, and other factual findings supporting its property
18 award.

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

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

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

25 The value of pension benefits in a retirement system
26 subject to the Illinois Pension Code shall be determined in

1 accordance with the valuation procedures established by the
2 retirement system.

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

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

1 addition to the factors set forth in subsection (d) of this
2 Section, the following:

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

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

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

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

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

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

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

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

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

24 (B) When a spouse contributes personal effort to
25 non-marital property, it shall be deemed a contribution
26 from the marital estate, which shall receive reimbursement

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

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

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

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

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

21 (1) each party's ~~the~~ contribution ~~of each party~~ to the
22 acquisition, preservation, or increase or decrease in
23 value of the marital or non-marital property, including (i)
24 any ~~such~~ decrease attributable to a ~~payment deemed to have~~
25 ~~been~~ an advance from the parties' marital estate under
26 subsection (c-1)(2) of Section 501; ~~and~~ (ii) the

1 contribution of a spouse as a homemaker or to the family
2 unit; and (iii) whether the contribution is after the
3 commencement of a proceeding for dissolution of marriage or
4 declaration of invalidity of marriage;

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

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

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

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

21 (iv) no dissipation shall be deemed to have
22 occurred prior to 3 years after the party claiming
23 dissipation knew or should have known of the
24 dissipation, but in no event prior to 5 years before
25 the filing of the petition for dissolution of marriage
26 ~~5 years before the filing of the petition for~~

1 ~~dissolution of marriage, or 3 years after the party~~
2 ~~claiming dissipation knew or should have known of the~~
3 ~~dissipation;~~

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

5 (4) the duration of the marriage;

6 (5) the relevant economic circumstances of each spouse
7 when the division of property is to become effective,
8 including the desirability of awarding the family home, or
9 the right to live therein for reasonable periods, to the
10 spouse having the primary residence ~~custody~~ of the
11 children;

12 (6) any obligations and rights arising from a prior
13 marriage of either party;

14 (7) any prenuptial or postnuptial ~~antenuptial~~
15 agreement of the parties;

16 (8) the age, health, station, occupation, amount and
17 sources of income, vocational skills, employability,
18 estate, liabilities, and needs of each of the parties;

19 (9) the custodial provisions for any children;

20 (10) whether the apportionment is in lieu of or in
21 addition to maintenance;

22 (11) the reasonable opportunity of each spouse for
23 future acquisition of capital assets and income; and

24 (12) the tax consequences of the property division upon
25 the respective economic circumstances of the parties.

26 (e) Each spouse has a species of common ownership in the

1 marital property which vests at the time dissolution
2 proceedings are commenced and continues only during the
3 pendency of the action. Any such interest in marital property
4 shall not encumber that property so as to restrict its
5 transfer, assignment or conveyance by the title holder unless
6 such title holder is specifically enjoined from making such
7 transfer, assignment or conveyance.

8 (f) In a proceeding for dissolution of marriage or
9 declaration of invalidity of marriage or in a proceeding for
10 disposition of property following dissolution of marriage by a
11 court that lacked personal jurisdiction over the absent spouse
12 or lacked jurisdiction to dispose of the property, the court,
13 in determining the value of the marital and non-marital
14 property for purposes of dividing the property, has the
15 discretion to use the date of the trial or such other date as
16 agreed upon by the parties, or ordered by the court within its
17 discretion, for purposes of determining the value of assets or
18 property shall value the property as of the date of trial or
19 some other date as close to the date of trial as is
20 practicable.

21 (g) The court if necessary to protect and promote the best
22 interests of the children may set aside a portion of the
23 jointly or separately held estates of the parties in a separate
24 fund or trust for the support, maintenance, education, physical
25 and mental health, and general welfare of any minor, dependent,
26 or incompetent child of the parties. In making a determination

1 under this subsection, the court may consider, among other
2 things, the conviction of a party of any of the offenses set
3 forth in Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
4 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-13, 12-14, 12-14.1,
5 12-15, or 12-16, or Section 12-3.05 except for subdivision
6 (a) (4) or (g) (1), of the Criminal Code of 1961 or the Criminal
7 Code of 2012 if the victim is a child of one or both of the
8 parties, and there is a need for, and cost of, care, healing
9 and counseling for the child who is the victim of the crime.

10 (h) Unless specifically directed by a reviewing court, or
11 upon good cause shown, the court shall not on remand consider
12 any increase or decrease in the value of any "marital" or
13 "non-marital" property occurring since the assessment of such
14 property at the original trial or hearing, but shall use only
15 that assessment made at the original trial or hearing.

16 (i) The court may make such judgments affecting the marital
17 property as may be just and may enforce such judgments by
18 ordering a sale of marital property, with proceeds therefrom to
19 be applied as determined by the court.

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

26 (1) A petition for contribution, if not filed before

1 the final hearing on other issues between the parties,
2 shall be filed no later than 14 ~~30~~ days after the closing
3 of proofs in the final hearing or within such other period
4 as the court orders.

5 (2) Any award of contribution to one party from the
6 other party shall be based on the criteria for division of
7 marital property under this Section 503 and, if maintenance
8 has been awarded, on the criteria for an award of
9 maintenance under Section 504.

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

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

25 (5) A contribution award (payable to either the
26 petitioning party or the party's counsel, or jointly, as

1 the court determines) may be in the form of either a set
2 dollar amount or a percentage of fees and costs (or a
3 portion of fees and costs) to be subsequently agreed upon
4 by the petitioning party and counsel or, alternatively,
5 thereafter determined in a hearing pursuant to subsection
6 (c) of Section 508 or previously or thereafter determined
7 in an independent proceeding under subsection (e) of
8 Section 508.

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

12 (k) In determining the value of assets or property under
13 this Section, the court shall employ a fair market value
14 standard. The date of valuation for the purposes of division of
15 assets shall be the date of trial or such other date as agreed
16 by the parties or ordered by the court, within its discretion.
17 If the court grants a petition brought under Section 2-1401 of
18 the Code of Civil Procedure, then the court has the discretion
19 to use the date of the trial or such other date as agreed upon
20 by the parties, or ordered by the court within its discretion,
21 for purposes of determining the value of assets or property.

22 (l) The court may seek the advice of financial experts or
23 other professionals, whether or not employed by the court on a
24 regular basis. The advice given shall be in writing and made
25 available by the court to counsel. Counsel may examine as a
26 witness any professional consulted by the court designated as

1 the court's witness. Professional personnel consulted by the
2 court are subject to subpoena for the purposes of discovery,
3 trial, or both. The court shall allocate the costs and fees of
4 those professional personnel between the parties based upon the
5 financial ability of each party and any other criteria the
6 court considers appropriate, and the allocation is subject to
7 reallocation under subsection (a) of Section 508. Upon the
8 request of any party or upon the court's own motion, the court
9 may conduct a hearing as to the reasonableness of those fees
10 and costs.

11 (m) The changes made to this Section by Public Act 97-941
12 ~~this amendatory Act of the 97th General Assembly~~ apply only to
13 petitions for dissolution of marriage filed on or after January
14 1, 2013 (the effective date of Public Act 97-941) ~~this~~
15 ~~amendatory Act of the 97th General Assembly.~~

16 (Source: P.A. 96-583, eff. 1-1-10; 96-1551, Article 1, Section
17 985, eff. 7-1-11; 96-1551, Article 2, Section 1100, eff.
18 7-1-11; 97-608, eff. 1-1-12; 97-941, eff. 1-1-13; 97-1109, eff.
19 1-1-13; 97-1150, eff. 1-25-13; revised 12-10-14.)

20 (750 ILCS 5/504) (from Ch. 40, par. 504)

21 Sec. 504. Maintenance.

22 (a) Entitlement to maintenance. In a proceeding for
23 dissolution of marriage or legal separation or declaration of
24 invalidity of marriage, or a proceeding for maintenance
25 following dissolution of the marriage by a court which lacked

1 personal jurisdiction over the absent spouse, the court may
2 grant a ~~temporary or permanent~~ maintenance award for either
3 spouse in amounts and for periods of time as the court deems
4 just, without regard to marital misconduct, ~~in gross or for~~
5 ~~fixed or indefinite periods of time,~~ and the maintenance may be
6 paid from the income or property of the other spouse. The court
7 shall first determine whether a maintenance award is
8 appropriate, after consideration of all relevant factors,
9 including:

10 (1) the income and property of each party, including
11 marital property apportioned and non-marital property
12 assigned to the party seeking maintenance as well as all
13 financial obligations imposed on the parties as a result of
14 the dissolution of marriage;

15 (2) the needs of each party;

16 (3) the realistic present and future earning capacity
17 of each party;

18 (4) any impairment of the present and future earning
19 capacity of the party seeking maintenance due to that party
20 devoting time to domestic duties or having forgone or
21 delayed education, training, employment, or career
22 opportunities due to the marriage;

23 (5) any impairment of the realistic present or future
24 earning capacity of the party against whom maintenance is
25 sought;

26 (6) ~~(5)~~ the time necessary to enable the party seeking

1 maintenance to acquire appropriate education, training,
2 and employment, and whether that party is able to support
3 himself or herself through appropriate employment or any
4 parental responsibility arrangements and its effect on the
5 party seeking ~~is the custodian of a child making it~~
6 ~~appropriate that the custodian not seek~~ employment;

7 (7) ~~(6)~~ the standard of living established during the
8 marriage;

9 (8) ~~(7)~~ the duration of the marriage;

10 (9) the age, health, station, occupation, amount and
11 sources of income, vocational skills, employability,
12 estate, liabilities, and the needs of each of the ~~(8) the~~
13 ~~age and the physical and emotional condition of both~~
14 parties;

15 (10) all sources of public and private income
16 including, without limitation, disability and retirement
17 income;

18 (11) ~~(9)~~ the tax consequences of the property division
19 upon the respective economic circumstances of the parties;

20 (12) ~~(10)~~ contributions and services by the party
21 seeking maintenance to the education, training, career or
22 career potential, or license of the other spouse;

23 (13) ~~(11)~~ any valid agreement of the parties; and

24 (14) ~~(12)~~ any other factor that the court expressly
25 finds to be just and equitable.

26 (b) (Blank).

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

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

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

22 (B) The duration of an award under this paragraph
23 (1) shall be calculated by multiplying the length of
24 the marriage at the time the action was commenced by
25 whichever of the following factors applies: 5 ~~0-5~~ years
26 or less (.20); more than 5 years but less than 10 ~~5-10~~

1 years (.40); 10 years or more but less than 15 ~~10-15~~
2 years (.60); or 15 years or more but less than 20 ~~15-20~~
3 years (.80). For a marriage of 20 or more years, the
4 court, in its discretion, shall order either permanent
5 maintenance or maintenance for a period equal to the
6 length of the marriage.

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

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

14 (1) the court shall state its reasoning for awarding or
15 not awarding maintenance and shall include references to
16 each relevant factor set forth in subsection (a) of this
17 Section; and

18 (2) if the court deviates from otherwise applicable
19 guidelines under paragraph (1) of subsection (b-1), it
20 shall state in its findings the amount of maintenance (if
21 determinable) or duration that would have been required
22 under the guidelines and the reasoning for any variance
23 from the guidelines.

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

1 (b-4) Unallocated maintenance. Unless the parties
2 otherwise agree, the court may not order unallocated
3 maintenance and child support in any dissolution judgment or in
4 any post-dissolution order. In its discretion, the court may
5 order unallocated maintenance and child support in any
6 pre-dissolution temporary order.

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

16 (b-5) Interest on maintenance. Any maintenance obligation
17 including any unallocated maintenance and child support
18 obligation, or any portion of any support obligation, that
19 becomes due and remains unpaid shall accrue simple interest as
20 set forth in Section 505 of this Act.

21 (b-7) Maintenance judgments. Any new or existing
22 maintenance order including any unallocated maintenance and
23 child support order entered by the court under this Section
24 shall be deemed to be a series of judgments against the person
25 obligated to pay support thereunder. Each such judgment to be
26 in the amount of each payment or installment of support and

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

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

16 (d) Maintenance during imprisonment. No maintenance shall
17 accrue during the period in which a party is imprisoned for
18 failure to comply with the court's order for the payment of
19 such maintenance.

20 (e) Fees when maintenance is paid through the clerk. When
21 maintenance is to be paid through the clerk of the court in a
22 county of 1,000,000 inhabitants or less, the order shall direct
23 the obligor to pay to the clerk, in addition to the maintenance
24 payments, all fees imposed by the county board under paragraph
25 (3) of subsection (u) of Section 27.1 of the Clerks of Courts
26 Act. Unless paid in cash or pursuant to an order for

1 withholding, the payment of the fee shall be by a separate
2 instrument from the support payment and shall be made to the
3 order of the Clerk.

4 (f) Maintenance secured by life insurance. An award ordered
5 by a court upon entry of a dissolution judgment or upon entry
6 of an award of maintenance following a reservation of
7 maintenance in a dissolution judgment may be reasonably
8 secured, in whole or in part, by life insurance on the payor's
9 life on terms as to which the parties agree, or, if they do not
10 agree, on such terms determined by the court, subject to the
11 following:

12 (1) With respect to existing life insurance, provided
13 the court is apprised through evidence, stipulation, or
14 otherwise as to level of death benefits, premium, and other
15 relevant data and makes findings relative thereto, the
16 court may allocate death benefits, the right to assign
17 death benefits, or the obligation for future premium
18 payments between the parties as it deems just.

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

22 (i) that the payor cooperate on all appropriate
23 steps for the payee to obtain such new life insurance;
24 and

25 (ii) that the payee, at his or her sole option and
26 expense, may obtain such new life insurance on the

1 payor's life up to a maximum level of death benefit
2 coverage, or descending death benefit coverage, as is
3 set by the court, such level not to exceed a reasonable
4 amount in light of the court's award, with the payee or
5 the payee's designee being the beneficiary of such life
6 insurance.

7 In determining the maximum level of death benefit coverage,
8 the court shall take into account all relevant facts and
9 circumstances, including the impact on access to life
10 insurance by the maintenance payor. If in resolving any
11 issues under paragraph (2) of this subsection (f) a court
12 reviews any submitted or proposed application for new
13 insurance on the life of a maintenance payor, the review
14 shall be in camera.

15 (3) A judgment shall expressly set forth that all death
16 benefits paid under life insurance on a payor's life
17 maintained or obtained pursuant to this subsection to
18 secure maintenance are designated as excludable from the
19 gross income of the maintenance payee under Section
20 71(b)(1)(B) of the Internal Revenue Code, unless an
21 agreement or stipulation of the parties otherwise
22 provides.

23 (Source: P.A. 97-186, eff. 7-22-11; 97-608, eff. 1-1-12;
24 97-813, eff. 7-13-12; 98-961, eff. 1-1-15.)

25 (750 ILCS 5/505) (from Ch. 40, par. 505)

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

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

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

22	Number of Children	Percent of Supporting Party's
23		Net Income
24	1	20%
25	2	28%
26	3	32%

1	4	40%
2	5	45%
3	6 or more	50%

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

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

10 (b) the financial resources and needs of the
11 parents ~~custodial parent~~;

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

14 (d) the physical, mental, and emotional needs of
15 the child; and

16 (d-5) the educational needs of the child. ~~and~~

17 ~~(e) the financial resources and needs of the~~
18 ~~non-custodial parent.~~

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

24 (2.5) The court, in its discretion, in addition to
25 setting child support pursuant to the guidelines and
26 factors, may order either or both parents owing a duty of

1 support to a child of the marriage to contribute to the
2 following expenses, if determined by the court to be
3 reasonable:

4 (a) health needs not covered by insurance;

5 (b) child care;

6 (c) education; and

7 (d) extracurricular activities.

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

10 (a) Federal income tax (properly calculated
11 withholding or estimated payments);

12 (b) State income tax (properly calculated
13 withholding or estimated payments);

14 (c) Social Security (FICA payments);

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

17 (e) Union dues;

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

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

24 (g-5) Obligations pursuant to a court order for
25 maintenance in the pending proceeding actually paid or
26 payable under Section 504 to the same party to whom

1 child support is to be payable;

2 (h) Expenditures for repayment of debts that
3 represent reasonable and necessary expenses for the
4 production of income including, but not limited to,
5 student loans, medical expenditures necessary to
6 preserve life or health, reasonable expenditures for
7 the benefit of the child and the other parent,
8 exclusive of gifts. The court shall reduce net income
9 in determining the minimum amount of support to be
10 ordered only for the period that such payments are due
11 and shall enter an order containing provisions for its
12 self-executing modification upon termination of such
13 payment period;

14 (i) Foster care payments paid by the Department of
15 Children and Family Services for providing licensed
16 foster care to a foster child.

17 (4) In cases where the court order provides for
18 health/hospitalization insurance coverage pursuant to
19 Section 505.2 of this Act, the premiums for that insurance,
20 or that portion of the premiums for which the supporting
21 party is responsible in the case of insurance provided
22 through an employer's health insurance plan where the
23 employer pays a portion of the premiums, shall be
24 subtracted from net income in determining the minimum
25 amount of support to be ordered.

26 (4.5) In a proceeding for child support following

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

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

22 (6) If (i) the supporting ~~non-custodial~~ parent was
23 properly served with a request for discovery of financial
24 information relating to the supporting ~~non-custodial~~
25 parent's ability to provide child support, (ii) the
26 supporting ~~non-custodial~~ parent failed to comply with the

1 request, despite having been ordered to do so by the court,
2 and (iii) the supporting ~~non-custodial~~ parent is not
3 present at the hearing to determine support despite having
4 received proper notice, then any relevant financial
5 information concerning the supporting ~~non-custodial~~
6 parent's ability to provide child support that was obtained
7 pursuant to subpoena and proper notice shall be admitted
8 into evidence without the need to establish any further
9 foundation for its admission.

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

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

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

26 (2) sentenced to periodic imprisonment for a period not

1 to exceed 6 months; provided, however, that the Court may
2 permit the parent to be released for periods of time during
3 the day or night to:

4 (A) work; or

5 (B) conduct a business or other self-employed
6 occupation.

