



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5172

Introduced 2/10/2026, by Rep. Kevin John Olickal

SYNOPSIS AS INTRODUCED:

750 ILCS 5/505
750 ILCS 5/510

from Ch. 40, par. 505
from Ch. 40, par. 510

Amends the Illinois Marriage and Dissolution of Marriage Act. Provides for a child support calculation for shared physical care in which each parent exercises 110 or more overnights per year with the child or 110 or more overnight equivalents as determined by a court as a deviation from guidelines or upon agreement by the parties. Provides that overnight equivalents are calculated by using a method other than overnights if the parent has significant parenting time periods on separate days in which the child is in the parent's physical care and under the direct care of that parent but does not stay overnight. Provides that if parents have shared physical care of a child, the basic child support obligation is multiplied by 1.5 to calculate the combined shared care child support obligation; the court shall determine each parent's portion of the shared care child support obligation based on the parent's percentage share of combined adjusted net income; the shared care child support obligation is then computed for each parent by multiplying that parent's portion of the shared care support obligation by the percentage of time the child spends with the other parent and determining any adjustment for shared physical custody that is less than 146 overnights or overnight equivalents. Provides that the respective shared care child support obligations are then offset with the parent owing more paying the difference in child support. Creates a statutory table to calculate the child support if a parent has physical shared custody for less than 146 overnights or overnight equivalents per year. Provides that the shared care child support obligation after adjustment may not be greater than the amount that would have been ordered under the basic support guidelines in any event. Provides that a parent incarcerated for more than 180 days is presumed to be unable to pay any amount of child support, and this presumption may be rebutted by evidence establishing the ability to pay child support during incarceration. Provides a rebuttable presumption that a minimum child support obligation of \$40 per month, per child, will be entered for an obligor who has actual or imputed gross income at or less than 100% of the most recent United States Department of Health and Human Services Federal Poverty Guidelines for a family of one person.

LRB104 20270 JRC 33721 b

A BILL FOR

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 Sections 505 and 510 as
6 follows:

7 (750 ILCS 5/505) (from Ch. 40, par. 505)

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

9 (a) In a proceeding for dissolution of marriage, legal
10 separation, declaration of invalidity of marriage, or
11 dissolution of a civil union, a proceeding for child support
12 following a legal separation or dissolution of the marriage or
13 civil union by a court that lacked personal jurisdiction over
14 the absent spouse, a proceeding for modification of a previous
15 order for child support under Section 510 of this Act, or any
16 proceeding authorized under Section 501 or 601 of this Act,
17 the court may order either or both parents owing a duty of
18 support to a child of the marriage or civil union to pay an
19 amount reasonable and necessary for support. The duty of
20 support owed to a child includes the obligation to provide for
21 the reasonable and necessary physical, mental and emotional
22 health needs of the child. For purposes of this Section, the
23 term "child" shall include any child under age 18 and any child

1 over the age of 18 who has not attained age 19 and is still
2 attending high school. For purposes of this Section, the term
3 "obligor" means the parent obligated to pay support to the
4 other parent.

5 (1) Child support guidelines. The Illinois Department
6 of Healthcare and Family Services shall adopt rules
7 establishing child support guidelines which include
8 worksheets to aid in the calculation of the child support
9 obligations and a schedule of basic child support
10 obligations that reflects the percentage of combined net
11 income that parents living in the same household in this
12 State ordinarily spend on their child. The child support
13 guidelines have the following purposes:

14 (A) to establish as State policy an adequate
15 standard of support for a child, subject to the
16 ability of parents to pay;

17 (B) to make child support obligations more
18 equitable by ensuring more consistent treatment of
19 parents in similar circumstances;

20 (C) to improve the efficiency of the court process
21 by promoting settlements and giving courts and the
22 parties guidance in establishing levels of child
23 support;

24 (D) to calculate child support based upon the
25 parents' combined net income estimated to have been
26 allocated for the support of the child if the parents

1 and child were living in an intact household;

2 (E) to adjust child support based upon the needs
3 of the child; and

4 (F) to allocate the amount of child support to be
5 paid by each parent based upon a parent's net income
6 and the child's physical care arrangements.

7 (1.5) Computation of basic child support obligation.

8 The court shall compute the basic child support obligation
9 by taking the following steps:

10 (A) determine each parent's monthly net income;

11 (B) add the parents' monthly net incomes together
12 to determine the combined monthly net income of the
13 parents;

14 (C) select the corresponding appropriate amount
15 from the schedule of basic child support obligations
16 based on the parties' combined monthly net income and
17 number of children of the parties; and

18 (D) calculate each parent's percentage share of
19 the basic child support obligation.

20 Although a monetary obligation is computed for each
21 parent as child support, the receiving parent's share is
22 not payable to the other parent and is presumed to be spent
23 directly on the child.

24 (2) Duty of support. The court shall determine child
25 support in each case by applying the child support
26 guidelines unless the court makes a finding that

1 application of the guidelines would be inappropriate,
2 after considering the best interests of the child and
3 evidence which shows relevant factors including, but not
4 limited to, one or more of the following:

5 (A) the financial resources and needs of the
6 child;

7 (B) the financial resources and needs of the
8 parents;

9 (C) the standard of living the child would have
10 enjoyed had the marriage or civil union not been
11 dissolved; and

12 (D) the physical and emotional condition of the
13 child and his or her educational needs.

