

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 Code of Civil Procedure is amended by
5 changing Section 21-103 as follows:

6 (735 ILCS 5/21-103) (from Ch. 110, par. 21-103)

7 Sec. 21-103. Notice by publication.

8 (a) Previous notice shall be given of the intended
9 application by publishing a notice thereof in some newspaper
10 published in the municipality in which the person resides if
11 the municipality is in a county with a population under
12 2,000,000, or if the person does not reside in a municipality
13 in a county with a population under 2,000,000, or if no
14 newspaper is published in the municipality or if the person
15 resides in a county with a population of 2,000,000 or more,
16 then in some newspaper published in the county where the person
17 resides, or if no newspaper is published in that county, then
18 in some convenient newspaper published in this State. The
19 notice shall be inserted for 3 consecutive weeks after filing,
20 the first insertion to be at least 6 weeks before the return
21 day upon which the petition is to be heard, and shall be signed
22 by the petitioner or, in case of a minor, the minor's parent or
23 guardian, and shall set forth the return day of court on which

1 the petition is to be heard and the name sought to be assumed.

2 (b) The publication requirement of subsection (a) shall not
3 be required in any application for a change of name involving a
4 minor if, before making judgment under this Article, reasonable
5 notice and opportunity to be heard is given to any parent whose
6 parental rights have not been previously terminated and to any
7 person who has physical custody of the child. If any of these
8 persons are outside this State, notice and opportunity to be
9 heard shall be given under Section 21-104.

10 (c) The Director of State Police or his or her designee may
11 apply to the circuit court for an order directing that the
12 notice and publication requirements of this Section be waived
13 if the Director or his or her designee certifies that the name
14 change being sought is intended to protect a witness during and
15 following a criminal investigation or proceeding.

16 (d) The maximum rate charged for publication of a notice
17 under this Section may not exceed the lowest classified rate
18 paid by commercial users for comparable space in the newspaper
19 in which the notice appears and shall include all cash
20 discounts, multiple insertion discounts, and similar benefits
21 extended to the newspaper's regular customers.

22 (Source: P.A. 94-147, eff. 1-1-06.)

23 Section 10. The Code of Civil Procedure is amended by
24 adding Section 21-103.5 as follows:

1 (735 ILCS 5/21-103.5 new)

2 Sec. 21-103.5. Change of name involving a minor. In any
3 application for a change of name involving a minor, before a
4 judgment under this Article may be entered, actual notice and
5 an opportunity to be heard shall be given to any parent whose
6 parental rights have not been previously terminated and to any
7 person who has been allocated parental responsibilities under
8 Section 602.5 or 602.7 of the Illinois Marriage and Dissolution
9 of Marriage Act. If any of these persons is outside this State,
10 notice and an opportunity to be heard shall be given under
11 Section 21-104.

12 Section 15. The Illinois Marriage and Dissolution of
13 Marriage Act is amended by changing Sections 413 and 504 as
14 follows:

15 (750 ILCS 5/413) (from Ch. 40, par. 413)

16 Sec. 413. Judgment.

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

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

13 (b) The clerk of the court shall give notice of the entry
14 of a judgment of dissolution of marriage or legal separation or
15 a declaration of invalidity of marriage:

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

25 (2) if the marriage is registered in another
26 jurisdiction, to the appropriate official of that

1 jurisdiction, with the request that he enter the fact of
2 dissolution of marriage or legal separation or declaration
3 of invalidity of marriage in the appropriate record.

4 (c) Unless the person whose marriage is dissolved or
5 declared invalid requests otherwise, the judgment under this
6 Section shall contain a provision authorizing the person to
7 resume the use of his or her former or maiden name, should he
8 or she choose to do so, at any time he or she chooses to do so.
9 ~~Upon request by a wife whose marriage is dissolved or declared~~
10 ~~invalid, the court shall order her maiden name or a former name~~
11 ~~restored.~~

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

16 (Source: P.A. 99-90, eff. 1-1-16.)

