



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

**HB2477**

Introduced 2/15/2023, by Rep. Margaret Croke

#### SYNOPSIS AS INTRODUCED:

New Act  
750 ILCS 46/802

Creates the Pregnancy Expenses Act. Provides that the other party to a pregnancy or the other intended parent has a duty to pay 50% of the pregnant person's pregnancy expenses. Allows an action seeking the payment of pregnancy expenses to be brought during or after the pregnancy. Provides that only the pregnant person or the pregnant person's legally authorized designee in the event of death or incapacitation of the pregnant person may bring an action seeking the payment of pregnancy expenses. Allows the court to order the other party to the pregnancy or other intended parent to pay more than 50% of the pregnancy expenses. Makes a conforming change in the Illinois Parentage Act of 2015. Effective immediately.

LRB103 28227 LNS 54606 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 1. Short title. This Act may be cited as the  
5 Pregnancy Expenses Act.

6 Section 5. Definitions. As used in this Act:

7 "Donor" means an individual who participates in an  
8 assisted reproductive technology arrangement by providing  
9 gametes and relinquishes all rights and responsibility to the  
10 gametes so that another individual or individuals may become  
11 the legal parent or parents of any resulting child. "Donor"  
12 does not include a spouse in any assisted reproductive  
13 technology arrangement in which the other spouse will parent  
14 any resulting child.

15 "Gamete" means either a sperm or an egg.

16 "Other intended parent" means a person who has expressed  
17 an intent to be the legal parent of a child with a pregnant  
18 person but did not contribute sperm to the creation of the  
19 pregnancy.

20 "Party to the pregnancy" means a person who contributed  
21 sperm to the creation of the pregnancy. "Other party to the  
22 pregnancy" does not include a donor.

23 "Pregnancy expenses" means an amount equal to:

1 (1) the sum of a pregnant person's:

2 (A) health insurance premiums while pregnant that  
3 are not paid by an employer or government program; and

4 (B) medical costs related to the pregnancy,  
5 incurred after the date of implantation and before the  
6 pregnancy ends, including any medical costs related to  
7 the delivery of the child; minus

8 (2) any portion of the amount described in paragraph  
9 (1) that a court determines is equitable based on the  
10 totality of the circumstances, not including any amount  
11 paid by the pregnant person, other party to the pregnancy,  
12 or other intended parent.

13 "Pregnant person" means a person who is carrying or has  
14 carried a pregnancy.

15 Section 10. Pregnancy expenses.

16 (a) Except as otherwise provided in this Section, the  
17 other party to the pregnancy or the other intended parent, if  
18 there is one, has a duty to pay 50% of the pregnant person's  
19 pregnancy expenses. If the other intended parent's parentage  
20 is disputed, the other party to the pregnancy owes no duty  
21 under this Section until the other intended parent's parentage  
22 is determined under the Illinois Parentage Act of 2015.

23 (b) Any portion of a pregnant person's pregnancy expenses  
24 paid by the pregnant person, other party to the pregnancy, or  
25 other intended parent reduces that party's 50% share under

1 subsection (a), not the total amount of pregnancy expenses.  
2 This subsection applies regardless of when the pregnant  
3 person, other party to the pregnancy, or other intended parent  
4 pays the pregnancy expense.

5 (c) This Section does not apply if the court apportions  
6 pregnancy expenses under Article 8 of the Illinois Parentage  
7 Act of 2015 or Part V of the Illinois Marriage and Dissolution  
8 of Marriage Act.

9 (d) This Section does not apply to any pregnancy for which  
10 there is a valid gestational surrogacy contract pursuant to  
11 the Illinois Gestational Surrogacy Act.

12 Section 15. Actions seeking payment of pregnancy expenses.

13 (a) An action seeking the payment of pregnancy expenses  
14 may be brought during or after the pregnancy. The petitioner  
15 is not required to wait until the pregnancy ends to bring an  
16 action under this Act.

17 (b) An action seeking the payment of pregnancy expenses  
18 shall only be brought by the pregnant person or the pregnant  
19 person's legally authorized designee in the event of death or  
20 incapacitation of the pregnant person.

21 (c) In an action seeking the payment of pregnancy  
22 expenses, the court, in its determination of whether to order  
23 the other party to the pregnancy or other intended parent to  
24 pay pregnancy expenses, shall consider:

25 (1) the income and property of each party;

1 (2) the needs of each party;

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

4 (4) any impairment of the present and future earning  
5 capacity of the pregnant person seeking pregnancy expenses  
6 due to that person devoting time to domestic duties or  
7 having forgone or delayed education, training, employment,  
8 or career opportunities due to the pregnancy; and

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

11 (d) In an action seeking the payment of pregnancy  
12 expenses, the court, in its discretion, may order the other  
13 party to the pregnancy or other intended parent to pay more  
14 than 50% of the pregnancy expenses.