14 (3) Income.

15 (A) As used in this Section, "gross income" means
16 the total of all income from all sources, except
17 "gross income" does not include (i) benefits received
18 by the parent from means-tested public assistance
19 programs, including, but not limited to, Temporary
20 Assistance for Needy Families, Supplemental Security
21 Income, and the Supplemental Nutrition Assistance
22 Program or (ii) benefits and income received by the
23 parent for other children in the household, including,
24 but not limited to, child support, survivor benefits,
25 and foster care payments. Social security disability
26 and retirement benefits paid for the benefit of the

1 subject child must be included in the disabled or
2 retired parent's gross income for purposes of
3 calculating the parent's child support obligation, but
4 the parent is entitled to a child support credit for
5 the amount of benefits paid to the other party for the
6 child. "Gross income" includes maintenance treated as
7 taxable income for federal income tax purposes to the
8 payee and received pursuant to a court order in the
9 pending proceedings or any other proceedings and shall
10 be included in the payee's gross income for purposes
11 of calculating the parent's child support obligation.

12 (B) As used in this Section, "net income" means
13 gross income minus either the standardized tax amount
14 calculated pursuant to subparagraph (C) of this
15 paragraph (3) or the individualized tax amount
16 calculated pursuant to subparagraph (D) of this
17 paragraph (3), and minus any adjustments pursuant to
18 subparagraph (F) of this paragraph (3). The
19 standardized tax amount shall be used unless the
20 requirements for an individualized tax amount set
21 forth in subparagraph (E) of this paragraph (3) are
22 met. "Net income" includes maintenance not includable
23 in the gross taxable income of the payee for federal
24 income tax purposes under a court order in the pending
25 proceedings or any other proceedings and shall be
26 included in the payee's net income for purposes of

1 calculating the parent's child support obligation.

2 (C) As used in this Section, "standardized tax
3 amount" means the total of federal and state income
4 taxes for a single person claiming the standard tax
5 deduction, one personal exemption, and the applicable
6 number of dependency exemptions for the minor child or
7 children of the parties, and Social Security and
8 Medicare tax calculated at the Federal Insurance
9 Contributions Act rate.

10 (I) Unless a court has determined otherwise or
11 the parties otherwise agree, the party with the
12 majority of parenting time shall be deemed
13 entitled to claim the dependency exemption for the
14 parties' minor child.

15 (II) The Illinois Department of Healthcare and
16 Family Services shall promulgate a standardized
17 net income conversion table that computes net
18 income by deducting the standardized tax amount
19 from gross income.

20 (D) As used in this Section, "individualized tax
21 amount" means the aggregate of the following taxes:

22 (I) federal income tax (properly calculated
23 withholding or estimated payments);

24 (II) State income tax (properly calculated
25 withholding or estimated payments); and

26 (III) Social Security or self-employment tax,

1 if applicable (or, if none, mandatory retirement
2 contributions required by law or as a condition of
3 employment) and Medicare tax calculated at the
4 Federal Insurance Contributions Act rate.

5 (E) In lieu of a standardized tax amount, a
6 determination of an individualized tax amount may be
7 made under items (I), (II), or (III) below. If an
8 individualized tax amount determination is made under
9 this subparagraph (E), all relevant tax attributes
10 (including filing status, allocation of dependency
11 exemptions, and whether a party is to claim the use of
12 the standard deduction or itemized deductions for
13 federal income tax purposes) shall be as the parties
14 agree or as the court determines. To determine a
15 party's reported income, the court may order the party
16 to complete an Internal Revenue Service Form 4506-T,
17 Request for Tax Transcript.

18 (I) Agreement. Irrespective of whether the
19 parties agree on any other issue before the court,
20 if they jointly stipulate for the record their
21 concurrence on a computation method for the
22 individualized tax amount that is different from
23 the method set forth under subparagraph (D), the
24 stipulated method shall be used by the court
25 unless the court rejects the proposed stipulated
26 method for good cause.

1 (II) Summary hearing. If the court determines
2 child support in a summary hearing under Section
3 501 and an eligible party opts in to the
4 individualized tax amount method under this item
5 (II), the individualized tax amount shall be
6 determined by the court on the basis of
7 information contained in one or both parties'
8 Supreme Court approved Financial Affidavit (Family
9 & Divorce Cases) and relevant supporting documents
10 under applicable court rules. No party, however,
11 is eligible to opt in unless the party, under
12 applicable court rules, has served the other party
13 with the required Supreme Court approved Financial
14 Affidavit (Family & Divorce Cases) and has
15 substantially produced supporting documents
16 required by the applicable court rules.

17 (III) Evidentiary hearing. If the court
18 determines child support in an evidentiary
19 hearing, whether for purposes of a temporary order
20 or at the conclusion of a proceeding, item (II) of
21 this subparagraph (E) does not apply. In each such
22 case (unless item (I) governs), the individualized
23 tax amount shall be as determined by the court on
24 the basis of the record established.

25 (F) Adjustments to income.

26 (I) Multi-family adjustment. If a parent is

1 also legally responsible for support of a child
2 not shared with the other parent and not subject
3 to the present proceeding, there shall be an
4 adjustment to net income as follows:

5 (i) Multi-family adjustment with court
6 order. The court shall deduct from the
7 parent's net income the amount of child
8 support actually paid by the parent pursuant
9 to a support order unless the court makes a
10 finding that it would cause economic hardship
11 to the child.