7 The Court may further order any part or all of the earnings
8 of a parent during a sentence of periodic imprisonment paid to
9 the Clerk of the Circuit Court or to the parent receiving the
10 support or to the guardian receiving the support ~~having custody~~
11 ~~or to the guardian having custody~~ of the children of the
12 sentenced parent for the support of said children until further
13 order of the Court.

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

26 If there is a unity of interest and ownership sufficient to

1 render no financial separation between a supporting
2 ~~non-custodial~~ parent and another person or persons or business
3 entity, the court may pierce the ownership veil of the person,
4 persons, or business entity to discover assets of the
5 supporting ~~non-custodial~~ parent held in the name of that
6 person, those persons, or that business entity. The following
7 circumstances are sufficient to authorize a court to order
8 discovery of the assets of a person, persons, or business
9 entity and to compel the application of any discovered assets
10 toward payment on the judgment for support:

11 (1) the supporting ~~non-custodial~~ parent and the
12 person, persons, or business entity maintain records
13 together.

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

18 (3) the supporting ~~non-custodial~~ parent transfers
19 assets to the person, persons, or business entity with the
20 intent to perpetrate a fraud on the ~~custodial~~ parent
21 receiving the support.

22 With respect to assets which are real property, no order
23 entered under this paragraph shall affect the rights of bona
24 fide purchasers, mortgagees, judgment creditors, or other lien
25 holders who acquire their interests in the property prior to
26 the time a notice of lis pendens pursuant to the Code of Civil

1 Procedure or a copy of the order is placed of record in the
2 office of the recorder of deeds for the county in which the
3 real property is located.

4 The court may also order in cases where the parent is 90
5 days or more delinquent in payment of support or has been
6 adjudicated in arrears in an amount equal to 90 days obligation
7 or more, that the parent's Illinois driving privileges be
8 suspended until the court determines that the parent is in
9 compliance with the order of support. The court may also order
10 that the parent be issued a family financial responsibility
11 driving permit that would allow limited driving privileges for
12 employment and medical purposes in accordance with Section
13 7-702.1 of the Illinois Vehicle Code. The clerk of the circuit
14 court shall certify the order suspending the driving privileges
15 of the parent or granting the issuance of a family financial
16 responsibility driving permit to the Secretary of State on
17 forms prescribed by the Secretary. Upon receipt of the
18 authenticated documents, the Secretary of State shall suspend
19 the parent's driving privileges until further order of the
20 court and shall, if ordered by the court, subject to the
21 provisions of Section 7-702.1 of the Illinois Vehicle Code,
22 issue a family financial responsibility driving permit to the
23 parent.

24 In addition to the penalties or punishment that may be
25 imposed under this Section, any person whose conduct
26 constitutes a violation of Section 15 of the Non-Support

1 Punishment Act may be prosecuted under that Act, and a person
2 convicted under that Act may be sentenced in accordance with
3 that Act. The sentence may include but need not be limited to a
4 requirement that the person perform community service under
5 Section 50 of that Act or participate in a work alternative
6 program under Section 50 of that Act. A person may not be
7 required to participate in a work alternative program under
8 Section 50 of that Act if the person is currently participating
9 in a work program pursuant to Section 505.1 of this Act.

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

26 (c) A one-time charge of 20% is imposable upon the amount

1 of past-due child support owed on July 1, 1988 which has
2 accrued under a support order entered by the court. The charge
3 shall be imposed in accordance with the provisions of Section
4 10-21 of the Illinois Public Aid Code and shall be enforced by
5 the court upon petition.

6 (d) Any new or existing support order entered by the court
7 under this Section shall be deemed to be a series of judgments
8 against the person obligated to pay support thereunder, each
9 such judgment to be in the amount of each payment or
10 installment of support and each such judgment to be deemed
11 entered as of the date the corresponding payment or installment
12 becomes due under the terms of the support order. Each such
13 judgment shall have the full force, effect and attributes of
14 any other judgment of this State, including the ability to be
15 enforced. Notwithstanding any other State or local law to the
16 contrary, a lien arises by operation of law against the real
17 and personal property of the supporting ~~noncustodial~~ parent for
18 each installment of overdue support owed by the supporting
19 ~~noncustodial~~ parent.

20 (e) When child support is to be paid through the clerk of
21 the court in a county of 1,000,000 inhabitants or less, the
22 order shall direct the supporting parent ~~obligor~~ to pay to the
23 clerk, in addition to the child support payments, all fees
24 imposed by the county board under paragraph (3) of subsection
25 (u) of Section 27.1 of the Clerks of Courts Act. Unless paid in
26 cash or pursuant to an order for withholding, the payment of

1 the fee shall be by a separate instrument from the support
2 payment and shall be made to the order of the Clerk.

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

24 (g) An order for support shall include a date on which the
25 current support obligation terminates. The termination date
26 shall be no earlier than the date on which the child covered by

1 the order will attain the age of 18. However, if the child will
2 not graduate from high school until after attaining the age of
3 18, then the termination date shall be no earlier than the
4 earlier of the date on which the child's high school graduation
5 will occur or the date on which the child will attain the age
6 of 19. The order for support shall state that the termination
7 date does not apply to any arrearage that may remain unpaid on
8 that date. Nothing in this subsection shall be construed to
9 prevent the court from modifying the order or terminating the
10 order in the event the child is otherwise emancipated.

11 (g-5) If there is an unpaid arrearage or delinquency (as
12 those terms are defined in the Income Withholding for Support
13 Act) equal to at least one month's support obligation on the
14 termination date stated in the order for support or, if there
15 is no termination date stated in the order, on the date the
16 child attains the age of majority or is otherwise emancipated,
17 the periodic amount required to be paid for current support of
18 that child immediately prior to that date shall automatically
19 continue to be an obligation, not as current support but as
20 periodic payment toward satisfaction of the unpaid arrearage or
21 delinquency. That periodic payment shall be in addition to any
22 periodic payment previously required for satisfaction of the
23 arrearage or delinquency. The total periodic amount to be paid
24 toward satisfaction of the arrearage or delinquency may be
25 enforced and collected by any method provided by law for
26 enforcement and collection of child support, including but not

1 limited to income withholding under the Income Withholding for
2 Support Act. Each order for support entered or modified on or
3 after the effective date of this amendatory Act of the 93rd
4 General Assembly must contain a statement notifying the parties
5 of the requirements of this subsection. Failure to include the
6 statement in the order for support does not affect the validity
7 of the order or the operation of the provisions of this
8 subsection with regard to the order. This subsection shall not
9 be construed to prevent or affect the establishment or
10 modification of an order for support of a minor child or the
11 establishment or modification of an order for support of a
12 non-minor child or educational expenses under Section 513 of
13 this Act.

14 (h) An order entered under this Section shall include a
15 provision requiring either parent to report to the other parent
16 and to the clerk of court within 10 days each time either
17 parent obtains new employment, and each time either parent's
18 ~~the obligor to report to the obligee and to the clerk of court~~
19 ~~within 10 days each time the obligor obtains new employment,~~
20 ~~and each time the obligor's~~ employment is terminated for any
21 reason. The report shall be in writing and shall, in the case
22 of new employment, include the name and address of the new
23 employer. Failure to report new employment or the termination
24 of current employment, if coupled with nonpayment of support
25 for a period in excess of 60 days, is indirect criminal
26 contempt. For either parent arrested for failure to report new

1 employment bond shall be set in the amount of the child support
2 that should have been paid during the period of unreported
3 employment. An order entered under this Section shall also
4 include a provision requiring either parent to advise the any
5 ~~obligor arrested for failure to report new employment bond~~
6 ~~shall be set in the amount of the child support that should~~
7 ~~have been paid during the period of unreported employment. An~~
8 ~~order entered under this Section shall also include a provision~~
9 ~~requiring the obligor and obligee parents to advise each other~~
10 of a change in residence within 5 days of the change except
11 when the court finds that the physical, mental, or emotional
12 health of a party or that of a child, or both, would be
13 seriously endangered by disclosure of the party's address.

14 (i) The court does not lose the powers of contempt,
15 driver's license suspension, or other child support
16 enforcement mechanisms, including, but not limited to,
17 criminal prosecution as set forth in this Act, upon the
18 emancipation of the minor child or children.

19 (Source: P.A. 97-186, eff. 7-22-11; 97-608, eff. 1-1-12;
20 97-813, eff. 7-13-12; 97-878, eff. 8-2-12; 97-941, eff. 1-1-13;
21 97-1029, eff. 1-1-13; 98-463, eff. 8-16-13; 98-961, eff.
22 1-1-15.)

23 (750 ILCS 5/506) (from Ch. 40, par. 506)

24 Sec. 506. Representation of child.

25 (a) Duties. In any proceedings involving the support,

1 custody, visitation, allocation of parental responsibilities,
2 education, parentage, property interest, or general welfare of
3 a minor or dependent child, the court may, on its own motion or
4 that of any party, appoint an attorney to serve in one of the
5 following capacities to address the issues the court
6 delineates:

7 (1) Attorney. The attorney shall provide independent
8 legal counsel for the child and shall owe the same duties
9 of undivided loyalty, confidentiality, and competent
10 representation as are due an adult client.

11 (2) Guardian ad litem. The guardian ad litem shall
12 testify or submit a written report to the court regarding
13 his or her recommendations in accordance with the best
14 interest of the child. The report shall be made available
15 to all parties. The guardian ad litem may be called as a
16 witness for purposes of cross-examination regarding the
17 guardian ad litem's report or recommendations. The
18 guardian ad litem shall investigate the facts of the case
19 and interview the child and the parties.

20 (3) Child representative. The child representative
21 shall advocate what the child representative finds to be in
22 the best interests of the child after reviewing the facts
23 and circumstances of the case. The child representative
24 shall meet with the child and the parties, investigate the
25 facts of the case, and encourage settlement and the use of
26 alternative forms of dispute resolution. The child

1 representative shall have the same authority and
2 obligation to participate in the litigation as does an
3 attorney for a party and shall possess all the powers of
4 investigation as does a guardian ad litem. The child
5 representative shall consider, but not be bound by, the
6 expressed wishes of the child. A child representative shall
7 have received training in child advocacy or shall possess
8 such experience as determined to be equivalent to such
9 training by the chief judge of the circuit where the child
10 representative has been appointed. The child
11 representative shall not disclose confidential
12 communications made by the child, except as required by law
13 or by the Rules of Professional Conduct. The child
14 representative shall not render an opinion,
15 recommendation, or report to the court and shall not be
16 called as a witness, but shall offer evidence-based legal
17 arguments. The child representative shall disclose the
18 position as to what the child representative intends to
19 advocate in a pre-trial memorandum that shall be served
20 upon all counsel of record prior to the trial. The position
21 disclosed in the pre-trial memorandum shall not be
22 considered evidence. The court and the parties may consider
23 the position of the child representative for purposes of a
24 settlement conference.

25 (a-3) Additional appointments. During the proceedings the
26 court may appoint an additional attorney to serve in the

1 capacity described in subdivision (a)(1) or an additional
2 attorney to serve in another of the capacities described in
3 subdivision (a)(2) or (a)(3) on the court's own motion or that
4 of a party only for good cause shown and when the reasons for
5 the additional appointment are set forth in specific findings.

6 (a-5) Appointment considerations. In deciding whether to
7 make an appointment of an attorney for the minor child, a
8 guardian ad litem, or a child representative, the court shall
9 consider the nature and adequacy of the evidence to be
10 presented by the parties and the availability of other methods
11 of obtaining information, including social service
12 organizations and evaluations by mental health professions, as
13 well as resources for payment.

14 In no event is this Section intended to or designed to
15 abrogate the decision making power of the trier of fact. Any
16 appointment made under this Section is not intended to nor
17 should it serve to place any appointed individual in the role
18 of a surrogate judge.

19 (b) Fees and costs. The court shall enter an order as
20 appropriate for costs, fees, and disbursements, including a
21 retainer, when the attorney, guardian ad litem, or child's
22 representative is appointed. Any person appointed under this
23 Section shall file with the court within 90 days of his or her
24 appointment, and every subsequent 90-day period thereafter
25 during the course of his or her representation, a detailed
26 invoice for services rendered with a copy being sent to each

1 party. The court shall review the invoice submitted and approve
2 the fees, if they are reasonable and necessary. Any order
3 approving the fees shall require payment by either or both
4 parents, by any other party or source, or from the marital
5 estate or the child's separate estate. The court may not order
6 payment by the Department of Healthcare and Family Services in
7 cases in which the Department is providing child support
8 enforcement services under Article X of the Illinois Public Aid
9 Code. Unless otherwise ordered by the court at the time fees
10 and costs are approved, all fees and costs payable to an
11 attorney, guardian ad litem, or child representative under this
12 Section are by implication deemed to be in the nature of
13 support of the child and are within the exceptions to discharge
14 in bankruptcy under 11 U.S.C.A. 523. The provisions of Sections
15 501 and 508 of this Act shall apply to fees and costs for
16 attorneys appointed under this Section.

17 (Source: P.A. 94-640, eff. 1-1-06; 95-331, eff. 8-21-07.)

18 (750 ILCS 5/508) (from Ch. 40, par. 508)

19 Sec. 508. Attorney's Fees; Client's Rights and
20 Responsibilities Respecting Fees and Costs.

21 (a) The court from time to time, after due notice and
22 hearing, and after considering the financial resources of the
23 parties, may order any party to pay a reasonable amount for his
24 own or the other party's costs and attorney's fees. Interim
25 attorney's fees and costs may be awarded from the opposing

1 party, in a pre-judgment dissolution proceeding in accordance
2 with subsection (c-1) of Section 501 and in any other
3 proceeding under this subsection. At the conclusion of any
4 pre-judgment dissolution proceeding under this subsection,
5 contribution to attorney's fees and costs may be awarded from
6 the opposing party in accordance with subsection (j) of Section
7 503 and in any other proceeding under this subsection. Fees and
8 costs may be awarded in any proceeding to counsel from a former
9 client in accordance with subsection (c) of this Section.
10 Awards may be made in connection with the following:

11 (1) The maintenance or defense of any proceeding under
12 this Act.

13 (2) The enforcement or modification of any order or
14 judgment under this Act.

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

18 (3.1) The prosecution of any claim on appeal (if the
19 prosecuting party has substantially prevailed).

20 (4) The maintenance or defense of a petition brought
21 under Section 2-1401 of the Code of Civil Procedure seeking
22 relief from a final order or judgment under this Act. Fees
23 incurred with respect to motions under Section 2-1401 of
24 the Code of Civil Procedure may be granted only to the
25 party who substantially prevails.

26 (5) The costs and legal services of an attorney

1 rendered in preparation of the commencement of the
2 proceeding brought under this Act.

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

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

8 All petitions for or relating to interim fees and costs
9 under this subsection shall be accompanied by an affidavit as
10 to the factual basis for the relief requested and all hearings
11 relative to any such petition shall be scheduled expeditiously
12 by the court. All provisions for contribution under this
13 subsection shall also be subject to paragraphs (3), (4), and
14 (5) of subsection (j) of Section 503.

15 The court may order that the award of attorney's fees and
16 costs (including an interim or contribution award) shall be
17 paid directly to the attorney, who may enforce the order in his
18 or her name, or that it shall be paid to the appropriate party.
19 Judgment may be entered and enforcement had accordingly. Except
20 as otherwise provided in subdivision (e)(1) of this Section,
21 subsection (c) of this Section is exclusive as to the right of
22 any counsel (or former counsel) of record to petition a court
23 for an award and judgment for final fees and costs during the
24 pendency of a proceeding under this Act.

25 A petition for temporary attorney's fees in a post-judgment
26 case may be heard on a non-evidentiary, summary basis.

1 (b) In every proceeding for the enforcement of an order or
2 judgment when the court finds that the failure to comply with
3 the order or judgment was without compelling cause or
4 justification, the court shall order the party against whom the
5 proceeding is brought to pay promptly the costs and reasonable
6 attorney's fees of the prevailing party. If non-compliance is
7 with respect to a discovery order, the non-compliance is
8 presumptively without compelling cause or justification, and
9 the presumption may only be rebutted by clear and convincing
10 evidence. If at any time a court finds that a hearing under
11 this Act was precipitated or conducted for any improper
12 purpose, the court shall allocate fees and costs of all parties
13 for the hearing to the party or counsel found to have acted
14 improperly. Improper purposes include, but are not limited to,
15 harassment, unnecessary delay, or other acts needlessly
16 increasing the cost of litigation.

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

21 (1) No petition of a counsel of record may be filed
22 against a client unless the filing counsel previously has
23 been granted leave to withdraw as counsel of record or has
24 filed a motion for leave to withdraw as counsel. On receipt
25 of a petition of a client under this subsection (c), the
26 counsel of record shall promptly file a motion for leave to

1 withdraw as counsel. If the client and the counsel of
2 record agree, however, a hearing on the motion for leave to
3 withdraw as counsel filed pursuant to this subdivision
4 (c)(1) may be deferred until completion of any alternative
5 dispute resolution procedure under subdivision (c)(4). As
6 to any Petition for Setting Final Fees and Costs against a
7 client or counsel over whom the court has not obtained
8 jurisdiction, a separate summons shall issue. Whenever a
9 separate summons is not required, original notice as to a
10 Petition for Setting Final Fees and Costs may be given, and
11 documents served, in accordance with Illinois Supreme
12 Court Rules 11 and 12.

13 (2) No final hearing under this subsection (c) is
14 permitted unless: (i) the counsel and the client had
15 entered into a written engagement agreement at the time the
16 client retained the counsel (or reasonably soon
17 thereafter) and the agreement meets the requirements of
18 subsection (f); (ii) the written engagement agreement is
19 attached to an affidavit of counsel that is filed with the
20 petition or with the counsel's response to a client's
21 petition; (iii) judgment in any contribution hearing on
22 behalf of the client has been entered or the right to a
23 contribution hearing under subsection (j) of Section 503
24 has been waived; (iv) the counsel has withdrawn as counsel
25 of record; and (v) the petition seeks adjudication of all
26 unresolved claims for fees and costs between the counsel

1 and the client. Irrespective of a Petition for Setting
2 Final Fees and Costs being heard in conjunction with an
3 original proceeding under this Act, the relief requested
4 under a Petition for Setting Final Fees and Costs
5 constitutes a distinct cause of action. A pending but
6 undetermined Petition for Setting Final Fees and Costs
7 shall not affect appealability or enforceability of any
8 judgment or other adjudication in the original proceeding.