15 (e) If a person seeks payment of pregnancy expenses under  
16 this Act by providing documentation of payments, medical  
17 expenses, and insurance premiums, the court may, after review,  
18 order the payment of the pregnancy expenses.

19 Section 90. The Illinois Parentage Act of 2015 is amended  
20 by changing Section 802 as follows:

21 (750 ILCS 46/802)

22 Sec. 802. Judgment.

23 (a) The court shall issue an order adjudicating whether a  
24 person alleged or claiming to be the parent is the parent of

1 the child. An order adjudicating parentage must identify the  
2 child by name and date of birth.

3 The court may assess filing fees, reasonable attorney's  
4 fees, fees for genetic testing, other costs, necessary travel  
5 expenses, and other reasonable expenses incurred in a  
6 proceeding under this Act. The court may award attorney's  
7 fees, which may be paid directly to the attorney, who may  
8 enforce the order in the attorney's own name. The court may not  
9 assess fees, costs, or expenses against the  
10 support-enforcement agency of this State or another state,  
11 except as provided by other law.

12 The judgment shall contain or explicitly reserve  
13 provisions concerning any duty and amount of child support and  
14 may contain or explicitly reserve provisions concerning the  
15 allocation of parental responsibilities or guardianship of the  
16 child, parenting time privileges with the child, and the  
17 furnishing of bond or other security for the payment of the  
18 judgment, which the court shall determine in accordance with  
19 the relevant factors set forth in the Illinois Marriage and  
20 Dissolution of Marriage Act and any other applicable law of  
21 this State, to guide the court in a finding in the best  
22 interests of the child. In determining the allocation of  
23 parental responsibilities, relocation, parenting time,  
24 parenting time interference, support for a non-minor disabled  
25 child, educational expenses for a non-minor child, and related  
26 post-judgment issues, the court shall apply the relevant

1 standards of the Illinois Marriage and Dissolution of Marriage  
2 Act. Specifically, in determining the amount of a child  
3 support award, the court shall use the guidelines and  
4 standards set forth in subsection (a) of Section 505 and in  
5 Section 505.2 of the Illinois Marriage and Dissolution of  
6 Marriage Act. The court shall order all child support  
7 payments, determined in accordance with such guidelines, to  
8 commence with the date summons is served. The level of current  
9 periodic support payments shall not be reduced because of  
10 payments set for the period prior to the date of entry of the  
11 support order.

12 (b) In an action brought during a pregnancy or within 2  
13 years after a child's birth, the judgment or order may direct  
14 the other party to the pregnancy or other intended parent  
15 ~~either parent~~ to pay 50% of pregnancy ~~the reasonable~~ expenses,  
16 as defined in the Pregnancy Expenses Act, incurred by the  
17 pregnant person ~~either parent~~ or the Department of Healthcare  
18 and Family Services. However, the court, in its discretion,  
19 may direct the other party to the pregnancy or other intended  
20 parent to pay more than 50% of pregnancy expenses ~~related to~~  
21 ~~the mother's pregnancy and the delivery of the child.~~

22 (c) In the absence of an explicit order or judgment for the  
23 allocation of parental responsibilities, to the extent the  
24 court has authority under the Uniform Child-Custody  
25 Jurisdiction and Enforcement Act or any other appropriate  
26 State law, the establishment of a child support obligation or

1 the allocation of parenting time to one parent shall be  
2 construed as an order or judgment allocating all parental  
3 responsibilities to the other parent. If the parentage order  
4 or judgment contains no such provisions, all parental  
5 responsibilities shall be presumed to be allocated to the  
6 mother; however, the presumption shall not apply if the child  
7 has resided primarily with the other parent for at least 6  
8 months prior to the date that the mother seeks to enforce the  
9 order or judgment of parentage.

10 (c-5) Notwithstanding the limitations regarding the  
11 establishment of custody under the Uniform Interstate Family  
12 Support Act, that Act is not exclusive, and custody/allocation  
13 of parental responsibilities may be determined concurrently  
14 under other appropriate State laws, where this determination  
15 may be validly made.

16 (d) The court, if necessary to protect and promote the  
17 best interests of the child, may set aside a portion of the  
18 separately held estates of the parties in a separate fund or  
19 trust for the support, education, physical and mental health,  
20 and general welfare of a minor or mentally or physically  
21 disabled child of the parties.

22 (e) The court may order child support payments to be made  
23 for a period prior to the commencement of the action. In  
24 determining whether and to what extent the payments shall be  
25 made for the prior period, the court shall consider all  
26 relevant facts, including but not limited to:



1           (1) The factors for determining the amount of support  
2           specified in the Illinois Marriage and Dissolution of  
3           Marriage Act.