12 (ii) Multi-family adjustment without court
13 order. Upon the request or application of a
14 parent actually supporting a presumed,
15 acknowledged, or adjudicated child living in
16 or outside of that parent's household, there
17 shall be an adjustment to child support. The
18 court shall deduct from the parent's net
19 income the amount of financial support
20 actually paid by the parent for the child or
21 75% of the support the parent should pay under
22 the child support guidelines (before this
23 adjustment), whichever is less, unless the
24 court makes a finding that it would cause
25 economic hardship to the child. The adjustment
26 shall be calculated using that parent's income

1 alone.

2 (II) Spousal Maintenance adjustment.

3 Obligations pursuant to a court order for spousal
4 maintenance in the pending proceeding actually
5 paid or payable to the same party to whom child
6 support is to be payable or actually paid to a
7 former spouse pursuant to a court order shall be
8 deducted from the parent's after-tax income,
9 unless the maintenance obligation is tax
10 deductible to the payor for federal income tax
11 purposes, in which case it shall be deducted from
12 the payor's gross income for purposes of
13 calculating the parent's child support obligation.

14 (3.1) Business income. For purposes of calculating
15 child support, net business income from the operation of a
16 business means gross receipts minus ordinary and necessary
17 expenses required to carry on the trade or business. As
18 used in this paragraph, "business" includes, but is not
19 limited to, sole proprietorships, closely held
20 corporations, partnerships, other flow-through business
21 entities, and self-employment. The court shall apply the
22 following:

23 (A) The accelerated component of depreciation and
24 any business expenses determined either judicially or
25 administratively to be inappropriate or excessive
26 shall be excluded from the total of ordinary and

1 necessary business expenses to be deducted in the
2 determination of net business income from gross
3 business income.

4 (B) Any item of reimbursement or in-kind payment
5 received by a parent from a business, including, but
6 not limited to, a company car, reimbursed meals, free
7 housing, or a housing allowance, shall be counted as
8 income if not otherwise included in the recipient's
9 gross income, if the item is significant in amount and
10 reduces personal expenses.

11 (3.2a) Unemployment or underemployment. If a parent is
12 voluntarily unemployed or underemployed, child support
13 shall be calculated based on a determination of potential
14 income. In determining potential income, the court shall
15 consider the specific circumstances of a party, to the
16 extent known, including, but not limited to, the parent's:

17 (1) assets;

18 (2) ownership of a substantial non-income
19 producing asset;

20 (3) residence;

21 (4) employment and earning history;

22 (5) job skills;

23 (6) educational attainment;

24 (7) literacy;

25 (8) age;

26 (9) health;

1 (10) criminal records and other employment
2 barriers; and

3 (11) record of seeking work.

4 The court shall also consider the local job market,
5 availability of local employers willing to hire the
6 parent, prevailing earning levels in the local community,
7 and other relevant background factors in the case. If
8 there is insufficient work history to determine employment
9 potential and probable earnings level, there shall be a
10 rebuttable presumption that the parent's potential income
11 is 75% of the most recent United States Department of
12 Health and Human Services Federal Poverty Guidelines for a
13 family of one person. Incarceration shall not be
14 considered voluntary unemployment for child support
15 purposes in establishing or modifying child support.

16 (3.2b) The court may impute income to a party only
17 upon conducting an evidentiary hearing or by agreement of
18 the parties. Imputation of income shall be accompanied by
19 specific written findings identifying the basis or bases
20 for imputation using these factors.

21 (3.3) Rebuttable presumption in favor of guidelines.
22 There is a rebuttable presumption in any judicial or
23 administrative proceeding for child support that the
24 amount of the child support obligation that would result
25 from the application of the child support guidelines is
26 the correct amount of child support.

1 (3.3a) Minimum child support obligation. There is a
2 rebuttable presumption that a minimum child support
3 obligation of \$40 per month, per child, will be entered
4 for an obligor who has actual or imputed gross income at or
5 less than 100% ~~75%~~ of the most recent United States
6 Department of Health and Human Services Federal Poverty
7 Guidelines for a family of one person, with a maximum
8 total child support obligation for that obligor of \$120
9 per month to be divided equally among all of the obligor's
10 children.

11 (3.3b) Zero dollar child support order. For parents
12 with no gross income, who receive only means-tested
13 assistance, or who cannot work due to a medically proven
14 disability, incarceration, or institutionalization, there
15 is a rebuttable presumption that the \$40 per month minimum
16 support order is inapplicable and a zero dollar order
17 shall be entered.

18 (3.4) Deviation factors. In any action to establish or
19 modify child support, whether pursuant to a temporary or
20 final administrative or court order, the child support
21 guidelines shall be used as a rebuttable presumption for
22 the establishment or modification of the amount of child
23 support. The court may deviate from the child support
24 guidelines if the application would be inequitable,
25 unjust, or inappropriate. Any deviation from the
26 guidelines shall be accompanied by written findings by the

1 court specifying the reasons for the deviation and the
2 presumed amount under the child support guidelines without
3 a deviation. These reasons may include:

4 (A) extraordinary medical expenditures necessary
5 to preserve the life or health of a party or a child of
6 either or both of the parties;

7 (B) additional expenses incurred for a child
8 subject to the child support order who has special
9 medical, physical, or developmental needs; and

10 (C) any other factor the court determines should
11 be applied upon a finding that the application of the
12 child support guidelines would be inappropriate, after
13 considering the best interest of the child.