9 (3) The determination of reasonable attorney's fees
10 and costs either under this subsection (c), whether
11 initiated by a counsel or a client, or in an independent
12 proceeding for services within the scope of subdivisions
13 (1) through (5) of subsection (a), is within the sound
14 discretion of the trial court. The court shall first
15 consider the written engagement agreement and, if the court
16 finds that the former client and the filing counsel,
17 pursuant to their written engagement agreement, entered
18 into a contract which meets applicable requirements of
19 court rules and addresses all material terms, then the
20 contract shall be enforceable in accordance with its terms,
21 subject to the further requirements of this subdivision
22 (c)(3). Before ordering enforcement, however, the court
23 shall consider the performance pursuant to the contract.
24 Any amount awarded by the court must be found to be fair
25 compensation for the services, pursuant to the contract,
26 that the court finds were reasonable and necessary. Quantum

1 meruit principles shall govern any award for legal services
2 performed that is not based on the terms of the written
3 engagement agreement (except that, if a court expressly
4 finds in a particular case that aggregate billings to a
5 client were unconscionably excessive, the court in its
6 discretion may reduce the award otherwise determined
7 appropriate or deny fees altogether).

8 (4) No final hearing under this subsection (c) is
9 permitted unless any controversy over fees and costs (that
10 is not otherwise subject to some form of alternative
11 dispute resolution) has first been submitted to mediation,
12 arbitration, or any other court approved alternative
13 dispute resolution procedure, except as follows:

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

20 (B) In any other circuit court, the requirement of
21 the controversy being submitted to an alternative
22 dispute resolution procedure is mandatory only if
23 neither the client nor the counsel affirmatively opts
24 out of such procedures.

25 After completion of any such procedure (or after one or
26 both sides has opted out of such procedures), if the

1 dispute is unresolved, any pending motion for leave to
2 withdraw as counsel shall be promptly granted and a final
3 hearing under this subsection (c) shall be expeditiously
4 set and completed.

5 (5) A petition (or a praecipe for fee hearing without
6 the petition) shall be filed no later than the end of the
7 period in which it is permissible to file a motion pursuant
8 to Section 2-1203 of the Code of Civil Procedure. A
9 praecipe for fee hearing shall be dismissed if a Petition
10 for Setting Final Fees and Costs is not filed within 60
11 days after the filing of the praecipe. A counsel who
12 becomes a party by filing a Petition for Setting Final Fees
13 and Costs, or as a result of the client filing a Petition
14 for Setting Final Fees and Costs, shall not be entitled to
15 exercise the right to a substitution of a judge without
16 cause under subdivision (a)(2) of Section 2-1001 of the
17 Code of Civil Procedure. Each of the foregoing deadlines
18 for the filing of a praecipe or a petition shall be:

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

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

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

5 (d) A consent judgment, in favor of a current counsel of
6 record against his or her own client for a specific amount in a
7 marital settlement agreement, dissolution judgment, or any
8 other instrument involving the other litigant, is prohibited. A
9 consent judgment between client and counsel, however, is
10 permissible if it is entered pursuant to a verified petition
11 for entry of consent judgment, supported by an affidavit of the
12 counsel of record that includes the counsel's representation
13 that the client has been provided an itemization of the billing
14 or billings to the client, detailing hourly costs, time spent,
15 and tasks performed, and by an affidavit of the client
16 acknowledging receipt of that documentation, awareness of the
17 right to a hearing, the right to be represented by counsel
18 (other than counsel to whom the consent judgment is in favor),
19 and the right to be present at the time of presentation of the
20 petition, and agreement to the terms of the judgment. The
21 petition may be filed at any time during which it is
22 permissible for counsel of record to file a petition (or a
23 praecipe) for a final fee hearing, except that no such petition
24 for entry of consent judgment may be filed before adjudication
25 (or waiver) of the client's right to contribution under
26 subsection (j) of Section 503 or filed after the filing of a

1 petition (or a praecipe) by counsel of record for a fee hearing
2 under subsection (c) if the petition (or praecipe) remains
3 pending. No consent security arrangement between a client and a
4 counsel of record, pursuant to which assets of a client are
5 collateralized to secure payment of legal fees or costs, is
6 permissible unless approved in advance by the court as being
7 reasonable under the circumstances.

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

11 (1) While a case under this Act is still pending, a
12 former counsel may pursue such an award and judgment at any
13 time subsequent to 90 days after the entry of an order
14 granting counsel leave to withdraw; and

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

20 In an independent proceeding, the prior applicability of this
21 Section shall in no way be deemed to have diminished any other
22 right of any counsel (or former counsel) to pursue an award and
23 judgment for legal fees and costs on the basis of remedies that
24 may otherwise exist under applicable law; and the limitations
25 period for breach of contract shall apply. In an independent
26 proceeding under subdivision (e)(1) in which the former counsel

1 had represented a former client in a dissolution case that is
2 still pending, the former client may bring in his or her spouse
3 as a third-party defendant, provided on or before the final
4 date for filing a petition (or praecipe) under subsection (c),
5 the party files an appropriate third-party complaint under
6 Section 2-406 of the Code of Civil Procedure. In any such case,
7 any judgment later obtained by the former counsel shall be
8 against both spouses or ex-spouses, jointly and severally
9 (except that, if a hearing under subsection (j) of Section 503
10 has already been concluded and the court hearing the
11 contribution issue has imposed a percentage allocation between
12 the parties as to fees and costs otherwise being adjudicated in
13 the independent proceeding, the allocation shall be applied
14 without deviation by the court in the independent proceeding
15 and a separate judgment shall be entered against each spouse
16 for the appropriate amount). After the period for the
17 commencement of a proceeding under subsection (c), the
18 provisions of this Section (other than the standard set forth
19 in subdivision (c) (3) and the terms respecting consent security
20 arrangements in subsection (d) of this Section 508) shall be
21 inapplicable.

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

24 (f) Unless the Supreme Court by rule addresses the matters
25 set out in this subsection (f), a written engagement agreement
26 within the scope of subdivision (c) (2) shall have appended to

1 it verbatim the following Statement:

2 "STATEMENT OF CLIENT'S RIGHTS AND RESPONSIBILITIES

3 (1) WRITTEN ENGAGEMENT AGREEMENT. The written engagement
4 agreement, prepared by the counsel, shall clearly address the
5 objectives of representation and detail the fee arrangement,
6 including all material terms. If fees are to be based on
7 criteria apart from, or in addition to, hourly rates, such
8 criteria (e.g., unique time demands and/or utilization of
9 unique expertise) shall be delineated. The client shall receive
10 a copy of the written engagement agreement and any additional
11 clarification requested and is advised not to sign any such
12 agreement which the client finds to be unsatisfactory or does
13 not understand.

14 (2) REPRESENTATION. Representation will commence upon the
15 signing of the written engagement agreement. The counsel will
16 provide competent representation, which requires legal
17 knowledge, skill, thoroughness and preparation to handle those
18 matters set forth in the written engagement agreement. Once
19 employed, the counsel will act with reasonable diligence and
20 promptness, as well as use his best efforts on behalf of the
21 client, but he cannot guarantee results. The counsel will abide
22 by the client's decision concerning the objectives of
23 representation, including whether or not to accept an offer of
24 settlement, and will endeavor to explain any matter to the
25 extent reasonably necessary to permit the client to make

1 informed decisions regarding representation. During the course
2 of representation and afterwards, the counsel may not use or
3 reveal a client's confidence or secrets, except as required or
4 permitted by law.

5 (3) COMMUNICATION. The counsel will keep the client
6 reasonably informed about the status of representation and will
7 promptly respond to reasonable requests for information,
8 including any reasonable request for an estimate respecting
9 future costs of the representation or an appropriate portion of
10 it. The client shall be truthful in all discussions with the
11 counsel and provide all information or documentation required
12 to enable the counsel to provide competent representation.
13 During representation, the client is entitled to receive all
14 pleadings and substantive documents prepared on behalf of the
15 client and every document received from any other counsel of
16 record. At the end of the representation and on written request
17 from the client, the counsel will return to the client all
18 original documents and exhibits. In the event that the counsel
19 withdraws from representation, or is discharged by the client,
20 the counsel will turn over to the substituting counsel (or, if
21 no substitutions, to the client) all original documents and
22 exhibits together with complete copies of all pleadings and
23 discovery within thirty (30) days of the counsel's withdrawal
24 or discharge.

25 (4) ETHICAL CONDUCT. The counsel cannot be required to
26 engage in conduct which is illegal, unethical, or fraudulent.

1 In matters involving minor children, the counsel may refuse to
2 engage in conduct which, in the counsel's professional
3 judgment, would be contrary to the best interest of the
4 client's minor child or children. A counsel who cannot
5 ethically abide by his client's directions shall be allowed to
6 withdraw from representation.

7 (5) FEES. The counsel's fee for services may not be
8 contingent upon the securing of a dissolution of marriage or ~~7~~
9 upon being allocated parental responsibility ~~obtaining~~
10 ~~custody,~~ or be based upon the amount of maintenance, child
11 support, or property settlement received, except as
12 specifically permitted under Supreme Court rules. The counsel
13 may not require a non-refundable retainer fee, but must remit
14 back any overpayment at the end of the representation. The
15 counsel may enter into a consensual security arrangement with
16 the client whereby assets of the client are pledged to secure
17 payment of legal fees or costs, but only if the counsel first
18 obtains approval of the Court. The counsel will prepare and
19 provide the client with an itemized billing statement detailing
20 hourly rates (and/or other criteria), time spent, tasks
21 performed, and costs incurred on a regular basis, at least
22 quarterly. The client should review each billing statement
23 promptly and address any objection or error in a timely manner.
24 The client will not be billed for time spent to explain or
25 correct a billing statement. If an appropriately detailed
26 written estimate is submitted to a client as to future costs

1 for a counsel's representation or a portion of the contemplated
2 services (i.e., relative to specific steps recommended by the
3 counsel in the estimate) and, without objection from the
4 client, the counsel then performs the contemplated services,
5 all such services are presumptively reasonable and necessary,
6 as well as to be deemed pursuant to the client's direction. In
7 an appropriate case, the client may pursue contribution to his
8 or her fees and costs from the other party.

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

13 (g) The changes to this Section 508 made by this amendatory
14 Act of 1996 apply to cases pending on or after June 1, 1997,
15 except as follows:

16 (1) Subdivisions (c) (1) and (c) (2) of this Section 508,
17 as well as provisions of subdivision (c) (3) of this Section
18 508 pertaining to written engagement agreements, apply
19 only to cases filed on or after June 1, 1997.

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

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

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

24 (C) The changes to this Section 508 made by this
25 amendatory Act of 1996 pertaining to the final setting
26 of fees.

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

2 (750 ILCS 5/509) (from Ch. 40, par. 509)

3 Sec. 509. Independence of Provisions of Judgment or
4 Temporary Order.† If a party fails to comply with a provision
5 of a judgment, order or injunction, the obligation of the other
6 party to make payments for support or maintenance or to permit
7 visitation or parenting time is not suspended; but he may move
8 the court to grant an appropriate order.

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

10 (750 ILCS 5/510) (from Ch. 40, par. 510)

11 Sec. 510. Modification and termination of provisions for
12 maintenance, support, educational expenses, and property
13 disposition.

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

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

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

1 (A) upon a showing of an inconsistency of at least
2 20%, but no less than \$10 per month, between the amount
3 of the existing order and the amount of child support
4 that results from application of the guidelines
5 specified in Section 505 of this Act unless the
6 inconsistency is due to the fact that the amount of the
7 existing order resulted from a deviation from the
8 guideline amount and there has not been a change in the
9 circumstances that resulted in that deviation; or

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

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

22 (a-5) An order for maintenance may be modified or
23 terminated only upon a showing of a substantial change in
24 circumstances. In all such proceedings, as well as in
25 proceedings in which maintenance is being reviewed, the court
26 shall consider the applicable factors set forth in subsection

1 (a) of Section 504 and the following factors:

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

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

7 (3) any impairment of the present and future earning
8 capacity of either party;

9 (4) the tax consequences of the maintenance payments
10 upon the respective economic circumstances of the parties;

11 (5) the duration of the maintenance payments
12 previously paid (and remaining to be paid) relative to the
13 length of the marriage;

14 (6) the property, including retirement benefits,
15 awarded to each party under the judgment of dissolution of
16 marriage, judgment of legal separation, or judgment of
17 declaration of invalidity of marriage and the present
18 status of the property;

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

22 (8) the property acquired and currently owned by each
23 party after the entry of the judgment of dissolution of
24 marriage, judgment of legal separation, or judgment of
25 declaration of invalidity of marriage; and

26 (9) any other factor that the court expressly finds to

1 be just and equitable.

2 (a-6) In a review under subsection (b-4.5) of Section 504
3 of this Act, the court may enter a fixed-term maintenance award
4 that bars future maintenance only if, at the time of the entry
5 of the award, the marriage had lasted 10 years or less at the
6 time the original action was commenced.

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

11 (c) Unless otherwise agreed by the parties in a written
12 agreement set forth in the judgment or otherwise approved by
13 the court, the obligation to pay future maintenance is
14 terminated upon the death of either party, or the remarriage of
15 the party receiving maintenance, or if the party receiving
16 maintenance cohabits with another person on a resident,
17 continuing conjugal basis. A payor's obligation to pay
18 maintenance or unallocated maintenance terminates by operation
19 of law on the date the recipient remarries or the date the
20 court finds cohabitation began. The payor is entitled to
21 reimbursement for all maintenance paid from that date forward.
22 ~~Any obligation of a payor party for premium payments respecting~~
23 ~~insurance on such party's life imposed under subsection (f) of~~
24 ~~Section 504 is also terminated on the occurrence of any of the~~
25 ~~foregoing events, unless otherwise agreed by the parties.~~ Any
26 termination of an obligation for maintenance as a result of the

1 death of the payor party, however, shall be inapplicable to any
2 right of the other party or such other party's designee to
3 receive a death benefit under such insurance on the payor
4 party's life. A party receiving maintenance must advise the
5 payor of his or her intention to marry at least 30 days before
6 the remarriage, unless the decision is made within this time
7 period. In that event, he or she must notify the other party
8 within 72 hours of getting married.

9 (c-5) In an adjudicated case, the court shall make specific
10 factual findings as to the reason for the modification as well
11 as the amount, nature, and duration of the modified maintenance
12 award.

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

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

21 (750 ILCS 5/512) (from Ch. 40, par. 512)

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

1 follows:

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

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

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

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

26 (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, except for good cause shown, but in no event
12 later than the child's 25th birthday.

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

23 (c) The authority under this Section to make provision for
24 educational expenses extends not only to periods of college
25 education or vocational or professional or other training after

1 graduation from high school, but also to any period during
2 which the child of the parties is still attending high school,
3 even though he or she attained the age of 19.

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

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

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

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

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

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

25 (B) if the child is living with one party at that
26 party's home and attending a post-secondary

1 educational program as a non-resident student, in
2 which case the living expenses include an amount that
3 pays for the reasonable cost of the child's food,
4 utilities, and transportation; and

5 (5) the cost of books and other supplies necessary to
6 attend college.

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

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

21 (g) The authority under this Section to make provision for
22 educational expenses terminates when the child either: fails to
23 maintain a cumulative "C" grade point average, except in the
24 event of illness or other good cause shown; attains the age of
25 23; receives a baccalaureate degree; or marries. A child's
26 enlisting in the armed forces, being incarcerated, or becoming

1 pregnant does not terminate the court's authority to make
2 provisions for the educational expenses for the child under
3 this Section.

4 (h) An account established prior to the dissolution that is
5 to be used for the child's post-secondary education, that is an
6 account in a state tuition program under Section 529 of the
7 Internal Revenue Code, or that is some other college savings
8 plan, is to be considered by the court to be a resource of the
9 child, provided that any post-judgment contribution made by a
10 party to such an account is to be considered a contribution
11 from that party.

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

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

25 ~~(1) When the child is mentally or physically disabled~~
26 ~~and not otherwise emancipated, an application for support~~

1 ~~may be made before or after the child has attained~~
2 ~~majority.~~

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

23 ~~If educational expenses are ordered payable, each~~
24 ~~parent and the child shall sign any consents necessary for~~
25 ~~the educational institution to provide the supporting~~
26 ~~parent with access to the child's academic transcripts,~~

1 ~~records, and grade reports. The consents shall not apply to~~
2 ~~any non-academic records. Failure to execute the required~~
3 ~~consent may be a basis for a modification or termination of~~
4 ~~any order entered under this Section. Unless the court~~
5 ~~specifically finds that the child's safety would be~~
6 ~~jeopardized, each parent is entitled to know the name of~~
7 ~~the educational institution the child attends. This~~
8 ~~amendatory Act of the 95th General Assembly applies to all~~
9 ~~orders entered under this paragraph (2) on or after the~~
10 ~~effective date of this amendatory Act of the 95th General~~
11 ~~Assembly.~~

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

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

21 (1) The present and future financial resources of both
22 parties to meet their needs, including, but not limited to,
23 savings for retirement ~~The financial resources of both~~
24 ~~parents.~~

25 (2) The standard of living the child would have enjoyed
26 had the marriage not been dissolved.

1 (3) The financial resources of the child.

2 (4) The child's academic performance.

3 (k) The establishment of an obligation to pay under this
4 Section is retroactive only to the date of filing a petition.
5 The right to enforce a prior obligation to pay may be enforced
6 either before or after the obligation is incurred.

