



Rep. Kelly Burke

Filed: 3/24/2014

09800HB1452ham001

LRB098 02948 HEP 57107 a

1 AMENDMENT TO HOUSE BILL 1452

2 AMENDMENT NO. _____. Amend House Bill 1452 by replacing
3 everything after the enacting clause with the following:

4 "ARTICLE 1. HEART BALM ACTIONS

5 Section 1-1. Findings. The majority of states have
6 abolished heart balm actions. In Illinois, heart balm actions
7 for alienation of affections, breach of promise to marry, and
8 criminal conversation were permitted under the common law
9 before the abolition of those causes of action by "An Act in
10 relation to certain causes of action conducive to extortion and
11 blackmail, and to declare illegal, contracts and Acts made and
12 done in pursuance thereof", filed May 4, 1935, Laws 1935, p.
13 716. The Illinois Supreme Court held, in Heck v. Schupp, 394
14 Ill. 296 (1946), that the 1935 Act was unconstitutional and
15 that the abolition of heart balm actions would infringe upon
16 the rights of parties to remedies under Section 19 of Article

1 II of the 1870 Constitution. (Section 12 of Article I of the
2 1970 Constitution is similar to the relevant portion of Section
3 19 of Article II of the 1870 Constitution.) Since 1947, heart
4 balm actions have been permitted with limited damages under the
5 Alienation of Affections Act, the Breach of Promise Act, and
6 the Criminal Conversation Act.

7 Society has since recognized that the amicable settlement
8 of domestic relations disputes is beneficial. In 1977, the
9 Illinois Marriage and Dissolution of Marriage Act became the
10 law of this State. As stated in Section 102 of that Act, among
11 its underlying purposes are: promoting the amicable settlement
12 of disputes that have arisen between parties to a marriage;
13 mitigating the potential harm to the spouses and their children
14 caused by the process of legal dissolution of marriage; and
15 eliminating the consideration of marital misconduct in the
16 adjudication of rights and duties incident to the legal
17 dissolution of marriage, legal separation and declaration of
18 invalidity of marriage. Heart balm actions are inconsistent
19 with these purposes.

20 Society has also realized that women and men should have
21 equal rights under the law. Heart balm actions are rooted in
22 the now-discredited notion that men and women are unequal.

23 Although the Alienation of Affections Act, the Breach of
24 Promise Act, and the Criminal Conversation Act represent
25 attempts to ameliorate some of the more odious consequences of
26 heart balm actions, the General Assembly finds that actions for

1 alienation of affections, breach of promise to marry, and
2 criminal conversation are contrary to the public policy of this
3 State and those causes of action should be abolished.

4 Section 1-5. The Code of Civil Procedure is amended by
5 changing Section 13-202 as follows:

6 (735 ILCS 5/13-202) (from Ch. 110, par. 13-202)

7 Sec. 13-202. Personal injury - Penalty. Actions for damages
8 for an injury to the person, or for false imprisonment, or
9 malicious prosecution, or for a statutory penalty, or for
10 abduction, or for seduction, or for criminal conversation that
11 may proceed pursuant to subsection (a) of Section 7.1 of the
12 Criminal Conversation Abolition Act, except damages resulting
13 from first degree murder or the commission of a Class X felony
14 and the perpetrator thereof is convicted of such crime, shall
15 be commenced within 2 years next after the cause of action
16 accrued but such an action against a defendant arising from a
17 crime committed by the defendant in whose name an escrow
18 account was established under the "Criminal Victims' Escrow
19 Account Act" shall be commenced within 2 years after the
20 establishment of such account. If the compelling of a
21 confession or information by imminent bodily harm or threat of
22 imminent bodily harm results in whole or in part in a criminal
23 prosecution of the plaintiff, the 2-year period set out in this
24 Section shall be tolled during the time in which the plaintiff

1 is incarcerated, or until criminal prosecution has been finally
2 adjudicated in favor of the above referred plaintiff, whichever
3 is later. However, this provision relating to the compelling of
4 a confession or information shall not apply to units of local
5 government subject to the Local Governmental and Governmental
6 Employees Tort Immunity Act.

7 (Source: P.A. 94-1113, eff. 1-1-08.)

8 Section 1-10. The Alienation of Affections Act is amended
9 by changing the title of the Act and Section 0.01 and by adding
10 Section 7.1 as follows:

11 (740 ILCS 5/Act title)

12 An Act relating to ~~the damages recoverable in~~ actions for
13 alienation of affections.

14 (740 ILCS 5/0.01) (from Ch. 40, par. 1900)

15 Sec. 0.01. Short title. This Act may be cited as the
16 Alienation of Affections Abolition Act.

17 (Source: P.A. 86-1324.)