14 (3.5) Income in excess of the schedule of basic child
15 support obligation. A court may use its discretion to
16 determine child support if the combined adjusted net
17 income of the parties exceeds the highest level of the
18 schedule of basic child support obligation, except that
19 the basic child support obligation shall not be less than
20 the highest level of combined net income set forth in the
21 schedule of basic child support obligation.

22 (3.6) Extracurricular activities and school expenses.
23 The court, in its discretion, in addition to the basic
24 child support obligation, may order either or both parents
25 owing a duty of support to the child to contribute to the
26 reasonable school and extracurricular activity expenses

1 incurred which are intended to enhance the educational,
2 athletic, social, or cultural development of the child.

3 (3.7) Child care expenses. The court, in its
4 discretion, in addition to the basic child support
5 obligation, may order either or both parents owing a duty
6 of support to the child to contribute to the reasonable
7 child care expenses of the child. The child care expenses
8 shall be made payable directly to a party or directly to
9 the child care provider at the time of child care
10 services.

11 (A) "Child care expenses" means actual expenses
12 reasonably necessary to enable a parent or non-parent
13 custodian to be employed, to attend educational or
14 vocational training programs to improve employment
15 opportunities, or to search for employment. "Child
16 care expenses" also includes deposits for securing
17 placement in a child care program, the cost of before
18 and after school care, and camps when school is not in
19 session. A child's special needs shall be a
20 consideration in determining reasonable child care
21 expenses.

22 (B) Child care expenses shall be prorated in
23 proportion to each parent's percentage share of
24 combined net income, and may be added to the basic
25 child support obligation if not paid directly by each
26 parent to the provider of child care services. The

1 obligor's and obligee's portion of actual child care
2 expenses shall appear in the support order. If
3 allowed, the value of the federal income tax credit
4 for child care shall be subtracted from the actual
5 cost to determine the net child care costs.

6 (C) The amount of child care expenses shall be
7 adequate to obtain reasonable and necessary child
8 care. The actual child care expenses shall be used to
9 calculate the child care expenses, if available. When
10 actual child care expenses vary, the actual child care
11 expenses may be averaged over the most recent 12-month
12 period. When a parent is temporarily unemployed or
13 temporarily not attending educational or vocational
14 training programs, future child care expenses shall be
15 based upon prospective expenses to be incurred upon
16 return to employment or educational or vocational
17 training programs.

18 (D) An order for child care expenses may be
19 modified upon a showing of a substantial change in
20 circumstances. The party incurring child care expenses
21 shall notify the other party within 14 days of any
22 change in the amount of child care expenses that would
23 affect the annualized child care amount as determined
24 in the support order.

25 (3.8) Shared physical care. If parents have shared
26 physical care of a child, the court shall calculate the

1 shared care child support obligation.

2 (1) Shared Physical Care. Shared physical care
3 means each parent exercises 110 or more overnights per
4 year with the child, or 110 or more overnight
5 equivalents as determined by a court as a deviation
6 from guidelines or upon agreement by the parties.
7 Overnight equivalents are calculated by using a method
8 other than overnights if the parent has significant
9 parenting time periods on separate days in which the
10 child is in the parent's physical care and under the
11 direct care of that parent but does not stay
12 overnight.

13 (2) Shared Care Child Support Obligation. If
14 parents have shared physical care of a child, the
15 basic child support obligation shall be multiplied by
16 1.5 to calculate the combined shared care child
17 support obligation. The court shall determine each
18 parent's portion of the shared care child support
19 obligation based on the parent's percentage share of
20 combined adjusted net income. The shared care child
21 support obligation is then computed for each parent by
22 multiplying that parent's portion of the shared care
23 support obligation by the percentage of time the child
24 spends with the other parent and determining any
25 adjustment for shared physical custody that is less
26 than 146 overnights or overnight equivalents. The

1 respective shared care child support obligations are
 2 then offset, with the parent owing more paying the
 3 difference in child support.

4 (3) Adjustment. When a parent has shared physical
 5 care for less than 146 overnights or overnight
 6 equivalents per year, the shared care child support
 7 obligation for that parent shall be increased by the
 8 percentage in the Adjustment Table below.

<u>Number of Overnights</u>	<u>Percentage</u>
<u>110-114</u>	<u>10%</u>
<u>115-119</u>	<u>9%</u>
<u>120-124</u>	<u>8%</u>
<u>125-129</u>	<u>7%</u>
<u>130-134</u>	<u>6%</u>
<u>135-139</u>	<u>4%</u>
<u>140-145</u>	<u>2%</u>

17 The shared care child support obligation after
 18 adjustment may not be greater than the amount that
 19 would have been ordered under the basic support
 20 guidelines in any event.