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

8 (750 ILCS 5/513.5 new)

9 Sec. 513.5. Support for a non-minor child with a
10 disability.

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

1 has attained majority. Unless an application for educational
2 expenses is made for a mentally or physically disabled child
3 under Section 513, the disability that is the basis for the
4 application for support must have arisen while the child was
5 eligible for support under Section 505 or 513 of this Act.

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

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

13 (2) the standard of living the child would have enjoyed
14 had the marriage not been dissolved. The court may consider
15 factors that are just and equitable;

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

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

23 (c) As used in this Section:

24 A "disabled" individual means an individual who has a
25 physical or mental impairment that substantially limits a major
26 life activity, has a record of such an impairment, or is

1 regarded as having such an impairment.

2 "Disability" means a mental or physical impairment that
3 substantially limits a major life activity.

4 (750 ILCS 5/Pt. VI heading)

5 PART VI

6 ALLOCATION OF PARENTAL RESPONSIBILITIES ~~CUSTODY~~

7 (750 ILCS 5/600 new)

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

9 (a) "Abuse" has the meaning ascribed to that term in
10 Section 103 of the Illinois Domestic Violence Act of 1986.

11 (b) "Allocation judgment" means a judgment allocating
12 parental responsibilities.

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

19 (1) satisfying a child's nutritional needs; managing a
20 child's bedtime and wake-up routines; caring for a child
21 when the child is sick or injured; being attentive to a
22 child's personal hygiene needs, including washing,
23 grooming, and dressing; playing with a child and ensuring
24 the child attends scheduled extracurricular activities;

1 protecting a child's physical safety; and providing
2 transportation for a child;

3 (2) directing a child's various developmental needs,
4 including the acquisition of motor and language skills,
5 toilet training, self-confidence, and maturation;

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

10 (4) ensuring the child attends school, including
11 remedial and special services appropriate to the child's
12 needs and interests, communicating with teachers and
13 counselors, and supervising homework;

14 (5) helping a child develop and maintain appropriate
15 interpersonal relationships with peers, siblings, and
16 other family members;

17 (6) ensuring the child attends medical appointments
18 and is available for medical follow-up and meeting the
19 medical needs of the child in the home;

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

22 (8) arranging alternative care for a child by a family
23 member, babysitter, or other child care provider or
24 facility, including investigating such alternatives,
25 communicating with providers, and supervising such care.

26 (d) "Parental responsibilities" means both parenting time

1 and significant decision-making responsibilities with respect
2 to a child.

3 (e) "Parenting time" means the time during which a parent
4 is responsible for exercising caretaking functions and
5 non-significant decision-making responsibilities with respect
6 to the child.

7 (f) "Parenting plan" means a written agreement that
8 allocates significant decision-making responsibilities,
9 parenting time, or both.

10 (g) "Relocation" means:

11 (1) a change of residence from the child's current
12 primary residence located in the county of Cook, DuPage,
13 Kane, Lake, McHenry, or Will to a new residence within this
14 State that is more than 25 miles from the child's current
15 residence;

16 (2) a change of residence from the child's current
17 primary residence located in a county not listed in
18 paragraph (1) to a new residence within this State that is
19 more than 50 miles from the child's current primary
20 residence; or

21 (3) a change of residence from the child's current
22 primary residence to a residence outside the borders of
23 this State that is more than 25 miles from the current
24 primary residence.

25 (h) "Religious upbringing" means the choice of religion or
26 denomination of a religion, religious schooling, religious

1 training, or participation in religious customs or practices.

2 (i) "Restriction of parenting time" means any limitation or
3 condition placed on parenting time, including supervision.

4 (j) "Right of first refusal" has the meaning provided in
5 subsection (b) of Section 602.3 of this Act.

6 (k) "Significant decision-making" means deciding issues of
7 long-term importance in the life of a child.

8 (l) "Step-parent" means a person married to a child's
9 parent, including a person married to the child's parent
10 immediately prior to the parent's death.

11 (m) "Supervision" means the presence of a third party
12 during a parent's exercise of parenting time.

13 (750 ILCS 5/601.2 new)

14 Sec. 601.2. Jurisdiction; commencement of proceeding.

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

20 (b) A proceeding for allocation of parental
21 responsibilities with respect to a child is commenced in the
22 court:

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

25 (2) by filing a petition for allocation of parental

1 responsibilities with respect to the child in the county in
2 which the child resides;

3 (3) by a person other than a parent, by filing a
4 petition for allocation of parental responsibilities in
5 the county in which the child is permanently resident or
6 found, but only if he or she is not in the physical custody
7 of one of his or her parents;

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

10 (A) the parent having the majority of parenting
11 time is deceased or is disabled and cannot perform the
12 duties of a parent to the child;

13 (B) the step-parent provided for the care,
14 control, and welfare of the child prior to the
15 initiation of proceedings for allocation of parental
16 responsibilities;

17 (C) the child wishes to live with the step-parent;
18 and

19 (D) it is alleged to be in the best interests and
20 welfare of the child to live with the step-parent as
21 provided in Section 602.5 of this Act; or

22 (5) when one of the parents is deceased, by a
23 grandparent who is a parent or step-parent of a deceased
24 parent, by filing a petition, if one or more of the
25 following existed at the time of the parent's death:

26 (A) the surviving parent had been absent from the

1 marital abode for more than one month without the
2 spouse knowing his or her whereabouts;

3 (B) the surviving parent was in State or federal
4 custody; or

5 (C) the surviving parent had: (i) received
6 supervision for or been convicted of any violation of
7 Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
8 11-1.70, 12C-5, 12C-10, 12C-35, 12C-40, 12C-45, 18-6,
9 19-6, or Article 12 of the Criminal Code of 1961 or the
10 Criminal Code of 2012 directed towards the deceased
11 parent or the child; or (ii) received supervision or
12 been convicted of violating an order of protection
13 entered under Section 217, 218, or 219 of the Illinois
14 Domestic Violence Act of 1986 for the protection of the
15 deceased parent or the child.

16 (c) When a proceeding for allocation of parental
17 responsibilities is commenced, the party commencing the action
18 must, at least 30 days before any hearing on the petition,
19 serve a written notice and a copy of the petition on the
20 child's parent, guardian, person currently allocated parental
21 responsibilities pursuant to subdivision (b)(4) or (b)(5) of
22 Section 601.2, and any person with a pending motion for
23 allocation of parental responsibilities with respect to the
24 child. Nothing in this Section shall preclude a party in a
25 proceeding for allocation of parental responsibilities from
26 moving for a temporary order under Section 603.5.

1 (750 ILCS 5/602.3)

2 Sec. 602.3. Care of minor children; right of first refusal.

3 (a) If the court awards parenting time to both parents
4 ~~joint custody under Section 602.1 or visitation rights~~ under
5 Section ~~607~~ 602.7 or 602.8, the court may consider, consistent
6 with the best interests ~~interest~~ of the child as defined in
7 Section 602.7 ~~Section 602~~, whether to award to one or both of
8 the parties the right of first refusal to provide child care
9 for the minor child or children during the other parent's
10 normal parenting time, unless the need for child care is
11 attributable to an emergency.

12 (b) As used in this Section, "right of first refusal" means
13 that if a party intends to leave the minor child or children
14 with a substitute child-care provider for a significant period
15 of time, that party must first offer the other party an
16 opportunity to personally care for the minor child or children.
17 The parties may agree to a right of first refusal that is
18 consistent with the best interests ~~interest~~ of the minor child
19 or children. If there is no agreement and the court determines
20 that a right of first refusal is in the best interests ~~interest~~
21 of the minor child or children, the court shall consider and
22 make provisions in its order for:

23 (1) the length and kind of child-care requirements
24 invoking the right of first refusal;

25 (2) notification to the other parent and for his or her

1 response;

2 (3) transportation requirements; and

3 (4) any other action necessary to protect and promote
4 the best interest of the minor child or children.

5 (c) The right of first refusal may be enforced under
6 Section 607.5 ~~607.1~~ of this Act.

7 (d) The right of first refusal is terminated upon the
8 termination of the allocation of parental responsibilities or
9 parenting time ~~custody or visitation rights~~.

10 (Source: P.A. 98-462, eff. 1-1-14.)

11 (750 ILCS 5/602.5 new)

12 Sec. 602.5. Allocation of parental responsibilities:
13 decision-making.

14 (a) Generally. The court shall allocate decision-making
15 responsibilities according to the child's best interests.
16 Nothing in this Act requires that each parent be allocated
17 decision-making responsibilities.

18 (b) Allocation of significant decision-making
19 responsibilities. Unless the parents otherwise agree in
20 writing on an allocation of significant decision-making
21 responsibilities, or the issue of the allocation of parental
22 responsibilities has been reserved under Section 401, the court
23 shall make the determination. The court shall allocate to one
24 or both of the parents the significant decision-making
25 responsibility for each significant issue affecting the child.

1 Those significant issues shall include, without limitation,
2 the following:

3 (1) Education, including the choice of schools and
4 tutors.

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

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

9 (A) The court shall allocate decision-making
10 responsibility for the child's religious upbringing in
11 accordance with any express or implied agreement
12 between the parents.

13 (B) The court shall consider evidence of the
14 parents' past conduct as to the child's religious
15 upbringing in allocating decision-making
16 responsibilities consistent with demonstrated past
17 conduct in the absence of an express or implied
18 agreement between the parents.

19 (C) The court shall not allocate any aspect of the
20 child's religious upbringing if it determines that the
21 parents do not or did not have an express or implied
22 agreement for such religious upbringing or that there
23 is insufficient evidence to demonstrate a course of
24 conduct regarding the child's religious upbringing
25 that could serve as a basis for any such order.

26 (4) Extracurricular activities.

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

6 (1) the wishes of the child, taking into account the
7 child's maturity and ability to express reasoned and
8 independent preferences as to decision-making;

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

11 (3) the mental and physical health of all individuals
12 involved;

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

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

18 (6) any prior agreement or course of conduct between
19 the parents relating to decision-making with respect to the
20 child;

21 (7) the wishes of the parents;

22 (8) the child's needs;

23 (9) the distance between the parents' residences, the
24 cost and difficulty of transporting the child, each
25 parent's and the child's daily schedules, and the ability
26 of the parents to cooperate in the arrangement;

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

3 (11) the willingness and ability of each parent to
4 facilitate and encourage a close and continuing
5 relationship between the other parent and the child;

6 (12) the physical violence or threat of physical
7 violence by the child's parent directed against the child;

8 (13) the occurrence of abuse against the child or other
9 member of the child's household;

10 (14) whether one of the parents is a sex offender, and
11 if so, the exact nature of the offense and what, if any,
12 treatment in which the parent has successfully
13 participated; and

14 (15) any other factor that the court expressly finds to
15 be relevant.

16 (d) A parent shall have sole responsibility for making
17 routine decisions with respect to the child and for emergency
18 decisions affecting the child's health and safety during that
19 parent's parenting time.

20 (e) In allocating significant decision-making
21 responsibilities, the court shall not consider conduct of a
22 parent that does not affect that parent's relationship to the
23 child.

24 (750 ILCS 5/602.7 new)

25 Sec. 602.7. Allocation of parental responsibilities:

1 parenting time.

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

4 (b) Allocation of parenting time. Unless the parents
5 present a mutually agreed written parenting plan and that plan
6 is approved by the court, the court shall allocate parenting
7 time. It is presumed both parents are fit and the court shall
8 not place any restrictions on parenting time as defined in
9 Section 600 and described in Section 603.10, unless it finds by
10 a preponderance of the evidence that a parent's exercise of
11 parenting time would seriously endanger the child's physical,
12 mental, moral, or emotional health.

13 In determining the child's best interests for purposes of
14 allocating parenting time, the court shall consider all
15 relevant factors, including, without limitation, the
16 following:

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

18 (2) the wishes of the child, taking into account the
19 child's maturity and ability to express reasoned and
20 independent preferences as to parenting time;

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

26 (4) any prior agreement or course of conduct between

1 the parents relating to caretaking functions with respect
2 to the child;

3 (5) the interaction and interrelationship of the child
4 with his or her parents and siblings and with any other
5 person who may significantly affect the child's best
6 interests;

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

9 (7) the mental and physical health of all individuals
10 involved;

11 (8) the child's needs;

12 (9) the distance between the parents' residences, the
13 cost and difficulty of transporting the child, each
14 parent's and the child's daily schedules, and the ability
15 of the parents to cooperate in the arrangement;

16 (10) whether a restriction on parenting time is
17 appropriate;

18 (11) the physical violence or threat of physical
19 violence by the child's parent directed against the child
20 or other member of the child's household;

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

23 (13) the willingness and ability of each parent to
24 facilitate and encourage a close and continuing
25 relationship between the other parent and the child;

26 (14) the occurrence of abuse against the child or other

1 member of the child's household;

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

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

12 (17) any other factor that the court expressly finds to
13 be relevant.

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

17 (d) Upon motion, the court may allow a parent who is
18 deployed or who has orders to be deployed as a member of the
19 United States Armed Forces to designate a person known to the
20 child to exercise reasonable substitute visitation on behalf of
21 the deployed parent, if the court determines that substitute
22 visitation is in the best interests of the child. In
23 determining whether substitute visitation is in the best
24 interests of the child, the court shall consider all of the
25 relevant factors listed in subsection (b) of this Section and
26 apply those factors to the person designated as a substitute

1 for the deployed parent for visitation purposes. Visitation
2 orders entered under this subsection are subject to subsections
3 (e) and (f) of Section 602.9 and subsections (c) and (d) of
4 Section 603.10.

5 (e) If the street address of a parent is not identified
6 pursuant to Section 708 of this Act, the court shall require
7 the parties to identify reasonable alternative arrangements
8 for parenting time by the other parent including, but not
9 limited to, parenting time of the minor child at the residence
10 of another person or at a local public or private facility.

11 (750 ILCS 5/602.8 new)

12 Sec. 602.8. Parenting time by parents not allocated
13 significant decision-making responsibilities.

14 (a) A parent who has established parentage under the laws
15 of this State and who is not granted significant
16 decision-making responsibilities for a child is entitled to
17 reasonable parenting time with the child, subject to
18 subsections (d) and (e) of Section 603.10 of this Act, unless
19 the court finds, after a hearing, that the parenting time would
20 seriously endanger the child's mental, moral, or physical
21 health or significantly impair the child's emotional
22 development. The order setting forth parenting time shall be in
23 the child's best interests pursuant to the factors set forth in
24 subsection (b) of Section 602.7 of this Act.

25 (b) The court may modify an order granting or denying

1 parenting time pursuant to Section 610.5 of this Act. The court
2 may restrict parenting time, and modify an order restricting
3 parenting time, pursuant to Section 603.10 of this Act.

4 (c) If the street address of the parent allocated parental
5 responsibilities is not identified, pursuant to Section 708 of
6 this Act, the court shall require the parties to identify
7 reasonable alternative arrangements for parenting time by a
8 parent not allocated parental responsibilities, including but
9 not limited to parenting time of the minor child at the
10 residence of another person or at a local public or private
11 facility.

12 (750 ILCS 5/602.9 new)

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

14 (a) As used in this Section:

15 (1) "electronic communication" means time that a
16 grandparent, great-grandparent, sibling, or step-parent
17 spends with a child during which the child is not in the
18 person's actual physical custody, but which is facilitated
19 by the use of communication tools such as the telephone,
20 electronic mail, instant messaging, video conferencing or
21 other wired or wireless technologies via the Internet, or
22 another medium of communication;

23 (2) "sibling" means a brother or sister either of the
24 whole blood or the half blood, stepbrother, or stepsister
25 of the minor child;

1 (3) "step-parent" means a person married to a child's
2 parent, including a person married to the child's parent
3 immediately prior to the parent's death; and

4 (4) "visitation" means in-person time spent between a
5 child and the child's grandparent, great-grandparent,
6 sibling, step-parent, or any person designated under
7 subsection (d) of Section 602.7. In appropriate
8 circumstances, visitation may include electronic
9 communication under conditions and at times determined by
10 the court.

11 (b) General provisions.

12 (1) An appropriate person, as identified in subsection
13 (c) of this Section, may bring an action in circuit court
14 by petition, or by filing a petition in a pending
15 dissolution proceeding or any other proceeding that
16 involves parental responsibilities or visitation issues
17 regarding the child, requesting visitation with the child
18 pursuant to this Section. If there is not a pending
19 proceeding involving parental responsibilities or
20 visitation with the child, the petition for visitation with
21 the child must be filed in the county in which the child
22 resides. Notice of the petition shall be given as provided
23 in subsection (c) of Section 601.2 of this Act.

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

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

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

3 (C) who has been voluntarily surrendered by the
4 parent or parents, except for a surrender to the
5 Department of Children and Family Services or a foster
6 care facility; or

7 (D) who has been previously adopted by an
8 individual or individuals who are not related to the
9 biological parents of the child or who is the subject
10 of a pending adoption petition by an individual or
11 individuals who are not related to the biological
12 parents of the child; or

13 (E) who has been relinquished pursuant to the
14 Abandoned Newborn Infant Protection Act.

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

19 (4) There is a rebuttable presumption that a fit
20 parent's actions and decisions regarding grandparent,
21 great-grandparent, sibling, or step-parent visitation are
22 not harmful to the child's mental, physical, or emotional
23 health. The burden is on the party filing a petition under
24 this Section to prove that the parent's actions and
25 decisions regarding visitation will cause undue harm to the
26 child's mental, physical, or emotional health.

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

3 (A) the wishes of the child, taking into account
4 the child's maturity and ability to express reasoned
5 and independent preferences as to visitation;

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

7 (C) the mental and physical health of the
8 grandparent, great-grandparent, sibling, or
9 step-parent;

10 (D) the length and quality of the prior
11 relationship between the child and the grandparent,
12 great-grandparent, sibling, or step-parent;

13 (E) the good faith of the party in filing the
14 petition;

15 (F) the good faith of the person denying
16 visitation;

17 (G) the quantity of the visitation time requested
18 and the potential adverse impact that visitation would
19 have on the child's customary activities;

20 (H) any other fact that establishes that the loss
21 of the relationship between the petitioner and the
22 child is likely to unduly harm the child's mental,
23 physical, or emotional health; and

24 (I) whether visitation can be structured in a way
25 to minimize the child's exposure to conflicts between
26 the adults.