17 (750 ILCS 5/504) (from Ch. 40, par. 504)

18 Sec. 504. Maintenance.

19 (a) Entitlement to maintenance. In a proceeding for
20 dissolution of marriage or legal separation or declaration of
21 invalidity of marriage, or a proceeding for maintenance
22 following dissolution of the marriage by a court which lacked
23 personal jurisdiction over the absent spouse, the court may
24 grant a maintenance award for either spouse in amounts and for
25 periods of time as the court deems just, without regard to

1 marital misconduct, and the maintenance may be paid from the
2 income or property of the other spouse. The court shall first
3 determine whether a maintenance award is appropriate, after
4 consideration of all relevant factors, including:

5 (1) the income and property of each party, including
6 marital property apportioned and non-marital property
7 assigned to the party seeking maintenance as well as all
8 financial obligations imposed on the parties as a result of
9 the dissolution of marriage;

10 (2) the needs of each party;

11 (3) the realistic present and future earning capacity
12 of each party;

13 (4) any impairment of the present and future earning
14 capacity of the party seeking maintenance due to that party
15 devoting time to domestic duties or having forgone or
16 delayed education, training, employment, or career
17 opportunities due to the marriage;

18 (5) any impairment of the realistic present or future
19 earning capacity of the party against whom maintenance is
20 sought;

21 (6) the time necessary to enable the party seeking
22 maintenance to acquire appropriate education, training,
23 and employment, and whether that party is able to support
24 himself or herself through appropriate employment or any
25 parental responsibility arrangements and its effect on the
26 party seeking employment;

1 (7) the standard of living established during the
2 marriage;

3 (8) the duration of the marriage;

4 (9) the age, health, station, occupation, amount and
5 sources of income, vocational skills, employability,
6 estate, liabilities, and the needs of each of the parties;

7 (10) all sources of public and private income
8 including, without limitation, disability and retirement
9 income;

10 (11) the tax consequences of the property division upon
11 the respective economic circumstances of the parties;

12 (12) contributions and services by the party seeking
13 maintenance to the education, training, career or career
14 potential, or license of the other spouse;

15 (13) any valid agreement of the parties; and

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

18 (b) (Blank).

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

23 (1) Maintenance award in accordance with guidelines.

24 In situations when the combined gross annual income of the
25 parties is less than \$500,000 ~~\$250,000~~ and the payor has no
26 obligation to pay child support or maintenance or both from

1 a prior relationship, maintenance payable after the date
2 the parties' marriage is dissolved shall be in accordance
3 with subparagraphs (A) and (B) of this paragraph (1),
4 unless the court makes a finding that the application of
5 the guidelines would be inappropriate.

6 (A) The amount of maintenance under this paragraph
7 (1) shall be calculated by taking 30% of the payor's
8 gross annual income minus 20% of the payee's gross
9 annual income. The amount calculated as maintenance,
10 however, when added to the gross income of the payee,
11 may not result in the payee receiving an amount that is
12 in excess of 40% of the combined gross income of the
13 parties.

14 (B) The duration of an award under this paragraph
15 (1) shall be calculated by multiplying the length of
16 the marriage at the time the action was commenced by
17 whichever of the following factors applies: less than 5
18 years (.20); 5 years or more but less than 6 years
19 (.24); 6 years or more but less than 7 years (.28); 7
20 years or more but less than 8 years (.32); 8 years or
21 more but less than 9 years (.36); 9 years or more but
22 less than 10 years (.40); 10 years or more but less
23 than 11 years (.44); 11 years or more but less than 12
24 years (.48); 12 years or more but less than 13 years
25 (.52); 13 years or more but less than 14 years (.56);
26 14 years or more but less than 15 years (.60); 15 years

1 or more but less than 16 years (.64); 16 years or more
2 but less than 17 years (.68); 17 years or more but less
3 than 18 years (.72); 18 years or more but less than 19
4 years (.76); 19 years or more but less than 20 years
5 (.80). ~~5 years or less (.20); more than 5 years but~~
6 ~~less than 10 years (.40); 10 years or more but less~~
7 ~~than 15 years (.60); or 15 years or more but less than~~
8 ~~20 years (.80).~~ For a marriage of 20 or more years, the
9 court, in its discretion, shall order ~~either permanent~~
10 ~~maintenance or~~ maintenance for a period equal to the
11 length of the marriage or for an indefinite term.