21 (4) The Department of Healthcare and Family
 22 Services. The worksheets to calculate the shared care
 23 child support obligation, including the adjustment,
 24 shall be promulgated by the Department of Healthcare
 25 and Family Services. ~~If each parent exercises 146 or~~
 26 ~~more overnights per year with the child, the basic~~

~~child support obligation is multiplied by 1.5 to calculate the shared care child support obligation. The court shall determine each parent's share of the shared care child support obligation based on the parent's percentage share of combined net income. The child support obligation is then computed for each parent by multiplying that parent's portion of the shared care support obligation by the percentage of time the child spends with the other parent. The respective child support obligations are then offset, with the parent owing more child support paying the difference between the child support amounts. The Illinois Department of Healthcare and Family Services shall promulgate a worksheet to calculate child support in cases in which the parents have shared physical care and use the standardized tax amount to determine net income.~~

(3.9) Split physical care. When there is more than one child and each parent has physical care of at least one but not all of the children, the support is calculated by using 2 child support worksheets to determine the support each parent owes the other. The support shall be calculated as follows:

(A) compute the support the first parent would owe to other parent as if the child in his or her care was the only child of the parties; then

1 (B) compute the support the other parent would owe
2 to the first parent as if the child in his or her care
3 were the only child of the parties; then

4 (C) subtract the lesser support obligation from
5 the greater.

6 The parent who owes the greater obligation shall be
7 ordered to pay the difference in support to the other
8 parent, unless the court determines, pursuant to other
9 provisions of this Section, that it should deviate from
10 the guidelines.

11 (4) Health care to be addressed by the court.

12 (A) A portion of the basic child support
13 obligation is intended to cover basic ordinary
14 out-of-pocket medical expenses. The court, in its
15 discretion, in addition to the basic child support
16 obligation, shall also provide for the child's current
17 and future medical needs by ordering either or both
18 parents to initiate health insurance coverage for the
19 child through currently effective health insurance
20 policies held by the parent or parents, purchase one
21 or more or all health, dental, or vision insurance
22 policies for the child, or provide for the child's
23 current and future medical needs through some other
24 manner.

25 (B) The court, in its discretion, may order either
26 or both parents to contribute to the reasonable health

1 care needs of the child not covered by insurance,
2 including, but not limited to, unreimbursed medical,
3 dental, orthodontic, or vision expenses and any
4 prescription medication for the child not covered
5 under the child's health insurance.

6 (C) If neither parent has access to appropriate
7 private health insurance coverage, the court may
8 order:

9 (I) one or both parents to provide health
10 insurance coverage at any time it becomes
11 available at a reasonable cost; or

12 (II) the parent or non-parent custodian with
13 primary physical responsibility for the child to
14 apply for public health insurance coverage for the
15 child and require either or both parents to pay a
16 reasonable amount of the cost of health insurance
17 for the child.

18 The order may also provide that any time private
19 health insurance coverage is available at a reasonable
20 cost to that party it will be provided instead of cash
21 medical support. As used in this Section, "cash
22 medical support" means an amount ordered to be paid
23 toward the cost of health insurance provided by a
24 public entity or by another person through employment
25 or otherwise or for other medical costs not covered by
26 insurance.

1 (D) The amount to be added to the basic child
2 support obligation shall be the actual amount of the
3 total health insurance premium that is attributable to
4 the child who is the subject of the order. If this
5 amount is not available or cannot be verified, the
6 total cost of the health insurance premium shall be
7 divided by the total number of persons covered by the
8 policy. The cost per person derived from this
9 calculation shall be multiplied by the number of
10 children who are the subject of the order and who are
11 covered under the health insurance policy. This amount
12 shall be added to the basic child support obligation
13 and shall be allocated between the parents in
14 proportion to their respective net incomes.

15 (E) After the health insurance premium for the
16 child is added to the basic child support obligation
17 and allocated between the parents in proportion to
18 their respective incomes for child support purposes,
19 if the obligor is paying the premium, the amount
20 calculated for the obligee's share of the health
21 insurance premium for the child shall be deducted from
22 the obligor's share of the total child support
23 obligation. If the obligee is paying for private
24 health insurance for the child, the child support
25 obligation shall be increased by the obligor's share
26 of the premium payment. The obligor's and obligee's

1 portion of health insurance costs shall appear in the
2 support order.

3 (F) Prior to allowing the health insurance
4 adjustment, the parent requesting the adjustment must
5 submit proof that the child has been enrolled in a
6 health insurance plan and must submit proof of the
7 cost of the premium. The court shall require the
8 parent receiving the adjustment to annually submit
9 proof of continued coverage of the child to the other
10 parent, or as designated by the court.

11 (G) A reasonable cost for providing health
12 insurance coverage for the child may not exceed 5% of
13 the providing parent's gross income. Parents with a
14 net income below 133% of the most recent United States
15 Department of Health and Human Services Federal
16 Poverty Guidelines or whose child is covered by
17 Medicaid based on that parent's income may not be
18 ordered to contribute toward or provide private
19 coverage, unless private coverage is obtainable
20 without any financial contribution by that parent.

21 (H) If dental or vision insurance is included as
22 part of the employer's medical plan, the coverage
23 shall be maintained for the child. If not included in
24 the employer's medical plan, adding the dental or
25 vision insurance for the child is at the discretion of
26 the court.

1 (I) If a parent has been directed to provide
2 health insurance pursuant to this paragraph and that
3 parent's spouse or legally recognized partner provides
4 the insurance for the benefit of the child either
5 directly or through employment, a credit on the child
6 support worksheet shall be given to that parent in the
7 same manner as if the premium were paid by that parent.

8 (4.5) In a proceeding for child support following
9 dissolution of the marriage or civil union by a court that
10 lacked personal jurisdiction over the absent spouse, and
11 in which the court is requiring payment of support for the
12 period before the date an order for current support is
13 entered, there is a rebuttable presumption that the
14 obligor's net income for the prior period was the same as
15 his or her net income at the time the order for current
16 support is entered.