1 (6) Any visitation rights granted under this Section
2 before the filing of a petition for adoption of the child
3 shall automatically terminate by operation of law upon the
4 entry of an order terminating parental rights or granting
5 the adoption of the child, whichever is earlier. If the
6 person or persons who adopted the child are related to the
7 child, as defined by Section 1 of the Adoption Act, any
8 person who was related to the child as grandparent,
9 great-grandparent, or sibling prior to the adoption shall
10 have standing to bring an action under this Section
11 requesting visitation with the child.

12 (7) The court may order visitation rights for the
13 grandparent, great-grandparent, sibling, or step-parent
14 that include reasonable access without requiring overnight
15 or possessory visitation.

16 (c) Visitation by grandparents, great-grandparents,
17 step-parents, and siblings.

18 (1) Grandparents, great-grandparents, step-parents,
19 and siblings of a minor child who is one year old or older
20 may bring a petition for visitation and electronic
21 communication under this Section if there is an
22 unreasonable denial of visitation by a parent that causes
23 undue mental, physical, or emotional harm to the child and
24 if at least one of the following conditions exists:

25 (A) the child's other parent is deceased or has
26 been missing for at least 90 days. For the purposes of

1 this subsection a parent is considered to be missing if
2 the parent's location has not been determined and the
3 parent has been reported as missing to a law
4 enforcement agency; or

5 (B) a parent of the child is incompetent as a
6 matter of law; or

7 (C) a parent has been incarcerated in jail or
8 prison for a period in excess of 90 days immediately
9 prior to the filing of the petition; or

10 (D) the child's parents have been granted a
11 dissolution of marriage or have been legally separated
12 from each other or there is pending a dissolution
13 proceeding involving a parent of the child or another
14 court proceeding involving parental responsibilities
15 or visitation of the child (other than an adoption
16 proceeding of an unrelated child, a proceeding under
17 Article II of the Juvenile Court Act of 1987, or an
18 action for an order of protection under the Illinois
19 Domestic Violence Act of 1986 or Article 112A of the
20 Code of Criminal Procedure of 1963) and at least one
21 parent does not object to the grandparent,
22 great-grandparent, step-parent, or sibling having
23 visitation with the child. The visitation of the
24 grandparent, great-grandparent, step-parent, or
25 sibling must not diminish the parenting time of the
26 parent who is not related to the grandparent,

1 great-grandparent, step-parent, or sibling seeking
2 visitation; or

3 (E) the child is born to parents who are not
4 married to each other, the parents are not living
5 together, and the petitioner is a grandparent,
6 great-grandparent, step-parent, or sibling of the
7 child, and parentage has been established by a court of
8 competent jurisdiction.

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

11 (A) whether the child resided with the petitioner
12 for at least 6 consecutive months with or without a
13 parent present;

14 (B) whether the child had frequent and regular
15 contact or visitation with the petitioner for at least
16 12 consecutive months; and

17 (C) whether the grandparent, great-grandparent,
18 sibling, or step-parent was a primary caretaker of the
19 child for a period of not less than 6 consecutive
20 months within the 24-month period immediately
21 preceding the commencement of the proceeding.

22 (3) An order granting visitation privileges under this
23 Section is subject to subsections (c) and (d) of Section
24 603.10.

25 (4) A petition for visitation privileges may not be
26 filed pursuant to this subsection (c) by the parents or

1 grandparents of a parent of the child if parentage between
2 the child and the related parent has not been legally
3 established.

4 (d) Modification of visitation orders.

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

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

1 circumstances when necessary to promote the child's best
2 interests.

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

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

10 (e) No child's grandparent, great-grandparent, sibling, or
11 step-parent, or any person to whom the court is considering
12 granting visitation privileges pursuant to subsection (d) of
13 Section 602.7, who was convicted of any offense involving an
14 illegal sex act perpetrated upon a victim less than 18 years of
15 age including, but not limited to, offenses for violations of
16 Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-1.70,
17 or Article 12 of the Criminal Code of 1961 or the Criminal Code
18 of 2012, is entitled to visitation while incarcerated or while
19 on parole, probation, conditional discharge, periodic
20 imprisonment, or mandatory supervised release for that
21 offense, and upon discharge from incarceration for a
22 misdemeanor offense or upon discharge from parole, probation,
23 conditional discharge, periodic imprisonment, or mandatory
24 supervised release for a felony offense. Visitation shall be
25 denied until the person successfully completes a treatment
26 program approved by the court. Upon completion of treatment,

1 the court may deny visitation based on the factors listed in
2 subdivision (b) (5) of Section 607 of this Act.

3 (f) No child's grandparent, great-grandparent, sibling, or
4 step-parent, or any person to whom the court is considering
5 granting visitation privileges pursuant to subsection (d) of
6 Section 602.7, may be granted visitation if he or she has been
7 convicted of first degree murder of a parent, grandparent,
8 great-grandparent, or sibling of the child who is the subject
9 of the visitation request. Pursuant to a motion to modify
10 visitation, the court shall revoke visitation rights
11 previously granted to any person who would otherwise be
12 entitled to petition for visitation rights under this Section
13 or granted visitation under subsection (d) of Section 602.7, if
14 the person has been convicted of first degree murder of a
15 parent, grandparent, great-grandparent, or sibling of the
16 child who is the subject of the visitation order. Until an
17 order is entered pursuant to this subsection, no person may
18 visit, with the child present, a person who has been convicted
19 of first degree murder of the parent, grandparent,
20 great-grandparent, or sibling of the child without the consent
21 of the child's parent, other than a parent convicted of first
22 degree murder as set forth herein, or legal guardian.

23 (750 ILCS 5/602.10 new)

24 Sec. 602.10. Parenting plan.

25 (a) Filing of parenting plan. All parents, within 120 days

1 after service or filing of any petition for allocation of
2 parental responsibilities, must file with the court, either
3 jointly or separately, a proposed parenting plan. The time
4 period for filing a parenting plan may be extended by the court
5 for good cause shown.

6 (b) No parenting plan filed. In the absence of filing of
7 one or more parenting plans, the court must conduct an
8 evidentiary hearing to allocate parental responsibilities.

9 (c) Mediation. The court shall order mediation to assist
10 the parents in formulating or modifying a parenting plan or in
11 implementing a parenting plan unless the court determines that
12 impediments to mediation exist. Costs under this subsection
13 shall be allocated between the parties pursuant to the
14 applicable statute or Supreme Court Rule.

15 (d) Parents' agreement on parenting plan. The parenting
16 plan must be in writing and signed by both parents. The parents
17 must submit the parenting plan to the court for approval within
18 120 days after service of a petition for allocation of parental
19 responsibilities or the filing of an appearance, except for
20 good cause shown. Notwithstanding the provisions above, the
21 parents may agree upon and submit a parenting plan at any time
22 after the commencement of a proceeding until prior to the entry
23 of a judgment of dissolution of marriage. The agreement is
24 binding upon the court unless it finds, after considering the
25 circumstances of the parties and any other relevant evidence
26 produced by the parties, that the agreement is unconscionable.

1 If the court does not approve the parenting plan, the court
2 shall make express findings of the reason or reasons for its
3 refusal to approve the plan. The court, on its own motion, may
4 conduct an evidentiary hearing to determine whether the
5 parenting plan is in the child's best interests.

6 (e) Parents cannot agree on parenting plan. When parents
7 fail to submit an agreed parenting plan, each parent must file
8 and submit a written, signed parenting plan to the court within
9 120 days after the filing of an appearance, except for good
10 cause shown. The court's determination of parenting time should
11 be based on the child's best interests. The filing of the plan
12 may be excused by the court if:

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

15 (2) the parents have agreed in writing to extend the
16 time for filing a proposed plan and the court has approved
17 such an extension; or

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

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

21 (1) an allocation of significant decision-making
22 responsibilities;

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

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

1 (B) a formula or method for determining such a
2 schedule in sufficient detail to be enforced in a
3 subsequent proceeding;

4 (3) a mediation provision addressing any proposed
5 reallocation of parenting time or regarding the terms of
6 allocation of parental responsibilities, except that this
7 provision is not required if one parent is allocated all
8 significant decision-making responsibilities;

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

15 (5) a designation of the parent who will be denominated
16 as the parent with the majority of parenting time for
17 purposes of Section 606.10;

18 (6) the child's residential address for school
19 enrollment purposes only;

20 (7) each parent's residence address and phone number,
21 and each parent's place of employment and employment
22 address and phone number;

23 (8) a requirement that a parent changing his or her
24 residence provide at least 60 days prior written notice of
25 the change to any other parent under the parenting plan or
26 allocation judgment, unless such notice is impracticable

1 or unless otherwise ordered by the court. If such notice is
2 impracticable, written notice shall be given at the
3 earliest date practicable. At a minimum, the notice shall
4 set forth the following:

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

6 and

7 (B) the address of the new residence;

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

11 (10) transportation arrangements between the parents;

12 (11) provisions for communications, including
13 electronic communications, with the child during the other
14 parent's parenting time;

15 (12) provisions for resolving issues arising from a
16 parent's future relocation, if applicable;

17 (13) provisions for future modifications of the
18 parenting plan, if specified events occur;

19 (14) provisions for the exercise of the right of first
20 refusal, if so desired, that are consistent with the best
21 interests of the minor child; provisions in the plan for
22 the exercise of the right of first refusal must include:

23 (i) the length and kind of child-care requirements
24 invoking the right of first refusal;

25 (ii) notification to the other parent and for his
26 or her response;

1 (iii) transportation requirements; and

2 (iv) any other provision related to the exercise of
3 the right of first refusal necessary to protect and
4 promote the best interests of the minor child; and

5 (15) any other provision that addresses the child's
6 best interests or that will otherwise facilitate
7 cooperation between the parents.

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

13 (g) The court shall conduct a trial or hearing to determine
14 a plan which maximizes the child's relationship and access to
15 both parents and shall ensure that the access and the overall
16 plan are in the best interests of the child. The court shall
17 take the parenting plans into consideration when determining
18 parenting time and responsibilities at trial or hearing.

19 (h) The court may consider, consistent with the best
20 interests of the child as defined in Section 602.7 of this Act,
21 whether to award to one or both of the parties the right of
22 first refusal in accordance with Section 602.3 of this Act.

23 (750 ILCS 5/602.11 new)

24 Sec. 602.11. Access to health care, child care, and school
25 records by parents.

1 (a) Notwithstanding any other provision of law, access to
2 records and information pertaining to a child including, but
3 not limited to, medical, dental, child care, and school records
4 shall not be denied to a parent for the reason that such parent
5 has not been allocated parental responsibility. A parent who is
6 not allocated parenting time (not denied parental
7 responsibility) is not entitled to access to the child's school
8 or health care records unless a court finds that it is in the
9 child's best interests to provide those records to the parent.

10 (b) Health care professionals and health care providers
11 shall grant access to health care records and information
12 pertaining to a child to both parents, unless the health care
13 professional or health care provider receives a court order or
14 judgment that denies access to a specific individual. Except as
15 may be provided by court order, no parent who is a named
16 respondent in an order of protection issued pursuant to the
17 Illinois Domestic Violence Act of 1986 or the Code of Criminal
18 Procedure of 1963 shall have access to the health care records
19 of a child who is a protected person under the order of
20 protection provided the health care professional or health care
21 provider has received a copy of the order of protection. Access
22 to health care records is denied under this Section for as long
23 as the order of protection remains in effect as specified in
24 the order of protection or as otherwise determined by court
25 order.

1 (750 ILCS 5/603.5 new)

2 Sec. 603.5. Temporary orders.

3 (a) A court may order a temporary allocation of parental
4 responsibilities in the child's best interests before the entry
5 of a final allocation judgment. Any temporary allocation shall
6 be made in accordance with the standards set forth in Sections
7 602.5 and 602.7: (i) after a hearing; or (ii) if there is no
8 objection, on the basis of a parenting plan that, at a minimum,
9 complies with subsection (f) of Section 602.10.

10 (b) A temporary order allocating parental responsibilities
11 shall be deemed vacated when the action in which it was granted
12 is dismissed, unless a parent moves to continue the action for
13 allocation of parental responsibilities filed under Section
14 601.5.

15 (750 ILCS 5/603.10 new)

16 Sec. 603.10. Restriction of parental responsibilities.

17 (a) After a hearing, if the court finds by a preponderance
18 of the evidence that a parent engaged in any conduct that
19 seriously endangered the child's mental, moral, or physical
20 health or that significantly impaired the child's emotional
21 development, the court shall enter orders as necessary to
22 protect the child. Such orders may include, but are not limited
23 to, orders for one or more of the following:

24 (1) a reduction, elimination, or other adjustment of
25 the parent's decision-making responsibilities or parenting

1 time, or both decision-making responsibilities and
2 parenting time;

3 (2) supervision, including ordering the Department of
4 Children and Family Services to exercise continuing
5 supervision under Section 5 of the Children and Family
6 Services Act;

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

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

11 (5) requiring a parent to abstain from possessing or
12 consuming alcohol or non-prescribed drugs while exercising
13 parenting time with the child and within a specified period
14 immediately preceding the exercise of parenting time;

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

17 (7) requiring a parent to post a bond to secure the
18 return of the child following the parent's exercise of
19 parenting time or to secure other performance required by
20 the court;

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

25 (9) any other constraints or conditions that the court
26 deems necessary to provide for the child's safety or

1 welfare.

2 (b) The court may modify an order restricting parental
3 responsibilities if, after a hearing, the court finds by a
4 preponderance of the evidence that a modification is in the
5 child's best interests based on (i) a change of circumstances
6 that occurred after the entry of an order restricting parental
7 responsibilities; or (ii) conduct of which the court was
8 previously unaware that seriously endangers the child. In
9 determining whether to modify an order under this subsection,
10 the court must consider factors that include, but need not be
11 limited to, the following:

12 (1) abuse, neglect, or abandonment of the child;

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

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

18 (4) persistent continuing interference with the other
19 parent's access to the child, except for actions taken with
20 a reasonable, good-faith belief that they are necessary to
21 protect the child's safety pending adjudication of the
22 facts underlying that belief, provided that the
23 interfering parent initiates a proceeding to determine
24 those facts as soon as practicable.

25 (c) An order granting parenting time to a parent or
26 visitation to another person may be revoked by the court if

1 that parent or other person is found to have knowingly used his
2 or her parenting time or visitation to facilitate contact
3 between the child and a parent who has been barred from contact
4 with the child or to have knowingly used his or her parenting
5 time or visitation to facilitate contact with the child that
6 violates any restrictions imposed on a parent's parenting time
7 by a court of competent jurisdiction. Nothing in this
8 subsection limits a court's authority to enforce its orders in
9 any other manner authorized by law.

10 (d) If parenting time of a parent is restricted, an order
11 granting visitation to a non-parent with a child or an order
12 granting parenting time to the other parent shall contain the
13 following language:

14 "If a person granted parenting time or visitation under
15 this order uses that time to facilitate contact between the
16 child and a parent whose parenting time is restricted, or
17 if such a person violates any restrictions placed on
18 parenting time or visitation by the court, the parenting
19 time or visitation granted under this order shall be
20 revoked until further order of court."

21 (e) A parent who, after a hearing, is determined by the
22 court to have been convicted of any offense involving an
23 illegal sex act perpetrated upon a victim less than 18 years of
24 age, including but not limited to an offense under Article 11
25 of the Criminal Code of 2012, is not entitled to parenting time
26 while incarcerated or while on parole, probation, conditional

1 discharge, periodic imprisonment, or mandatory supervised
2 release for a felony offense, until the parent complies with
3 such terms and conditions as the court determines are in the
4 child's best interests, taking into account the exact nature of
5 the offense and what, if any, treatment in which the parent
6 successfully participated.

7 (f) A parent may not, while the child is present, visit any
8 person granted visitation or parenting time who has been
9 convicted of first degree murder, unless the court finds, after
10 considering all relevant factors, including those set forth in
11 subsection (b) of Section 602.7, that it would be in the
12 child's best interests to allow the child to be present during
13 such a visit.

14 (750 ILCS 5/604.10 new)

15 Sec. 604.10. Interviews; evaluations; investigation.

16 (a) Court's interview of child. The court may interview the
17 child in chambers to ascertain the child's wishes as to the
18 allocation of parental responsibilities. Counsel shall be
19 present at the interview unless otherwise agreed upon by the
20 parties. The entire interview shall be recorded by a court
21 reporter. The transcript of the interview shall be filed under
22 seal and released only upon order of the court. The cost of the
23 court reporter and transcript shall be paid by the court.

24 (b) Court's professional. The court may seek the advice of
25 any professional, whether or not regularly employed by the

1 court, to assist the court in determining the child's best
2 interests. The advice to the court shall be in writing and sent
3 by the professional to counsel for the parties and to the
4 court, under seal. The writing may be admitted into evidence
5 without testimony from its author, unless a party objects. A
6 professional consulted by the court shall testify as the
7 court's witness and be subject to cross-examination. The court
8 shall order all costs and fees of the professional to be paid
9 by one or more of the parties, subject to reallocation in
10 accordance with subsection (a) of Section 508.

11 The professional's report must, at a minimum, set forth the
12 following:

13 (1) a description of the procedures employed during the
14 evaluation;

15 (2) a report of the data collected;

16 (3) all test results;

17 (4) any conclusions of the professional relating to the
18 allocation of parental responsibilities under Sections
19 602.5 and 602.7;

20 (5) any recommendations of the professional concerning
21 the allocation of parental responsibilities or the child's
22 relocation; and

23 (6) an explanation of any limitations in the evaluation
24 or any reservations of the professional regarding the
25 resulting recommendations.

26 The professional shall send his or her report to all

1 attorneys of record, and to any party not represented, at least
2 60 days before the hearing on the allocation of parental
3 responsibilities. The court shall examine and consider the
4 professional's report only after it has been admitted into
5 evidence or after the parties have waived their right to
6 cross-examine the professional.

