



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3584

Introduced 2/18/2025, by Rep. Kevin John Olickal

SYNOPSIS AS INTRODUCED:

750 ILCS 5/510

from Ch. 40, par. 510

Amends the Illinois Marriage and Dissolution of Marriage Act. Provides that any obligor paying child support under the Act must annually notify the obligee, in writing, if the obligor's adjusted net income has increased by 10% or more in the obligor's most recent federal tax return. Provides that if the obligor fails to do so, and the obligee files a petition to modify child support, the court must consider that failure to notify as a substantial change in circumstances and also award the obligee attorney's fees and costs for bringing this petition. Provides that the changes made to the amendatory Act of the 104th General Assembly apply to federal tax returns filed on or after the effective date of the Act. Effective immediately.

LRB104 10259 JRC 20333 b

1 AN ACT concerning civil law.

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

4 Section 5. The Illinois Marriage and Dissolution of
5 Marriage Act is amended by changing Section 510 as follows:

6 (750 ILCS 5/510) (from Ch. 40, par. 510)

7 Sec. 510. Modification and termination of provisions for
8 maintenance, support, educational expenses, and property
9 disposition.

10 (a) Except as otherwise provided in paragraph (f) of
11 Section 502 and in subsection (b), clause (3) of Section
12 505.2, the provisions of any judgment respecting maintenance
13 or support may be modified only as to installments accruing
14 subsequent to due notice by the moving party of the filing of
15 the motion for modification. An order for child support may be
16 modified as follows:

17 (1) upon a showing of a substantial change in
18 circumstances. Contemplation or foreseeability of future
19 events shall not be considered as a factor or used as a
20 defense in determining whether a substantial change in
21 circumstances is shown, unless the future event is
22 expressly specified in the court's order or the agreement
23 of the parties incorporated into a court order. The

1 parties may expressly specify in the agreement
2 incorporated into a court order or the court may expressly
3 specify in the order that the occurrence of a specific
4 future event is contemplated and will not constitute a
5 substantial change in circumstances to warrant
6 modification of the order; and

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

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

18 (B) upon a showing of a need to provide for the
19 health care needs of the child under the order through
20 health insurance or other means.

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

1 The court may grant a petition for modification that seeks
2 to apply the changes made to subsection (a) of Section 505 by
3 Public Act 99-764 to an order entered before the effective
4 date of Public Act 99-764 only upon a finding of a substantial
5 change in circumstances that warrants application of the
6 changes. The enactment of Public Act 99-764 itself does not
7 constitute a substantial change in circumstances warranting a
8 modification.

9 Any obligor paying child support under this Act must
10 annually notify the obligee, in writing, if the obligor's
11 adjusted net income has increased by 10% or more in the
12 obligor's most recent federal tax return. If the obligor fails
13 to do so, and the obligee files a petition to modify child
14 support, the court must consider that failure to notify as a
15 substantial change in circumstances and also award the obligee
16 attorney's fees and costs for bringing this petition. The
17 changes made to this amendatory Act of the 104th General
18 Assembly apply to federal tax returns filed on or after the
19 effective date of this Act.

20 (a-5) An order for maintenance may be modified or
21 terminated only upon a showing of a substantial change in
22 circumstances. Contemplation or foreseeability of future
23 events shall not be considered as a factor or used as a defense
24 in determining whether a substantial change in circumstances
25 is shown, unless the future event is expressly specified in
26 the court's order or the agreement of the parties incorporated

1 into a court order. The parties may expressly specify in the
2 agreement incorporated into a court order or the court may
3 expressly specify in the order that the occurrence of a
4 specific future event is contemplated and will not constitute
5 a substantial change in circumstances to warrant modification
6 of the order. The court may grant a petition for modification
7 that seeks to apply the changes made to Section 504 by this
8 amendatory Act of the 100th General Assembly to an order
9 entered before the effective date of this amendatory Act of
10 the 100th General Assembly only upon a finding of a
11 substantial change in circumstances that warrants application
12 of the changes. The enactment of this amendatory Act of the
13 100th General Assembly itself does not constitute a
14 substantial change in circumstances warranting a modification.
15 In all such proceedings, as well as in proceedings in which
16 maintenance is being reviewed, the court shall consider the
17 applicable factors set forth in subsection (a) of Section 504
18 and the following factors:

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

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

24 (3) any impairment of the present and future earning
25 capacity of either party;

26 (4) the tax consequences of the maintenance payments

1 upon the respective economic circumstances of the parties;

2 (5) the duration of the maintenance payments
3 previously paid (and remaining to be paid) relative to the
4 length of the marriage;

5 (6) the property, including retirement benefits,
6 awarded to each party under the judgment of dissolution of
7 marriage, judgment of legal separation, or judgment of
8 declaration of invalidity of marriage and the present
9 status of the property;

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

13 (8) the property acquired and currently owned by each
14 party after the entry of the judgment of dissolution of
15 marriage, judgment of legal separation, or judgment of
16 declaration of invalidity of marriage; and

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

19 (a-6) (Blank).

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

24 (c) Unless otherwise agreed by the parties in a written
25 agreement set forth in the judgment or otherwise approved by
26 the court, the obligation to pay future maintenance is

1 terminated upon the death of either party, or the remarriage
2 of the party receiving maintenance, or if the party receiving
3 maintenance cohabits with another person on a resident,
4 continuing conjugal basis. An obligor's obligation to pay
5 maintenance or unallocated maintenance terminates by operation
6 of law on the date the obligee remarries or the date the court
7 finds cohabitation began. The obligor is entitled to
8 reimbursement for all maintenance paid from that date forward.
9 Any termination of an obligation for maintenance as a result
10 of the death of the obligor, however, shall be inapplicable to
11 any right of the other party or such other party's designee to
12 receive a death benefit under such insurance on the obligor's
13 life. An obligee must advise the obligor of his or her
14 intention to marry at least 30 days before the remarriage,
15 unless the decision is made within this time period. In that
16 event, he or she must notify the obligor within 72 hours of
17 getting married.

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

22 (d) Unless otherwise provided in this Act, or as agreed in
23 writing or expressly provided in the judgment, provisions for
24 the support of a child are terminated by emancipation of the
25 child, or if the child has attained the age of 18 and is still
26 attending high school, provisions for the support of the child

1 are terminated upon the date that the child graduates from
2 high school or the date the child attains the age of 19,
3 whichever is earlier, but not by the death of a parent
4 obligated to support or educate the child. An existing
5 obligation to pay for support or educational expenses, or
6 both, is not terminated by the death of a parent. When a parent
7 obligated to pay support or educational expenses, or both,
8 dies, the amount of support or educational expenses, or both,
9 may be enforced, modified, revoked or commuted to a lump sum
10 payment, as equity may require, and that determination may be
11 provided for at the time of the dissolution of the marriage or
12 thereafter.

13 (e) The right to petition for support or educational
14 expenses, or both, under Sections 505, 513, and 513.5 is not
15 extinguished by the death of a parent. Upon a petition filed
16 before or after a parent's death, the court may award sums of
17 money out of the decedent's estate for the child's support or
18 educational expenses, or both, as equity may require. The time
19 within which a claim may be filed against the estate of a
20 decedent under Sections 505 and 513 and subsection (d) and
21 this subsection shall be governed by the provisions of the
22 Probate Act of 1975, as a barrable, noncontingent claim.

23 (f) A petition to modify or terminate child support or the
24 allocation of parental responsibilities, including parenting
25 time, shall not delay any child support enforcement litigation
26 or supplementary proceeding on behalf of the obligee,

1 including, but not limited to, a petition for a rule to show
2 cause, for non-wage garnishment, or for a restraining order.

3 (Source: P.A. 102-541, eff. 8-20-21; 102-823, eff. 5-13-22.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.