17 (5) If the net income cannot be determined because of
18 default or any other reason, the court shall order support
19 in an amount considered reasonable in the particular case.
20 The final order in all cases shall state the support level
21 in dollar amounts. However, if the court finds that the
22 child support amount cannot be expressed exclusively as a
23 dollar amount because all or a portion of the obligor's
24 net income is uncertain as to source, time of payment, or
25 amount, the court may order a percentage amount of support
26 in addition to a specific dollar amount and enter such

1 other orders as may be necessary to determine and enforce,
2 on a timely basis, the applicable support ordered.

3 (6) If (i) the obligor was properly served with a
4 request for discovery of financial information relating to
5 the obligor's ability to provide child support, (ii) the
6 obligor failed to comply with the request, despite having
7 been ordered to do so by the court, and (iii) the obligor
8 is not present at the hearing to determine support despite
9 having received proper notice, then any relevant financial
10 information concerning the obligor's ability to provide
11 child support that was obtained pursuant to subpoena and
12 proper notice shall be admitted into evidence without the
13 need to establish any further foundation for its
14 admission.

15 (a-3) Life insurance to secure support. At the discretion
16 of the court, a child support obligation pursuant to this
17 Section and Sections 510, 513, and 513.5 of this Act may be
18 secured, in whole or in part, by reasonably affordable life
19 insurance on the life of one or both parents on such terms as
20 the parties agree or as the court orders. The court may require
21 such insurance remain in full force and effect until the
22 termination of all obligations of support, subject to the
23 following:

24 (1) Existing life insurance. The court shall be
25 apprised through evidence, stipulation, or otherwise as to
26 the level, ownership, and type of existing life insurance

1 death benefit coverage available to one or both parents,
2 the cost of the premiums, cost ratings, and escalations
3 and assignment of the policy, if applicable, and all other
4 relevant circumstances. The court shall make findings
5 relative thereto.

6 (2) New life insurance. The court shall be apprised
7 through evidence, stipulation, or otherwise as to the
8 availability of obtaining reasonably affordable new life
9 insurance. To the extent the court determines that the
10 support obligations should be secured, in whole or in
11 part, by new life insurance on the life of one or both
12 parents, the court may order that one or both parents
13 comply with all requirements to obtain such new life
14 insurance through employment, trade union, fraternal
15 organizations, associations, or individual means.

16 In determining the level and type of death benefits
17 coverage to be obtained by a parent, the court shall
18 consider access and availability of life insurance to that
19 parent, the cost of the premium, cost ratings, and
20 escalations, if applicable, and all other relevant
21 circumstances.

22 (3) Other security. If life insurance is unavailable
23 to a parent, the court, in its discretion, or as agreed to
24 by the parties, may order other equitable and reasonable
25 means to secure a child support obligation.

26 (a-5) In an action to enforce an order for child support

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

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

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

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

20 (A) work; or

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

23 The court may further order any part or all of the earnings
24 of a parent during a sentence of periodic imprisonment paid to
25 the Clerk of the Circuit Court or to the parent having physical
26 possession of the child or to the non-parent custodian having

1 custody of the child of the sentenced parent for the support of
2 the child until further order of the court.

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

15 If there is a unity of interest and ownership sufficient
16 to render no financial separation between an obligor and
17 another person or persons or business entity, the court may
18 pierce the ownership veil of the person, persons, or business
19 entity to discover assets of the obligor held in the name of
20 that person, those persons, or that business entity. The
21 following circumstances are sufficient to authorize a court to
22 order discovery of the assets of a person, persons, or
23 business entity and to compel the application of any
24 discovered assets toward payment on the judgment for support:

25 (1) the obligor and the person, persons, or business
26 entity maintain records together.

1 (2) the obligor and the person, persons, or business
2 entity fail to maintain an arm's length relationship
3 between themselves with regard to any assets.

4 (3) the obligor transfers assets to the person,
5 persons, or business entity with the intent to perpetrate
6 a fraud on the obligee.

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

15 The court may also order in cases where the parent is 90
16 days or more delinquent in payment of support or has been
17 adjudicated in arrears in an amount equal to 90 days
18 obligation or more, that the parent's Illinois driving
19 privileges be suspended until the court determines that the
20 parent is in compliance with the order of support. The court
21 may also order that the parent be issued a family financial
22 responsibility driving permit that would allow limited driving
23 privileges for employment and medical purposes in accordance
24 with Section 7-702.1 of the Illinois Vehicle Code. The Clerk
25 of the Circuit Court shall certify the order suspending the
26 driving privileges of the parent or granting the issuance of a

1 family financial responsibility driving permit to the
2 Secretary of State on forms prescribed by the Secretary of
3 State. Upon receipt of the authenticated documents, the
4 Secretary of State shall suspend the parent's driving
5 privileges until further order of the court and shall, if
6 ordered by the court, subject to the provisions of Section
7 7-702.1 of the Illinois Vehicle Code, issue a family financial
8 responsibility driving permit to the parent.

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

22 A support obligation, or any portion of a support
23 obligation, which becomes due and remains unpaid as of the end
24 of each month, excluding the child support that was due for
25 that month to the extent that it was not paid in that month,
26 shall accrue simple interest as set forth in Section 12-109 of

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

12 (c) A one-time charge of 20% is imposable upon the amount
13 of past-due child support owed on July 1, 1988 which has
14 accrued under a support order entered by the court. The charge
15 shall be imposed in accordance with the provisions of Section
16 10-21 of the Illinois Public Aid Code and shall be enforced by
17 the court upon petition.