7 (c) Evaluation by a party's retained professional. In a
8 proceeding to allocate parental responsibilities or to
9 relocate a child, upon notice and motion made by a parent or
10 any party to the litigation within a reasonable time before
11 trial, the court shall order an evaluation to assist the court
12 in determining the child's best interests unless the court
13 finds that an evaluation under this Section is untimely or not
14 in the best interests of the child. The evaluation may be in
15 place of or in addition to any advice given to the court by a
16 professional under subsection (b). A motion for an evaluation
17 under this subsection must, at a minimum, identify the proposed
18 evaluator and the evaluator's specialty or discipline. An order
19 for an evaluation under this subsection must set forth the
20 evaluator's name, address, and telephone number and the time,
21 place, conditions, and scope of the evaluation. No person shall
22 be required to travel an unreasonable distance for the
23 evaluation. The party requesting the evaluation shall pay the
24 evaluator's fees and costs unless otherwise ordered by the
25 court.

26 The evaluator'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 evaluator relating to the
7 allocation of parental responsibilities under Sections
8 602.5 and 602.7;

9 (5) any recommendations of the evaluator 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 evaluator regarding the
14 resulting recommendations.

15 A party who retains a professional to conduct an evaluation
16 under this subsection shall cause the evaluator's written
17 report to be sent to the attorneys of record no less than 60
18 days before the hearing on the allocation of parental
19 responsibilities, unless otherwise ordered by the court; if a
20 party fails to comply with this provision, the court may not
21 admit the evaluator's report into evidence and may not allow
22 the evaluator to testify.

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

26 Any party to the litigation may call the evaluator as a

1 witness. That party shall pay the evaluator's fees and costs
2 for testifying, unless otherwise ordered by the court.

3 (d) Investigation. Upon notice and a motion by a parent or
4 any party to the litigation, or upon the court's own motion,
5 the court may order an investigation and report to assist the
6 court in allocating parental responsibilities. The
7 investigation may be made by any agency, private entity, or
8 individual deemed appropriate by the court. The agency, private
9 entity, or individual appointed by the court must have
10 expertise in the area of allocation of parental
11 responsibilities. The court shall specify the purpose and scope
12 of the investigation.

13 The investigator's report must, at a minimum, set forth the
14 following:

15 (1) a description of the procedures employed during the
16 investigation;

17 (2) a report of the data collected;

18 (3) all test results;

19 (4) any conclusions of the investigator relating to the
20 allocation of parental responsibilities under Sections
21 602.5 and 602.7;

22 (5) any recommendations of the investigator concerning
23 the allocation of parental responsibilities or the child's
24 relocation; and

25 (6) an explanation of any limitations in the
26 investigation or any reservations of the investigator

1 regarding the resulting recommendations.

2 The investigator shall send his or her report to all
3 attorneys of record, and to any party not represented, at least
4 60 days before the hearing on the allocation of parental
5 responsibilities. The court shall examine and consider the
6 investigator's report only after it has been admitted into
7 evidence or after the parties have waived their right to
8 cross-examine the investigator.

9 The investigator shall make available to all attorneys of
10 record, and to any party not represented, the investigator's
11 file, and the names and addresses of all persons whom the
12 investigator has consulted, except that if such disclosure
13 would risk abuse to the party or any member of the party's
14 immediate family or household or reveal the confidential
15 address of a shelter for domestic violence victims, that
16 address may be omitted from the report. Any party to the
17 proceeding may call the investigator, or any person consulted
18 by the investigator as a court's witness, for
19 cross-examination. No fees shall be paid for any investigation
20 by a governmental agency. The fees incurred by any other
21 investigator shall be allocated in accordance with Section 508.

22 (750 ILCS 5/606.5 new)

23 Sec. 606.5. Hearings.

24 (a) Proceedings to allocate parental responsibilities
25 shall receive priority in being set for hearing.

1 (b) The court, without a jury, shall determine questions of
2 law and fact.

3 (c) Previous statements made by the child relating to any
4 allegations that the child is an abused or neglected child
5 within the meaning of the Abused and Neglected Child Reporting
6 Act, or an abused or neglected minor within the meaning of the
7 Juvenile Court Act of 1987, shall be admissible in evidence in
8 a hearing concerning allocation of parental responsibilities
9 in accordance with Section 11.1 of the Abused and Neglected
10 Child Reporting Act. No such statement, however, if
11 uncorroborated and not subject to cross-examination, shall be
12 sufficient in itself to support 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 parenting time. This designation
4 shall not affect parents' rights and responsibilities under the
5 parenting plan. For purposes of Section 10-20.12b of the School
6 Code only, the parent with the majority of parenting time is
7 considered to have legal custody.

8 (750 ILCS 5/607.5 new)

9 Sec. 607.5. Abuse of allocated parenting time.

10 (a) The court shall provide an expedited procedure for the
11 enforcement of allocated parenting time.

12 (b) An action for the enforcement of allocated parenting
13 time may be commenced by a parent or a person appointed under
14 Section 506 by filing a petition setting forth: (i) the
15 petitioner's name and residence address or mailing address,
16 except that if the petition states that disclosure of
17 petitioner's address would risk abuse of petitioner or any
18 member of petitioner's family or household or reveal the
19 confidential address of a shelter for domestic violence
20 victims, that address may be omitted from the petition; (ii)
21 the respondent's name and place of residence, place of
22 employment, or mailing address; (iii) the terms of the
23 parenting plan or allocation judgment then in effect; (iv) the
24 nature of the violation of the allocation of parenting time,
25 giving dates and other relevant information; and (v) that a

1 reasonable attempt was made to resolve the dispute.

2 (c) If the court finds by a preponderance of the evidence
3 that a parent has not complied with allocated parenting time
4 according to an approved parenting plan or a court order, the
5 court, in the child's best interests, shall issue an order that
6 may include one or more of the following:

7 (1) an imposition of additional terms and conditions
8 consistent with the court's previous allocation of
9 parenting time or other order;

10 (2) a requirement that either or both of the parties
11 attend a parental education program at the expense of the
12 non-complying parent;

13 (3) upon consideration of all relevant factors,
14 particularly a history or possibility of domestic
15 violence, a requirement that the parties participate in
16 family or individual counseling, the expense of which shall
17 be allocated by the court;

18 (4) a requirement that the non-complying parent post a
19 cash bond or other security to ensure future compliance,
20 including a provision that the bond or other security may
21 be forfeited to the other parent for payment of expenses on
22 behalf of the child as the court shall direct;

23 (5) a requirement that makeup parenting time be
24 provided for the aggrieved parent or child under the
25 following conditions:

26 (A) that the parenting time is of the same type and

1 duration as the parenting time that was denied,
2 including but not limited to parenting time during
3 weekends, on holidays, and on weekdays and during times
4 when the child is not in school;

5 (B) that the parenting time is made up within 6
6 months after the noncompliance occurs, unless the
7 period of time or holiday cannot be made up within 6
8 months, in which case the parenting time shall be made
9 up within one year after the noncompliance occurs;

10 (6) a finding that the non-complying parent is in
11 contempt of court;

12 (7) an imposition on the non-complying parent of an
13 appropriate civil fine per incident of denied parenting
14 time;

15 (8) a requirement that the non-complying parent
16 reimburse the other parent for all reasonable expenses
17 incurred as a result of the violation of the parenting plan
18 or court order; and

19 (9) any other provision that may promote the child's
20 best interests.

21 (d) In addition to any other order entered under subsection
22 (c), except for good cause shown, the court shall order a
23 parent who has failed to provide allocated parenting time or to
24 exercise allocated parenting time to pay the aggrieved party
25 his or her reasonable attorney's fees, court costs, and
26 expenses associated with an action brought under this Section.

1 If the court finds that the respondent in an action brought
2 under this Section has not violated the allocated parenting
3 time, the court may order the petitioner to pay the
4 respondent's reasonable attorney's fees, court costs, and
5 expenses incurred in the action.

6 (e) Nothing in this Section precludes a party from
7 maintaining any other action as provided by law.

8 (f) When the court issues an order holding a party in
9 contempt for violation of a parenting time order and finds that
10 the party engaged in parenting time abuse, the court may order
11 one or more of the following:

12 (1) Suspension of a party's Illinois driving
13 privileges pursuant to Section 7-703 of the Illinois
14 Vehicle Code until the court determines that the party is
15 in compliance with the parenting time order. The court may
16 also order that a party be issued a family financial
17 responsibility driving permit that would allow limited
18 driving privileges for employment, for medical purposes,
19 and to transport a child to or from scheduled parenting
20 time in order to comply with a parenting time order in
21 accordance with subsection (a-1) of Section 7-702.1 of the
22 Illinois Vehicle Code.

23 (2) Placement of a party on probation with such
24 conditions of probation as the court deems advisable.

25 (3) Sentencing of a party to periodic imprisonment for
26 a period not to exceed 6 months; provided, that the court

1 may permit the party to be released for periods of time
2 during the day or night to:

3 (A) work; or

4 (B) conduct a business or other self-employed
5 occupation.

6 (4) Find that a party in engaging in parenting time
7 abuse is guilty of a petty offense and should be fined an
8 amount of no more than \$500 for each finding of parenting
9 time abuse.

10 (g) When the court issues an order holding a party in
11 contempt of court for violation of a parenting order, the clerk
12 shall transmit a copy of the contempt order to the sheriff of
13 the county. The sheriff shall furnish a copy of each contempt
14 order to the Department of State Police on a daily basis in the
15 form and manner required by the Department. The Department
16 shall maintain a complete record and index of the contempt
17 orders and make this data available to all local law
18 enforcement agencies.

19 (h) Nothing contained in this Section shall be construed to
20 limit the court's contempt power.

21 (750 ILCS 5/609.2 new)

22 Sec. 609.2. Parent's relocation.

23 (a) A parent's relocation constitutes a substantial change
24 in circumstances for purposes of Section 610.5.

25 (b) A parent who has been allocated a majority of parenting

1 time or either parent who has been allocated equal parenting
2 time may seek to relocate with a child.

3 (c) A parent intending a relocation, as that term is
4 defined in paragraph (1), (2), or (3) of subsection (g) of
5 Section 600 of this Act, must provide written notice of the
6 relocation to the other parent under the parenting plan or
7 allocation judgment. A copy of the notice required under this
8 Section shall be filed with the clerk of the circuit court. The
9 court may waive or seal some or all of the information required
10 in the notice if there is a history of domestic violence.

11 (d) The notice must provide at least 60 days' written
12 notice before the relocation unless such notice is
13 impracticable (in which case written notice shall be given at
14 the earliest date practicable) or unless otherwise ordered by
15 the court. At a minimum, the notice must set forth the
16 following:

17 (1) the intended date of the parent's relocation;

18 (2) the address of the parent's intended new residence,
19 if known; and

20 (3) the length of time the relocation will last, if the
21 relocation is not for an indefinite or permanent period.

22 The court may consider a parent's failure to comply with
23 the notice requirements of this Section without good cause (i)
24 as a factor in determining whether the parent's relocation is
25 in good faith; and (ii) as a basis for awarding reasonable
26 attorney's fees and costs resulting from the parent's failure

1 to comply with these provisions.

2 (e) If the non-relocating parent signs the notice that was
3 provided pursuant to subsection (c) and the relocating parent
4 files the notice with the court, relocation shall be allowed
5 without any further court action. The court shall modify the
6 parenting plan or allocation judgment to accommodate a parent's
7 relocation as agreed by the parents, as long as the agreed
8 modification is in the child's best interests.

9 (f) If the non-relocating parent objects to the relocation,
10 fails to sign the notice provided under subsection (c), or the
11 parents cannot agree on modification of the parenting plan or
12 allocation judgment, the parent seeking relocation must file a
13 petition seeking permission to relocate.

14 (g) The court shall modify the parenting plan or allocation
15 judgment in accordance with the child's best interests. The
16 court shall consider the following factors:

17 (1) the circumstances and reasons for the intended
18 relocation;

19 (2) the reasons, if any, why a parent is objecting to
20 the intended relocation;

21 (3) the history and quality of each parent's
22 relationship with the child and specifically whether a
23 parent has substantially failed or refused to exercise the
24 parental responsibilities allocated to him or her under the
25 parenting plan or allocation judgment;

26 (4) the educational opportunities for the child at the

1 existing location and at the proposed new location;

2 (5) the presence or absence of extended family at the
3 existing location and at the proposed new location;

4 (6) the anticipated impact of the relocation on the
5 child;

6 (7) whether the court will be able to fashion a
7 reasonable allocation of parental responsibilities between
8 all parents if the relocation occurs;

9 (8) the wishes of the child, taking into account the
10 child's maturity and ability to express reasoned and
11 independent preferences as to relocation;

12 (9) possible arrangements for the exercise of parental
13 responsibilities appropriate to the parents' resources and
14 circumstances and the developmental level of the child;

15 (10) minimization of the impairment to a parent-child
16 relationship caused by a parent's relocation; and

17 (11) any other relevant factors bearing on the child's
18 best interests.

19 (h) If a parent moves with the child 25 miles or less from
20 the child's current primary residence to a new primary
21 residence outside Illinois, Illinois continues to be the home
22 state of the child under subsection (c) of Section 202 of the
23 Uniform Child-Custody Jurisdiction and Enforcement Act. Any
24 subsequent move from the new primary residence outside Illinois
25 greater than 25 miles from the child's original primary
26 residence in Illinois must be in compliance with the provisions

1 of this Section.

2 (750 ILCS 5/610.5 new)

3 Sec. 610.5. Modification.

4 (a) Unless by stipulation of the parties or except as
5 provided in subsection (b) of this Section or Section 603.10 of
6 this Act, no motion to modify an order allocating parental
7 responsibilities may be made earlier than 2 years after its
8 date, unless the court permits it to be made on the basis of
9 affidavits that there is reason to believe the child's present
10 environment may endanger seriously his or her mental, moral, or
11 physical health or significantly impair the child's emotional
12 development.

13 (b) A motion to modify an order allocating parental
14 responsibilities may be made at any time by a party who has
15 been informed of the existence of facts requiring notice to be
16 given under Section 609.5 of this Act.

17 (c) Except in a case concerning the modification of any
18 restriction of parental responsibilities under Section 603.10,
19 the court shall modify a parenting plan or allocation judgment
20 when necessary to serve the child's best interests if the court
21 finds, by a preponderance of the evidence, that on the basis of
22 facts that have arisen since the entry of the existing
23 parenting plan or allocation judgment or were not anticipated
24 therein, a substantial change has occurred in the circumstances
25 of the child or of either parent and that a modification is

1 necessary to serve the child's best interests.

2 (d) The court shall modify a parenting plan or allocation
3 judgment in accordance with a parental agreement, unless it
4 finds that the modification is not in the child's best
5 interests.

6 (e) The court may modify a parenting plan or allocation
7 judgment without a showing of changed circumstances if (i) the
8 modification is in the child's best interests; and (ii) any of
9 the following are proven as to the modification:

10 (1) the modification reflects the actual arrangement
11 under which the child has been receiving care, without
12 parental objection, for the 6 months preceding the filing
13 of the petition for modification, provided that the
14 arrangement is not the result of a parent's acquiescence
15 resulting from circumstances that negated the parent's
16 ability to give meaningful consent;

17 (2) the modification constitutes a minor modification
18 in the parenting plan or allocation judgment;

19 (3) the modification is necessary to modify an agreed
20 parenting plan or allocation judgment that the court would
21 not have ordered or approved under Section 602.5 or 602.7
22 had the court been aware of the circumstances at the time
23 of the order or approval; or

24 (4) the parties agree to the modification.

25 (f) Attorney's fees and costs shall be assessed against a
26 party seeking modification if the court finds that the

1 modification action is vexatious or constitutes harassment. If
2 the court finds that a parent has repeatedly filed frivolous
3 motions for modification, the court may bar the parent from
4 filing a motion for modification for a period of time.

5 (750 ILCS 5/801) (from Ch. 40, par. 801)

6 Sec. 801. Application.†

7 (a) This Act applies to all proceedings commenced on or
8 after its effective date.

9 (b) This Act applies to all pending actions and proceedings
10 commenced prior to its effective date with respect to issues on
11 which a judgment has not been entered. Evidence adduced after
12 the effective date of this Act shall be in compliance with this
13 Act.

14 (c) This Act applies to all proceedings commenced after its
15 effective date for the modification of a judgment or order
16 entered prior to the effective date of this Act. ~~Alimony in~~
17 ~~gross or settlements in lieu of alimony provided for in~~
18 ~~judgments entered prior to October 1, 1977 shall not be~~
19 ~~modifiable or terminable as maintenance thereafter.~~

20 (d) In any action or proceeding in which an appeal was
21 pending or a new trial was ordered prior to the effective date
22 of this Act, the law in effect at the time of the order
23 sustaining the appeal or the new trial governs the appeal, the
24 new trial, and any subsequent trial or appeal.

25 (e) On and after the effective date of this amendatory Act

1 of the 99th General Assembly, the term "parenting time" is used
2 in place of "visitation" with respect to time during which a
3 parent is responsible for exercising caretaking functions and
4 non-significant decision-making responsibilities concerning
5 the child. On and after the effective date of this amendatory
6 Act of the 99th General Assembly, the term "parental
7 responsibility" is used in place of "custody" and related terms
8 such as "custodial" and "custodian". It is not the intent of
9 the General Assembly to modify or change the rights arising
10 under any order entered concerning custody or visitation prior
11 to the effective date of this amendatory Act of the 99th
12 General Assembly.

13 (Source: P.A. 82-566.)

14 (750 ILCS 5/406 rep.)

15 (750 ILCS 5/407 rep.)

16 (750 ILCS 5/408 rep.)

17 (750 ILCS 5/412 rep.)

18 (750 ILCS 5/514 rep.)

19 (750 ILCS 5/515 rep.)

20 (750 ILCS 5/516 rep.)

21 (750 ILCS 5/517 rep.)

22 (750 ILCS 5/601 rep.)