12 (1.5) In the discretion of the court, any term of
13 temporary maintenance paid by court order pursuant to
14 Section 501 may be a corresponding credit to the duration
15 of maintenance set forth in subparagraph (b-1) (1) (B).

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

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

23 (1) the court shall state its reasoning for awarding or
24 not awarding maintenance and shall include references to
25 each relevant factor set forth in subsection (a) of this
26 Section; and

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

7 (b-3) Gross income. For purposes of this Section, the term
8 "gross income" means all income from all sources, within the
9 scope of that phrase in Section 505 of this Act.

10 (b-4) Unallocated maintenance. Unless the parties
11 otherwise agree, the court may not order unallocated
12 maintenance and child support in any dissolution judgment or in
13 any post-dissolution order. In its discretion, the court may
14 order unallocated maintenance and child support in any
15 pre-dissolution temporary order.

16 (b-4.5) Fixed-term maintenance in marriages of less than 10
17 years. If a court grants maintenance for a fixed period under
18 subsection (a) of this Section at the conclusion of a case
19 commenced before the tenth anniversary of the marriage, the
20 court may also designate the termination of the period during
21 which this maintenance is to be paid as a "permanent
22 termination". The effect of this designation is that
23 maintenance is barred after the ending date of the period
24 during which maintenance is to be paid.

25 (b-5) Interest on maintenance. Any maintenance obligation
26 including any unallocated maintenance and child support

1 obligation, or any portion of any support obligation, that
2 becomes due and remains unpaid shall accrue simple interest as
3 set forth in Section 505 of this Act.

4 (b-7) Maintenance judgments. Any new or existing
5 maintenance order including any unallocated maintenance and
6 child support order entered by the court under this Section
7 shall be deemed to be a series of judgments against the person
8 obligated to pay support thereunder. Each such judgment to be
9 in the amount of each payment or installment of support and
10 each such judgment to be deemed entered as of the date the
11 corresponding payment or installment becomes due under the
12 terms of the support order, except no judgment shall arise as
13 to any installment coming due after the termination of
14 maintenance as provided by Section 510 of the Illinois Marriage
15 and Dissolution of Marriage Act or the provisions of any order
16 for maintenance. Each such judgment shall have the full force,
17 effect and attributes of any other judgment of this State,
18 including the ability to be enforced. Notwithstanding any other
19 State or local law to the contrary, a lien arises by operation
20 of law against the real and personal property of the obligor
21 for each installment of overdue support owed by the obligor.

22 (b-8) Upon review of any previously ordered maintenance
23 award, the court may extend maintenance for further review,
24 extend maintenance for a fixed non-modifiable term, extend
25 maintenance for an indefinite term, or permanently terminate
26 maintenance in accordance with subdivision (b-1) (1) (A) of this

1 Section.

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

5 (d) Maintenance during imprisonment. No maintenance shall
6 accrue during the period in which a party is imprisoned for
7 failure to comply with the court's order for the payment of
8 such maintenance.

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

19 (f) Maintenance secured by life insurance. An award ordered
20 by a court upon entry of a dissolution judgment or upon entry
21 of an award of maintenance following a reservation of
22 maintenance in a dissolution judgment may be reasonably
23 secured, in whole or in part, by life insurance on the payor's
24 life on terms as to which the parties agree, or, if they do not
25 agree, on such terms determined by the court, subject to the
26 following:

1 (1) With respect to existing life insurance, provided
2 the court is apprised through evidence, stipulation, or
3 otherwise as to level of death benefits, premium, and other
4 relevant data and makes findings relative thereto, the
5 court may allocate death benefits, the right to assign
6 death benefits, or the obligation for future premium
7 payments between the parties as it deems just.

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

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

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

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

1 reviews any submitted or proposed application for new
2 insurance on the life of a maintenance payor, the review
3 shall be in camera.

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

12 (Source: P.A. 98-961, eff. 1-1-15; 99-90, eff. 1-1-16; 99-763,
13 eff. 1-1-17.)