18 (d) Any new or existing support order entered by the court
19 under this Section shall be deemed to be a series of judgments
20 against the person obligated to pay support thereunder, each
21 such judgment to be in the amount of each payment or
22 installment of support and each such judgment to be deemed
23 entered as of the date the corresponding payment or
24 installment becomes due under the terms of the support order.
25 Each such judgment shall have the full force, effect and
26 attributes of any other judgment of this State, including the

1 ability to be enforced. Notwithstanding any other State or
2 local law to the contrary, a lien arises by operation of law
3 against the real and personal property of the obligor for each
4 installment of overdue support owed by the obligor.

5 (e) When child support is to be paid through the Clerk of
6 the Court in a county of 500,000 inhabitants or less, the order
7 shall direct the obligor to pay to the Clerk, in addition to
8 the child support payments, all fees imposed by the county
9 board under paragraph (2) of subsection (j-5) of Section 27.1b
10 of the Clerks of Courts Act. When child support is to be paid
11 through the clerk of the court in a county of more than 500,000
12 but less than 3,000,000 inhabitants, the order shall direct
13 the obligor to pay to the clerk, in addition to the child
14 support payments, all fees imposed by the county board under
15 paragraph (4) of subsection (bb) of Section 27.2 of the Clerks
16 of Courts Act. Unless paid pursuant to an Income Withholding
17 Order/Notice for Support, the payment of the fee shall be by
18 payment acceptable to the clerk and shall be made to the order
19 of the Clerk.

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

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

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

1 (g-5) If there is an unpaid arrearage or delinquency (as
2 those terms are defined in the Income Withholding for Support
3 Act) equal to at least one month's support obligation on the
4 termination date stated in the order for support or, if there
5 is no termination date stated in the order, on the date the
6 child attains the age of majority or is otherwise emancipated,
7 the periodic amount required to be paid for current support of
8 that child immediately prior to that date shall automatically
9 continue to be an obligation, not as current support but as
10 periodic payment toward satisfaction of the unpaid arrearage
11 or delinquency. That periodic payment shall be in addition to
12 any periodic payment previously required for satisfaction of
13 the arrearage or delinquency. The total periodic amount to be
14 paid toward satisfaction of the arrearage or delinquency may
15 be enforced and collected by any method provided by law for
16 enforcement and collection of child support, including but not
17 limited to income withholding under the Income Withholding for
18 Support Act. Each order for support entered or modified on or
19 after January 1, 2005 (the effective date of Public Act
20 93-1061) must contain a statement notifying the parties of the
21 requirements of this subsection. Failure to include the
22 statement in the order for support does not affect the
23 validity of the order or the operation of the provisions of
24 this subsection with regard to the order. This subsection
25 shall not be construed to prevent or affect the establishment
26 or modification of an order for support of a minor child or the

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

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

25 (i) The court does not lose the powers of contempt,
26 driver's license suspension, or other child support

1 enforcement mechanisms, including, but not limited to,
2 criminal prosecution as set forth in this Act, upon the
3 emancipation of the minor child.

4 (Source: P.A. 103-967, eff. 1-1-25; 104-340, eff. 8-15-25.)

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

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

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

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

1 future event is contemplated and will not constitute a
2 substantial change in circumstances to warrant
3 modification of the order; and

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

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

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

18 (3) upon a showing that a parent will be incarcerated
19 for more than 180 consecutive days or released from
20 incarceration lasting more than 180 consecutive days. A
21 parent incarcerated for more than 180 days is presumed to
22 be unable to pay any amount of child support, and this
23 presumption may be rebutted by evidence establishing the
24 ability to pay child support during incarceration. A
25 parent released from incarceration after more than 180
26 days is presumed to be able to pay the amount set forth in

1 paragraph (3.3a) of subsection (a) of Section 505,
2 following the expiration of 90 days after the date the
3 parent is released from incarceration. This Section does
4 not preclude any party, including the Department of
5 Healthcare and Family Services, from seeking a
6 modification of the child support obligation based upon
7 the ability to pay child support during or after
8 incarceration or for other reasons allowable by law.

9 (A) "Incarceration," for the purposes of this
10 Section, means confinement of a parent on a full-time
11 basis in a place of detention, including home
12 detention or a municipal, county, state, or federal
13 prison, jail, or detention. It does not include a
14 parent on parole, work release, or any other detention
15 alternative program that allows the parent to be
16 employed or otherwise earn money.

17 (B) "Effective date," for purposes of this
18 Section, means the date that a notice of incarceration
19 is filed with the circuit court clerk and mailed to the
20 parties under Illinois Supreme Court Rule 11.

21 (C) If a parent will be incarcerated for more than
22 180 consecutive days, the parent's child support
23 obligation shall be modified to \$0.00 by operation of
24 law if:

25 (i) the Department of Healthcare and Family
26 Services, or any other party, files with the

1 circuit court clerk a notice of incarceration and
2 provides notice under the Illinois Code of Civil
3 Procedure to all parties; and

4 (ii) no written objection is filed with the
5 circuit court clerk, with notice provided to all
6 parties, within 45 days of the effective date of
7 the notice of incarceration.