23 (750 ILCS 5/601.5 rep.)

24 (750 ILCS 5/602 rep.)

25 (750 ILCS 5/602.1 rep.)

1 (750 ILCS 5/603 rep.)
2 (750 ILCS 5/604 rep.)
3 (750 ILCS 5/604.5 rep.)
4 (750 ILCS 5/605 rep.)
5 (750 ILCS 5/606 rep.)
6 (750 ILCS 5/607 rep.)
7 (750 ILCS 5/607.1 rep.)
8 (750 ILCS 5/608 rep.)
9 (750 ILCS 5/609 rep.)
10 (750 ILCS 5/610 rep.)
11 (750 ILCS 5/611 rep.)
12 (750 ILCS 5/701 rep.)
13 (750 ILCS 5/703 rep.)

14 Section 5-20. The Illinois Marriage and Dissolution of
15 Marriage Act is amended by repealing Sections 406, 407, 408,
16 412, 514, 515, 516, 517, 601, 601.5, 602, 602.1, 603, 604,
17 604.5, 605, 606, 607, 607.1, 608, 609, 610, 611, 701, and 703.

18 Section 5-23. The Uniform Child-Custody Jurisdiction and
19 Enforcement Act is amended by changing Section 202 as follows:

20 (750 ILCS 36/202)

21 Sec. 202. Exclusive, Continuing Jurisdiction.

22 (a) Except as otherwise provided in Section 204, a court of
23 this State which has made a child-custody determination
24 consistent with Section 201 or 203 has exclusive, continuing

1 jurisdiction over the determination until:

2 (1) a court of this State determines that neither the
3 child, the child's parents, and any person acting as a
4 parent do not have a significant connection with this State
5 and that substantial evidence is no longer available in
6 this State concerning the child's care, protection,
7 training, and personal relationships; or

8 (2) a court of this State or a court of another state
9 determines that the child, the child's parents, and any
10 person acting as a parent do not presently reside in this
11 State.

12 (b) A court of this State which has made a child-custody
13 determination and does not have exclusive, continuing
14 jurisdiction under this Section may modify that determination
15 only if it has jurisdiction to make an initial determination
16 under Section 201.

17 (c) A court of this State shall continue to exercise
18 exclusive jurisdiction and be considered the home state of a
19 child if a parent moves with a child under subsection (h) of
20 Section 609.2 of the Illinois Marriage and Dissolution of
21 Marriage Act.

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

23 Section 5-25. The Illinois Domestic Violence Act of 1986 is
24 amended by changing Sections 214 and 223 as follows:

1 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

2 Sec. 214. Order of protection; remedies.

3 (a) Issuance of order. If the court finds that petitioner
4 has been abused by a family or household member or that
5 petitioner is a high-risk adult who has been abused, neglected,
6 or exploited, as defined in this Act, an order of protection
7 prohibiting the abuse, neglect, or exploitation shall issue;
8 provided that petitioner must also satisfy the requirements of
9 one of the following Sections, as appropriate: Section 217 on
10 emergency orders, Section 218 on interim orders, or Section 219
11 on plenary orders. Petitioner shall not be denied an order of
12 protection because petitioner or respondent is a minor. The
13 court, when determining whether or not to issue an order of
14 protection, shall not require physical manifestations of abuse
15 on the person of the victim. Modification and extension of
16 prior orders of protection shall be in accordance with this
17 Act.

18 (b) Remedies and standards. The remedies to be included in
19 an order of protection shall be determined in accordance with
20 this Section and one of the following Sections, as appropriate:
21 Section 217 on emergency orders, Section 218 on interim orders,
22 and Section 219 on plenary orders. The remedies listed in this
23 subsection shall be in addition to other civil or criminal
24 remedies available to petitioner.

25 (1) Prohibition of abuse, neglect, or exploitation.

26 Prohibit respondent's harassment, interference with

1 personal liberty, intimidation of a dependent, physical
2 abuse, or willful deprivation, neglect or exploitation, as
3 defined in this Act, or stalking of the petitioner, as
4 defined in Section 12-7.3 of the Criminal Code of 2012, if
5 such abuse, neglect, exploitation, or stalking has
6 occurred or otherwise appears likely to occur if not
7 prohibited.

8 (2) Grant of exclusive possession of residence.
9 Prohibit respondent from entering or remaining in any
10 residence, household, or premises of the petitioner,
11 including one owned or leased by respondent, if petitioner
12 has a right to occupancy thereof. The grant of exclusive
13 possession of the residence, household, or premises shall
14 not affect title to real property, nor shall the court be
15 limited by the standard set forth in Section 701 of the
16 Illinois Marriage and Dissolution of Marriage Act.

17 (A) Right to occupancy. A party has a right to
18 occupancy of a residence or household if it is solely
19 or jointly owned or leased by that party, that party's
20 spouse, a person with a legal duty to support that
21 party or a minor child in that party's care, or by any
22 person or entity other than the opposing party that
23 authorizes that party's occupancy (e.g., a domestic
24 violence shelter). Standards set forth in subparagraph
25 (B) shall not preclude equitable relief.

26 (B) Presumption of hardships. If petitioner and

1 respondent each has the right to occupancy of a
2 residence or household, the court shall balance (i) the
3 hardships to respondent and any minor child or
4 dependent adult in respondent's care resulting from
5 entry of this remedy with (ii) the hardships to
6 petitioner and any minor child or dependent adult in
7 petitioner's care resulting from continued exposure to
8 the risk of abuse (should petitioner remain at the
9 residence or household) or from loss of possession of
10 the residence or household (should petitioner leave to
11 avoid the risk of abuse). When determining the balance
12 of hardships, the court shall also take into account
13 the accessibility of the residence or household.
14 Hardships need not be balanced if respondent does not
15 have a right to occupancy.

16 The balance of hardships is presumed to favor
17 possession by petitioner unless the presumption is
18 rebutted by a preponderance of the evidence, showing
19 that the hardships to respondent substantially
20 outweigh the hardships to petitioner and any minor
21 child or dependent adult in petitioner's care. The
22 court, on the request of petitioner or on its own
23 motion, may order respondent to provide suitable,
24 accessible, alternate housing for petitioner instead
25 of excluding respondent from a mutual residence or
26 household.

1 (3) Stay away order and additional prohibitions. Order
2 respondent to stay away from petitioner or any other person
3 protected by the order of protection, or prohibit
4 respondent from entering or remaining present at
5 petitioner's school, place of employment, or other
6 specified places at times when petitioner is present, or
7 both, if reasonable, given the balance of hardships.
8 Hardships need not be balanced for the court to enter a
9 stay away order or prohibit entry if respondent has no
10 right to enter the premises.

11 (A) If an order of protection grants petitioner
12 exclusive possession of the residence, or prohibits
13 respondent from entering the residence, or orders
14 respondent to stay away from petitioner or other
15 protected persons, then the court may allow respondent
16 access to the residence to remove items of clothing and
17 personal adornment used exclusively by respondent,
18 medications, and other items as the court directs. The
19 right to access shall be exercised on only one occasion
20 as the court directs and in the presence of an
21 agreed-upon adult third party or law enforcement
22 officer.

23 (B) When the petitioner and the respondent attend
24 the same public, private, or non-public elementary,
25 middle, or high school, the court when issuing an order
26 of protection and providing relief shall consider the

1 severity of the act, any continuing physical danger or
2 emotional distress to the petitioner, the educational
3 rights guaranteed to the petitioner and respondent
4 under federal and State law, the availability of a
5 transfer of the respondent to another school, a change
6 of placement or a change of program of the respondent,
7 the expense, difficulty, and educational disruption
8 that would be caused by a transfer of the respondent to
9 another school, and any other relevant facts of the
10 case. The court may order that the respondent not
11 attend the public, private, or non-public elementary,
12 middle, or high school attended by the petitioner,
13 order that the respondent accept a change of placement
14 or change of program, as determined by the school
15 district or private or non-public school, or place
16 restrictions on the respondent's movements within the
17 school attended by the petitioner. The respondent
18 bears the burden of proving by a preponderance of the
19 evidence that a transfer, change of placement, or
20 change of program of the respondent is not available.
21 The respondent also bears the burden of production with
22 respect to the expense, difficulty, and educational
23 disruption that would be caused by a transfer of the
24 respondent to another school. A transfer, change of
25 placement, or change of program is not unavailable to
26 the respondent solely on the ground that the respondent

1 does not agree with the school district's or private or
2 non-public school's transfer, change of placement, or
3 change of program or solely on the ground that the
4 respondent fails or refuses to consent or otherwise
5 does not take an action required to effectuate a
6 transfer, change of placement, or change of program.
7 When a court orders a respondent to stay away from the
8 public, private, or non-public school attended by the
9 petitioner and the respondent requests a transfer to
10 another attendance center within the respondent's
11 school district or private or non-public school, the
12 school district or private or non-public school shall
13 have sole discretion to determine the attendance
14 center to which the respondent is transferred. In the
15 event the court order results in a transfer of the
16 minor respondent to another attendance center, a
17 change in the respondent's placement, or a change of
18 the respondent's program, the parents, guardian, or
19 legal custodian of the respondent is responsible for
20 transportation and other costs associated with the
21 transfer or change.

22 (C) The court may order the parents, guardian, or
23 legal custodian of a minor respondent to take certain
24 actions or to refrain from taking certain actions to
25 ensure that the respondent complies with the order. In
26 the event the court orders a transfer of the respondent

1 to another school, the parents, guardian, or legal
2 custodian of the respondent is responsible for
3 transportation and other costs associated with the
4 change of school by the respondent.

5 (4) Counseling. Require or recommend the respondent to
6 undergo counseling for a specified duration with a social
7 worker, psychologist, clinical psychologist, psychiatrist,
8 family service agency, alcohol or substance abuse program,
9 mental health center guidance counselor, agency providing
10 services to elders, program designed for domestic violence
11 abusers or any other guidance service the court deems
12 appropriate. The Court may order the respondent in any
13 intimate partner relationship to report to an Illinois
14 Department of Human Services protocol approved partner
15 abuse intervention program for an assessment and to follow
16 all recommended treatment.

17 (5) Physical care and possession of the minor child. In
18 order to protect the minor child from abuse, neglect, or
19 unwarranted separation from the person who has been the
20 minor child's primary caretaker, or to otherwise protect
21 the well-being of the minor child, the court may do either
22 or both of the following: (i) grant petitioner physical
23 care or possession of the minor child, or both, or (ii)
24 order respondent to return a minor child to, or not remove
25 a minor child from, the physical care of a parent or person
26 in loco parentis.

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

6 (6) Temporary allocation of parental responsibilities:
7 significant decision-making ~~legal custody~~. Award temporary
8 decision-making responsibility ~~legal custody~~ to petitioner
9 in accordance with this Section, the Illinois Marriage and
10 Dissolution of Marriage Act, the Illinois Parentage Act of
11 1984, and this State's Uniform Child-Custody Jurisdiction
12 and Enforcement Act.

13 If a court finds, after a hearing, that respondent has
14 committed abuse (as defined in Section 103) of a minor
15 child, there shall be a rebuttable presumption that
16 awarding temporary significant decision-making
17 responsibility ~~legal custody~~ to respondent would not be in
18 the child's best interest.

19 (7) Parenting time ~~Visitation~~. Determine the parenting
20 time ~~visitation rights~~, if any, of respondent in any case
21 in which the court awards physical care or allocates
22 temporary significant decision-making responsibility ~~legal~~
23 ~~custody~~ of a minor child to petitioner. The court shall
24 restrict or deny respondent's parenting time ~~visitation~~
25 with a minor child if the court finds that respondent has
26 done or is likely to do any of the following: (i) abuse or

1 endanger the minor child during parenting time ~~visitation~~;
2 (ii) use the parenting time ~~visitation~~ as an opportunity to
3 abuse or harass petitioner or petitioner's family or
4 household members; (iii) improperly conceal or detain the
5 minor child; or (iv) otherwise act in a manner that is not
6 in the best interests of the minor child. The court shall
7 not be limited by the standards set forth in Section 603.10
8 ~~607.1~~ of the Illinois Marriage and Dissolution of Marriage
9 Act. If the court grants parenting time ~~visitation~~, the
10 order shall specify dates and times for the parenting time
11 ~~visitation~~ to take place or other specific parameters or
12 conditions that are appropriate. No order for parenting
13 time ~~visitation~~ shall refer merely to the term "reasonable
14 parenting time ~~visitation~~".

15 Petitioner may deny respondent access to the minor
16 child if, when respondent arrives for parenting time
17 ~~visitation~~, respondent is under the influence of drugs or
18 alcohol and constitutes a threat to the safety and
19 well-being of petitioner or petitioner's minor children or
20 is behaving in a violent or abusive manner.

21 If necessary to protect any member of petitioner's
22 family or household from future abuse, respondent shall be
23 prohibited from coming to petitioner's residence to meet
24 the minor child for parenting time ~~visitation~~, and the
25 parties shall submit to the court their recommendations for
26 reasonable alternative arrangements for parenting time

1 ~~visitation~~. A person may be approved to supervise parenting
2 time ~~visitation~~ only after filing an affidavit accepting
3 that responsibility and acknowledging accountability to
4 the court.

5 (8) Removal or concealment of minor child. Prohibit
6 respondent from removing a minor child from the State or
7 concealing the child within the State.

8 (9) Order to appear. Order the respondent to appear in
9 court, alone or with a minor child, to prevent abuse,
10 neglect, removal or concealment of the child, to return the
11 child to the custody or care of the petitioner or to permit
12 any court-ordered interview or examination of the child or
13 the respondent.

14 (10) Possession of personal property. Grant petitioner
15 exclusive possession of personal property and, if
16 respondent has possession or control, direct respondent to
17 promptly make it available to petitioner, if:

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

20 (ii) the parties own the property jointly; sharing
21 it would risk abuse of petitioner by respondent or is
22 impracticable; and the balance of hardships favors
23 temporary possession by petitioner.

24 If petitioner's sole claim to ownership of the property
25 is that it is marital property, the court may award
26 petitioner temporary possession thereof under the

1 standards of subparagraph (ii) of this paragraph only if a
2 proper proceeding has been filed under the Illinois
3 Marriage and Dissolution of Marriage Act, as now or
4 hereafter amended.

5 No order under this provision shall affect title to
6 property.

7 (11) Protection of property. Forbid the respondent
8 from taking, transferring, encumbering, concealing,
9 damaging or otherwise disposing of any real or personal
10 property, except as explicitly authorized by the court, if:

11 (i) petitioner, but not respondent, owns the
12 property; or

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

15 If petitioner's sole claim to ownership of the property
16 is that it is marital property, the court may grant
17 petitioner relief under subparagraph (ii) of this
18 paragraph only if a proper proceeding has been filed under
19 the Illinois Marriage and Dissolution of Marriage Act, as
20 now or hereafter amended.

21 The court may further prohibit respondent from
22 improperly using the financial or other resources of an
23 aged member of the family or household for the profit or
24 advantage of respondent or of any other person.

25 (11.5) Protection of animals. Grant the petitioner the
26 exclusive care, custody, or control of any animal owned,

1 possessed, leased, kept, or held by either the petitioner
2 or the respondent or a minor child residing in the
3 residence or household of either the petitioner or the
4 respondent and order the respondent to stay away from the
5 animal and forbid the respondent from taking,
6 transferring, encumbering, concealing, harming, or
7 otherwise disposing of the animal.

8 (12) Order for payment of support. Order respondent to
9 pay temporary support for the petitioner or any child in
10 the petitioner's care or over whom the petitioner has been
11 allocated parental responsibility ~~custody~~, when the
12 respondent has a legal obligation to support that person,
13 in accordance with the Illinois Marriage and Dissolution of
14 Marriage Act, which shall govern, among other matters, the
15 amount of support, payment through the clerk and
16 withholding of income to secure payment. An order for child
17 support may be granted to a petitioner with lawful physical
18 care ~~or custody~~ of a child, or an order or agreement for
19 physical care of a child ~~or custody~~, prior to entry of an
20 order allocating significant decision-making
21 responsibility ~~for legal custody~~. Such a support order
22 shall expire upon entry of a valid order allocating
23 parental responsibility differently and vacating the
24 petitioner's significant decision-making authority
25 ~~granting legal custody to another~~, unless otherwise
26 provided in the ~~custody~~ order.

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

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

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

26 (14) Prohibition of entry. Prohibit the respondent

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

5 (14.5) Prohibition of firearm possession.

6 (a) Prohibit a respondent against whom an order of
7 protection was issued from possessing any firearms
8 during the duration of the order if the order:

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

12 (2) restrains such person from harassing,
13 stalking, or threatening an intimate partner of
14 such person or child of such intimate partner or
15 person, or engaging in other conduct that would
16 place an intimate partner in reasonable fear of
17 bodily injury to the partner or child; and

18 (3)(i) includes a finding that such person
19 represents a credible threat to the physical
20 safety of such intimate partner or child; or (ii)
21 by its terms explicitly prohibits the use,
22 attempted use, or threatened use of physical force
23 against such intimate partner or child that would
24 reasonably be expected to cause bodily injury.

25 Any Firearm Owner's Identification Card in the
26 possession of the respondent, except as provided in

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

18 (b) If the respondent is a peace officer as defined
19 in Section 2-13 of the Criminal Code of 2012, the court
20 shall order that any firearms used by the respondent in
21 the performance of his or her duties as a peace officer
22 be surrendered to the chief law enforcement executive
23 of the agency in which the respondent is employed, who
24 shall retain the firearms for safekeeping for the
25 duration of the order of protection.

26 (c) Upon expiration of the period of safekeeping,

1 if the firearms or Firearm Owner's Identification Card
2 cannot be returned to respondent because respondent
3 cannot be located, fails to respond to requests to
4 retrieve the firearms, or is not lawfully eligible to
5 possess a firearm, upon petition from the local law
6 enforcement agency, the court may order the local law
7 enforcement agency to destroy the firearms, use the
8 firearms for training purposes, or for any other
9 application as deemed appropriate by the local law
10 enforcement agency; or that the firearms be turned over
11 to a third party who is lawfully eligible to possess
12 firearms, and who does not reside with respondent.