4           (2) The prior knowledge of the person obligated to pay  
5           support of the fact and circumstances of the child's  
6           birth.

7           (3) The father's prior willingness or refusal to help  
8           raise or support the child.

9           (4) The extent to which the mother or the public  
10          agency bringing the action previously informed the person  
11          obligated to pay support of the child's needs or attempted  
12          to seek or require the help of the person obligated to pay  
13          support in raising or supporting the child.

14          (5) The reasons the mother or the public agency did  
15          not file the action earlier.

16          (6) The extent to which the person obligated to pay  
17          support would be prejudiced by the delay in bringing the  
18          action.

19          For purposes of determining the amount of child support to  
20          be paid for the period before the date the order for current  
21          child support is entered, there is a rebuttable presumption  
22          that the net income of the person obligated to pay support for  
23          the prior period was the same as the net income of the person  
24          obligated to pay support at the time the order for current  
25          child support is entered.

26          If (i) the person obligated to pay support was properly

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

13 (f) A new or existing support order entered by the court  
14 under this Section shall be deemed to be a series of judgments  
15 against the person obligated to pay support thereunder, each  
16 judgment to be in the amount of each payment or installment of  
17 support and each judgment to be deemed entered as of the date  
18 the corresponding payment or installment becomes due under the  
19 terms of the support order. Each judgment shall have the full  
20 force, effect, and attributes of any other judgment of this  
21 State, including the ability to be enforced. A judgment under  
22 this Section is subject to modification or termination only in  
23 accordance with Section 510 of the Illinois Marriage and  
24 Dissolution of Marriage Act. Notwithstanding any State or  
25 local law to the contrary, a lien arises by operation of law  
26 against the real and personal property of the noncustodial

1 parent for each installment of overdue support owed by the  
2 noncustodial parent.

3 (g) If the judgment or order of the court is at variance  
4 with the child's birth certificate, the court shall order that  
5 a new birth certificate be issued under the Vital Records Act.

6 (h) On the request of both parents, the court shall order a  
7 change in the child's name.

8 (i) After hearing evidence, the court may stay payment of  
9 support during the period of the father's minority or period  
10 of disability.

11 (j) If, upon a showing of proper service, the father fails  
12 to appear in court or otherwise appear as provided by law, the  
13 court may proceed to hear the cause upon testimony of the  
14 mother or other parties taken in open court and shall enter a  
15 judgment by default. The court may reserve any order as to the  
16 amount of child support until the father has received notice,  
17 by regular mail, of a hearing on the matter.

18 (k) An order for support, when entered or modified, shall  
19 include a provision requiring the non-custodial parent to  
20 notify the court and, in cases in which a party is receiving  
21 child support enforcement services under Article X of the  
22 Illinois Public Aid Code, the Department of Healthcare and  
23 Family Services, within 7 days: (i) of the name and address of  
24 any new employer of the non-custodial parent; (ii) whether the  
25 non-custodial parent has access to health insurance coverage  
26 through the employer or other group coverage and, if so, of the

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

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

26 (m) If there is an unpaid arrearage or delinquency (as

1 those terms are defined in the Income Withholding for Support  
2 Act) equal to at least one month's support obligation on the  
3 termination date stated in the order for support or, if there  
4 is no termination date stated in the order, on the date the  
5 child attains the age of majority or is otherwise emancipated,  
6 the periodic amount required to be paid for current support of  
7 that child immediately prior to that date shall automatically  
8 continue to be an obligation, not as current support but as  
9 periodic payment toward satisfaction of the unpaid arrearage  
10 or delinquency. The periodic payment shall be in addition to  
11 any periodic payment previously required for satisfaction of  
12 the arrearage or delinquency. The total periodic amount to be  
13 paid toward satisfaction of the arrearage or delinquency may  
14 be enforced and collected by any method provided by law for  
15 enforcement and collection of child support, including but not  
16 limited to income withholding under the Income Withholding for  
17 Support Act. Each order for support entered or modified must  
18 contain a statement notifying the parties of the requirements  
19 of this subsection. Failure to include the statement in the  
20 order for support does not affect the validity of the order or  
21 the operation of the provisions of this subsection with regard  
22 to the order. This subsection shall not be construed to  
23 prevent or affect the establishment or modification of an  
24 order for support of a minor child or the establishment or  
25 modification of an order for support of a non-minor child or  
26 educational expenses under Section 513 of the Illinois

1 Marriage and Dissolution of Marriage Act.

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

21 (Source: P.A. 102-541, eff. 8-20-21.)

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law.