8 (D) A notice of incarceration must provide the
9 following information:

10 (i) the name and address of the facility where
11 the parent is incarcerated; and

12 (ii) the parent's inmate number; and

13 (iii) the beginning and projected end dates of
14 incarceration, if known, or, if unknown, the
15 reason a date cannot be provided; and

16 (iv) That failure to file a written objection
17 within 45 days of the effective date, with notice
18 to all parties under Illinois Supreme Court Rule
19 11, shall result in the child support obligation
20 being reduced to \$0.00 as of the effective date of
21 the notice of incarceration.

22 (E) A child support order reduced to \$0.00 under
23 this Section shall be modified by operation of law to
24 the amount set forth in paragraph (3.3a) of subsection
25 (a) of Section 505 following the expiration of 90 days
26 after the date the parent is released from

1 incarceration. This Section does not preclude any
2 party including the Department of Healthcare and
3 Family Services from seeking a modification of the
4 child support obligation based upon the ability to pay
5 child support during or after incarceration or for
6 other reasons allowable by statute.

7 (F) The notice of incarceration shall be filed in
8 the jurisdiction in which any pending child support,
9 divorce, or paternity action between the parties
10 exists.

11 (G) If any party files a timely objection to the
12 notice of incarceration, the court shall set the
13 matter for hearing as soon as practicable and send
14 notice of the hearing date to all parties including
15 HFS. The presumption that the parent is unable to pay
16 any amount of support may be rebutted by a
17 preponderance of the evidence at the hearing by
18 showing:

19 (i) the parent has substantial income or
20 assets that can be used to satisfy the child
21 support obligation during incarceration; or

22 (ii) the parent is not, or will not be,
23 incarcerated for more than 180 consecutive days.
24 If the presumption is rebutted, the court shall
25 make written findings as to the factual basis or
26 bases for the rebuttal.

1 (H) If any party fails to file a timely objection,
2 or if a hearing is held and the Court determines that
3 the presumption has not been rebutted, the support
4 obligation shall be modified to \$0.00 as of the
5 effective date of the notice of incarceration.

6 (I) An order that modifies a support obligation to
7 \$0.00 because of the parent's incarceration shall
8 provide that support will be modified by operation of
9 law at the amount set forth in subsection 3.3(a) of
10 Section 505, on the first day of the month following
11 the expiration of 90 days after the date the parent is
12 projected to be released from incarceration. The order
13 shall include the specific calendar date upon which
14 the first day of the month following the expiration of
15 90 days falls. The order shall further provide that if
16 the parent is released before or after the projected
17 release or parole date, support shall be reinstated at
18 the amount set forth in paragraph (3.3a) of subsection
19 (a) of Section 505 on the first day of the month
20 following the expiration of 90 days after the parent's
21 actual release date. The order shall further provide
22 that this Section does not preclude any party,
23 including the Department of Healthcare and Family
24 Services, from seeking a modification of the child
25 support obligation based upon the ability to pay child
26 support during or after incarceration or for other

1 reasons allowable by statute.

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

8 The court may grant a petition for modification that seeks
9 to apply the changes made to subsection (a) of Section 505 by
10 subsequent Public Acts ~~Act 99-764 to an order entered before~~
11 ~~the effective date of Public Act 99-764~~ only upon a finding of
12 a substantial change in circumstances that warrants
13 application of the changes. The enactment of a subsequent
14 Public Act ~~99-764~~ itself does not constitute a substantial
15 change in circumstances warranting a modification, unless
16 otherwise expressly provided in that Public Act.

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

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

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

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

21 (3) any impairment of the present and future earning
22 capacity of either party;

23 (4) the tax consequences of the maintenance payments
24 upon the respective economic circumstances of the parties;

25 (5) the duration of the maintenance payments
26 previously paid (and remaining to be paid) relative to the

1 length of the marriage;

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

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

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

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

16 (a-6) (Blank).

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

21 (c) Unless otherwise agreed by the parties in a written
22 agreement set forth in the judgment or otherwise approved by
23 the court, the obligation to pay future maintenance is
24 terminated upon the death of either party, or the remarriage
25 of the party receiving maintenance, or if the party receiving
26 maintenance cohabits with another person on a resident,

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

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

19 (d) Unless otherwise provided in this Act, or as agreed in
20 writing or expressly provided in the judgment, provisions for
21 the support of a child are terminated by emancipation of the
22 child, or if the child has attained the age of 18 and is still
23 attending high school, provisions for the support of the child
24 are terminated upon the date that the child graduates from
25 high school or the date the child attains the age of 19,
26 whichever is earlier, but not by the death of a parent

1 obligated to support or educate the child. An existing
2 obligation to pay for support or educational expenses, or
3 both, is not terminated by the death of a parent. When a parent
4 obligated to pay support or educational expenses, or both,
5 dies, the amount of support or educational expenses, or both,
6 may be enforced, modified, revoked or commuted to a lump sum
7 payment, as equity may require, and that determination may be
8 provided for at the time of the dissolution of the marriage or
9 thereafter.

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

20 (f) A petition to modify or terminate child support or the
21 allocation of parental responsibilities, including parenting
22 time, shall not delay any child support enforcement litigation
23 or supplementary proceeding on behalf of the obligee,
24 including, but not limited to, a petition for a rule to show
25 cause, for non-wage garnishment, or for a restraining order.

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