13 (15) Prohibition of access to records. If an order of
14 protection prohibits respondent from having contact with
15 the minor child, or if petitioner's address is omitted
16 under subsection (b) of Section 203, or if necessary to
17 prevent abuse or wrongful removal or concealment of a minor
18 child, the order shall deny respondent access to, and
19 prohibit respondent from inspecting, obtaining, or
20 attempting to inspect or obtain, school or any other
21 records of the minor child who is in the care of
22 petitioner.

23 (16) Order for payment of shelter services. Order
24 respondent to reimburse a shelter providing temporary
25 housing and counseling services to the petitioner for the
26 cost of the services, as certified by the shelter and

1 deemed reasonable by the court.

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

12 (c) Relevant factors; findings.

13 (1) In determining whether to grant a specific remedy,
14 other than payment of support, the court shall consider
15 relevant factors, including but not limited to the
16 following:

17 (i) the nature, frequency, severity, pattern and
18 consequences of the respondent's past abuse, neglect
19 or exploitation of the petitioner or any family or
20 household member, including the concealment of his or
21 her location in order to evade service of process or
22 notice, and the likelihood of danger of future abuse,
23 neglect, or exploitation to petitioner or any member of
24 petitioner's or respondent's family or household; and

25 (ii) the danger that any minor child will be abused
26 or neglected or improperly relocated ~~removed~~ from the

1 jurisdiction, improperly concealed within the State or
2 improperly separated from the child's primary
3 caretaker.

4 (2) In comparing relative hardships resulting to the
5 parties from loss of possession of the family home, the
6 court shall consider relevant factors, including but not
7 limited to the following:

8 (i) availability, accessibility, cost, safety,
9 adequacy, location and other characteristics of
10 alternate housing for each party and any minor child or
11 dependent adult in the party's care;

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

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

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

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

23 (ii) Whether the conduct or actions of respondent,
24 unless prohibited, will likely cause irreparable harm
25 or continued abuse.

26 (iii) Whether it is necessary to grant the

1 requested relief in order to protect petitioner or
2 other alleged abused persons.

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

8 When a verified petition for an emergency order of
9 protection in accordance with the requirements of Sections
10 203 and 217 is presented to the court, the court shall
11 examine petitioner on oath or affirmation. An emergency
12 order of protection shall be issued by the court if it
13 appears from the contents of the petition and the
14 examination of petitioner that the averments are
15 sufficient to indicate abuse by respondent and to support
16 the granting of relief under the issuance of the emergency
17 order of protection.

18 (5) Never married parties. No rights or
19 responsibilities for a minor child born outside of marriage
20 attach to a putative father until a father and child
21 relationship has been established under the Illinois
22 Parentage Act of 1984, the Illinois Public Aid Code,
23 Section 12 of the Vital Records Act, the Juvenile Court Act
24 of 1987, the Probate Act of 1985, the Revised Uniform
25 Reciprocal Enforcement of Support Act, the Uniform
26 Interstate Family Support Act, the Expedited Child Support

1 Act of 1990, any judicial, administrative, or other act of
2 another state or territory, any other Illinois statute, or
3 by any foreign nation establishing the father and child
4 relationship, any other proceeding substantially in
5 conformity with the Personal Responsibility and Work
6 Opportunity Reconciliation Act of 1996 (Pub. L. 104-193),
7 or where both parties appeared in open court or at an
8 administrative hearing acknowledging under oath or
9 admitting by affirmation the existence of a father and
10 child relationship. Absent such an adjudication, finding,
11 or acknowledgement, no putative father shall be granted
12 temporary allocation of parental responsibilities,
13 including parenting time ~~custody of the minor child,~~
14 ~~visitation~~ with the minor child, or physical care and
15 possession of the minor child, nor shall an order of
16 payment for support of the minor child be entered.

17 (d) Balance of hardships; findings. If the court finds that
18 the balance of hardships does not support the granting of a
19 remedy governed by paragraph (2), (3), (10), (11), or (16) of
20 subsection (b) of this Section, which may require such
21 balancing, the court's findings shall so indicate and shall
22 include a finding as to whether granting the remedy will result
23 in hardship to respondent that would substantially outweigh the
24 hardship to petitioner from denial of the remedy. The findings
25 shall be an official record or in writing.

26 (e) Denial of remedies. Denial of any remedy shall not be

1 based, in whole or in part, on evidence that:

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

5 (2) Respondent was voluntarily intoxicated;

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

10 (4) Petitioner did not act in self-defense or defense
11 of another;

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

14 (6) Petitioner did not leave the residence or household
15 to avoid further abuse, neglect, or exploitation by
16 respondent;

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

22 (Source: P.A. 96-701, eff. 1-1-10; 96-1239, eff. 1-1-11;
23 97-158, eff. 1-1-12; 97-294, eff. 1-1-12; 97-813, eff. 7-13-12;
24 97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13.)

25 (750 ILCS 60/223) (from Ch. 40, par. 2312-23)

1 Sec. 223. Enforcement of orders of protection.

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

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

9 (i) remedies described in paragraphs (1), (2),
10 (3), (14), or (14.5) of subsection (b) of Section 214
11 of this Act; or

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

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

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

25 (2) The respondent commits the crime of child abduction
26 pursuant to Section 10-5 of the Criminal Code of 1961 or

1 the Criminal Code of 2012, by having knowingly violated:

2 (i) remedies described in paragraphs (5), (6) or
3 (8) of subsection (b) of Section 214 of this Act; or

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

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

23 (1) In a contempt proceeding where the petition for a
24 rule to show cause sets forth facts evidencing an immediate
25 danger that the respondent will flee the jurisdiction,
26 conceal a child, or inflict physical abuse on the

1 petitioner or minor children or on dependent adults in
2 petitioner's care, the court may order the attachment of
3 the respondent without prior service of the rule to show
4 cause or the petition for a rule to show cause. Bond shall
5 be set unless specifically denied in writing.

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

9 (b-1) The court shall not hold a school district or private
10 or non-public school or any of its employees in civil or
11 criminal contempt unless the school district or private or
12 non-public school has been allowed to intervene.

13 (b-2) The court may hold the parents, guardian, or legal
14 custodian of a minor respondent in civil or criminal contempt
15 for a violation of any provision of any order entered under
16 this Act for conduct of the minor respondent in violation of
17 this Act if the parents, guardian, or legal custodian directed,
18 encouraged, or assisted the respondent minor in such conduct.

19 (c) Violation of custody or support orders or temporary or
20 final judgments allocating parental responsibilities. A
21 violation of remedies described in paragraphs (5), (6), (8), or
22 (9) of subsection (b) of Section 214 of this Act may be
23 enforced by any remedy provided by Section 607.5 ~~611~~ of the
24 Illinois Marriage and Dissolution of Marriage Act. The court
25 may enforce any order for support issued under paragraph (12)
26 of subsection (b) of Section 214 in the manner provided for

1 under Parts V and VII of the Illinois Marriage and Dissolution
2 of Marriage Act.

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

7 (1) By service, delivery, or notice under Section 210.

8 (2) By notice under Section 210.1 or 211.

9 (3) By service of an order of protection under Section
10 222.

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

13 (e) The enforcement of an order of protection in civil or
14 criminal court shall not be affected by either of the
15 following:

16 (1) The existence of a separate, correlative order,
17 entered under Section 215.

18 (2) Any finding or order entered in a conjoined
19 criminal proceeding.

20 (f) Circumstances. The court, when determining whether or
21 not a violation of an order of protection has occurred, shall
22 not require physical manifestations of abuse on the person of
23 the victim.

24 (g) Penalties.

25 (1) Except as provided in paragraph (3) of this
26 subsection, where the court finds the commission of a crime

1 or contempt of court under subsections (a) or (b) of this
2 Section, the penalty shall be the penalty that generally
3 applies in such criminal or contempt proceedings, and may
4 include one or more of the following: incarceration,
5 payment of restitution, a fine, payment of attorneys' fees
6 and costs, or community service.

7 (2) The court shall hear and take into account evidence
8 of any factors in aggravation or mitigation before deciding
9 an appropriate penalty under paragraph (1) of this
10 subsection.

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

13 (i) increase the penalty for the knowing violation
14 of any order of protection over any penalty previously
15 imposed by any court for respondent's violation of any
16 order of protection or penal statute involving
17 petitioner as victim and respondent as defendant;

18 (ii) impose a minimum penalty of 24 hours
19 imprisonment for respondent's first violation of any
20 order of protection; and

21 (iii) impose a minimum penalty of 48 hours
22 imprisonment for respondent's second or subsequent
23 violation of an order of protection

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

26 (4) In addition to any other penalties imposed for a

1 violation of an order of protection, a criminal court may
2 consider evidence of any violations of an order of
3 protection:

4 (i) to increase, revoke or modify the bail bond on
5 an underlying criminal charge pursuant to Section
6 110-6 of the Code of Criminal Procedure of 1963;

7 (ii) to revoke or modify an order of probation,
8 conditional discharge or supervision, pursuant to
9 Section 5-6-4 of the Unified Code of Corrections;

10 (iii) to revoke or modify a sentence of periodic
11 imprisonment, pursuant to Section 5-7-2 of the Unified
12 Code of Corrections.

13 (5) In addition to any other penalties, the court shall
14 impose an additional fine of \$20 as authorized by Section
15 5-9-1.11 of the Unified Code of Corrections upon any person
16 convicted of or placed on supervision for a violation of an
17 order of protection. The additional fine shall be imposed
18 for each violation of this Section.

19 (Source: P.A. 96-1551, eff. 7-1-11; 97-294, eff. 1-1-12;
20 97-1150, eff. 1-25-13.)

21 Section 5-30. The Probate Act of 1975 is amended by
22 changing Section 11-7.1 as follows:

23 (755 ILCS 5/11-7.1) (from Ch. 110 1/2, par. 11-7.1)

24 Sec. 11-7.1. Visitation rights.

1 (a) Whenever both ~~natural or adoptive~~ parents of a minor
2 are deceased, visitation rights shall be granted to the
3 grandparents of the minor who are the parents of the minor's
4 legal parents unless it is shown that such visitation would be
5 detrimental to the best interests and welfare of the minor. In
6 the discretion of the court, reasonable visitation rights may
7 be 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 visitation privileges to any person who
10 otherwise might have visitation privileges under this Section
11 where the minor has been adopted subsequent to the death of
12 both his legal parents except where such adoption is by a close
13 relative. For the purpose of this Section, "close relative"
14 shall include, but not be limited to, a grandparent, aunt,
15 uncle, first cousin, or adult brother or sister.

16 Where such adoption is by a close relative, the court shall
17 not grant visitation privileges under this Section unless the
18 petitioner alleges and proves that he or she has been
19 unreasonably denied visitation with the child. The court may
20 grant reasonable visitation privileges upon finding that such
21 visitation would be in the best interest of the child.

22 An order denying visitation rights to grandparents of the
23 minor shall be in writing and shall state the reasons for
24 denial. An order denying visitation rights is a final order for
25 purposes of appeal.

26 (b) Unless the court determines, after considering all

1 relevant factors, including but not limited to those set forth
2 in Section 602.7 ~~602(a)~~ of the Illinois Marriage and
3 Dissolution of Marriage Act, that it would be in the best
4 interests of the child to allow visitation, the court shall not
5 enter an order providing visitation rights and pursuant to a
6 motion to modify visitation brought under Section 610.5 ~~607(f)~~
7 of the Illinois Marriage and Dissolution of Marriage Act shall
8 revoke visitation rights previously granted to any person who
9 would otherwise be entitled to petition for visitation rights
10 under this Section who has been convicted of first degree
11 murder of the parent, grandparent, great-grandparent, or
12 sibling of the child who is the subject of the order. Until an
13 order is entered pursuant to this subsection, no person shall
14 visit, with the child present, a person who has been convicted
15 of first degree murder of the parent, grandparent,
16 great-grandparent, or sibling of the child without the consent
17 of the child's parent, other than a parent convicted of first
18 degree murder as set forth herein, or legal guardian.

19 (Source: P.A. 90-801, eff. 6-1-99.)

1		INDEX
2		Statutes amended in order of appearance
3	735 ILCS 5/13-202	from Ch. 110, par. 13-202
4	740 ILCS 5/Act title	
5	740 ILCS 5/0.01	from Ch. 40, par. 1900
6	740 ILCS 5/7.1 new	
7	740 ILCS 5/1 rep.	
8	740 ILCS 5/2 rep.	
9	740 ILCS 5/3 rep.	
10	740 ILCS 5/4 rep.	
11	740 ILCS 5/5 rep.	
12	740 ILCS 5/6 rep.	
13	740 ILCS 5/7 rep.	
14	740 ILCS 15/0.01	from Ch. 40, par. 1800
15	740 ILCS 15/10.1 new	
16	740 ILCS 15/1 rep.	
17	740 ILCS 15/2 rep.	
18	740 ILCS 15/3 rep.	
19	740 ILCS 15/4 rep.	
20	740 ILCS 15/5 rep.	
21	740 ILCS 15/6 rep.	
22	740 ILCS 15/7 rep.	
23	740 ILCS 15/8 rep.	
24	740 ILCS 15/9 rep.	
25	740 ILCS 15/10 rep.	

1	740 ILCS 50/Act title	
2	740 ILCS 50/0.01	from Ch. 40, par. 1950
3	740 ILCS 50/7.1 new	
4	740 ILCS 50/1 rep.	
5	740 ILCS 50/2 rep.	
6	740 ILCS 50/3 rep.	
7	740 ILCS 50/4 rep.	
8	740 ILCS 50/5 rep.	
9	740 ILCS 50/6 rep.	
10	740 ILCS 50/7 rep.	
11	325 ILCS 40/7.1	from Ch. 23, par. 2257.1
12	725 ILCS 5/112A-23	from Ch. 38, par. 112A-23
13	750 ILCS 5/102	from Ch. 40, par. 102
14	750 ILCS 5/104	from Ch. 40, par. 104
15	750 ILCS 5/105	from Ch. 40, par. 105
16	750 ILCS 5/107	from Ch. 40, par. 107
17	750 ILCS 5/209	from Ch. 40, par. 209
18	750 ILCS 5/219	from Ch. 40, par. 219
19	750 ILCS 5/304	from Ch. 40, par. 304
20	750 ILCS 5/401	from Ch. 40, par. 401
21	750 ILCS 5/402	from Ch. 40, par. 402
22	750 ILCS 5/403	from Ch. 40, par. 403
23	750 ILCS 5/404	from Ch. 40, par. 404
24	750 ILCS 5/405	from Ch. 40, par. 405
25	750 ILCS 5/409	from Ch. 40, par. 409
26	750 ILCS 5/411	from Ch. 40, par. 411

1	750 ILCS 5/413	from Ch. 40, par. 413
2	750 ILCS 5/452	
3	750 ILCS 5/453	
4	750 ILCS 5/501	from Ch. 40, par. 501
5	750 ILCS 5/501.1	from Ch. 40, par. 501.1
6	750 ILCS 5/502	from Ch. 40, par. 502
7	750 ILCS 5/503	from Ch. 40, par. 503
8	750 ILCS 5/504	from Ch. 40, par. 504
9	750 ILCS 5/505	from Ch. 40, par. 505
10	750 ILCS 5/506	from Ch. 40, par. 506
11	750 ILCS 5/508	from Ch. 40, par. 508
12	750 ILCS 5/509	from Ch. 40, par. 509
13	750 ILCS 5/510	from Ch. 40, par. 510
14	750 ILCS 5/512	from Ch. 40, par. 512
15	750 ILCS 5/513	from Ch. 40, par. 513
16	750 ILCS 5/513.5 new	
17	750 ILCS 5/Pt. VI heading	
18	750 ILCS 5/600 new	
19	750 ILCS 5/601.2 new	
20	750 ILCS 5/602.3	
21	750 ILCS 5/602.5 new	
22	750 ILCS 5/602.7 new	
23	750 ILCS 5/602.8 new	
24	750 ILCS 5/602.9 new	
25	750 ILCS 5/602.10 new	
26	750 ILCS 5/603.5 new	

- 1 750 ILCS 5/603.10 new
- 2 750 ILCS 5/604.10 new
- 3 750 ILCS 5/606.5 new
- 4 750 ILCS 5/606.10 new
- 5 750 ILCS 5/607.5 new
- 6 750 ILCS 5/609.2 new
- 7 750 ILCS 5/610.5 new
- 8 750 ILCS 5/801
- 9 750 ILCS 5/406 rep.
- 10 750 ILCS 5/407 rep.
- 11 750 ILCS 5/408 rep.
- 12 750 ILCS 5/412 rep.
- 13 750 ILCS 5/514 rep.
- 14 750 ILCS 5/515 rep.
- 15 750 ILCS 5/516 rep.
- 16 750 ILCS 5/517 rep.
- 17 750 ILCS 5/601 rep.
- 18 750 ILCS 5/601.5 rep.
- 19 750 ILCS 5/602 rep.
- 20 750 ILCS 5/602.1 rep.
- 21 750 ILCS 5/603 rep.
- 22 750 ILCS 5/604 rep.
- 23 750 ILCS 5/604.5 rep.
- 24 750 ILCS 5/605 rep.
- 25 750 ILCS 5/606 rep.
- 26 750 ILCS 5/607 rep.

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- 1 750 ILCS 5/607.1 rep.
- 2 750 ILCS 5/608 rep.
- 3 750 ILCS 5/609 rep.
- 4 750 ILCS 5/610 rep.
- 5 750 ILCS 5/611 rep.
- 6 750 ILCS 5/701 rep.
- 7 750 ILCS 5/703 rep.
- 8 750 ILCS 36/202
- 9 750 ILCS 60/214 from Ch. 40, par. 2312-14
- 10 750 ILCS 60/223 from Ch. 40, par. 2312-23
- 11 755 ILCS 5/11-7.1 from Ch. 110 1/2, par. 11-7.1