18 (740 ILCS 5/7.1 new)

19 Sec. 7.1. Abolition; effect of repeal.

20 (a) This amendatory Act of the 98th General Assembly does
21 not apply to any cause of action that accrued under Sections 1
22 through 7 of this Act before their repeal, and a timely action

1 brought under those Sections shall be decided in accordance
2 with those Sections as they existed when the cause of action
3 accrued.

4 (b) An action may not be brought for alienation of
5 affections based on facts occurring on or after the effective
6 date of this amendatory Act of the 98th General Assembly.

7 (740 ILCS 5/1 rep.)

8 (740 ILCS 5/2 rep.)

9 (740 ILCS 5/3 rep.)

10 (740 ILCS 5/4 rep.)

11 (740 ILCS 5/5 rep.)

12 (740 ILCS 5/6 rep.)

13 (740 ILCS 5/7 rep.)

14 Section 1-15. The Alienation of Affections Act is amended
15 by repealing Sections 1, 2, 3, 4, 5, 6, and 7.

16 Section 1-20. The Breach of Promise Act is amended by
17 changing Section 0.01 and by adding Section 10.1 as follows:

18 (740 ILCS 15/0.01) (from Ch. 40, par. 1800)

19 Sec. 0.01. Short title. This Act may be cited as the Breach
20 of Promise Abolition Act.

21 (Source: P.A. 86-1324.)

22 (740 ILCS 15/10.1 new)

1 Sec. 10.1. Abolition; effect of repeal.

2 (a) This amendatory Act of the 98th General Assembly does
3 not apply to any cause of action that accrued under Sections 1
4 through 10 of this Act before their repeal, and a timely action
5 brought under those Sections shall be decided in accordance
6 with those Sections as they existed when the cause of action
7 accrued.

8 (b) An action may not be brought for breach of promise or
9 agreement to marry based on facts occurring on or after the
10 effective date of this amendatory Act of the 98th General
11 Assembly.

12 (740 ILCS 15/1 rep.)

13 (740 ILCS 15/2 rep.)

14 (740 ILCS 15/3 rep.)

15 (740 ILCS 15/4 rep.)

16 (740 ILCS 15/5 rep.)

17 (740 ILCS 15/6 rep.)

18 (740 ILCS 15/7 rep.)

19 (740 ILCS 15/8 rep.)

20 (740 ILCS 15/9 rep.)

21 (740 ILCS 15/10 rep.)

22 Section 1-25. The Breach of Promise Act is amended by
23 repealing Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10.

24 Section 1-30. The Criminal Conversation Act is amended by

1 changing the title of the Act and Section 0.01 and by adding
2 Section 7.1 as follows:

3 (740 ILCS 50/Act title)

4 An Act relating to ~~the damages recoverable in~~ actions for
5 criminal conversation.

6 (740 ILCS 50/0.01) (from Ch. 40, par. 1950)

7 Sec. 0.01. Short title. This Act may be cited as the
8 Criminal Conversation Abolition Act.

9 (Source: P.A. 86-1324.)

10 (740 ILCS 50/7.1 new)

11 Sec. 7.1. Abolition; effect of repeal.

12 (a) This amendatory Act of the 98th General Assembly does
13 not apply to any cause of action that accrued under Sections 1
14 through 7 of this Act before their repeal, and a timely action
15 brought under those Sections shall be decided in accordance
16 with those Sections as they existed when the cause of action
17 accrued.

18 (b) An action may not be brought for criminal conversation
19 based on facts occurring on or after the effective date of this
20 amendatory Act of the 98th General Assembly.

21 (740 ILCS 50/1 rep.)

22 (740 ILCS 50/2 rep.)

1 (740 ILCS 50/3 rep.)

2 (740 ILCS 50/4 rep.)

3 (740 ILCS 50/5 rep.)

4 (740 ILCS 50/6 rep.)

5 (740 ILCS 50/7 rep.)

6 Section 1-35. The Criminal Conversation Act is amended by
7 repealing Sections 1, 2, 3, 4, 5, 6, and 7.

8 ARTICLE 5. OTHER AMENDATORY PROVISIONS

9 Section 5-5. The Intergovernmental Missing Child Recovery
10 Act of 1984 is amended by changing Section 7.1 as follows:

11 (325 ILCS 40/7.1) (from Ch. 23, par. 2257.1)

12 Sec. 7.1. In addition to any requirement of Section 601.2
13 ~~601 or 611~~ of the Illinois Marriage and Dissolution of Marriage
14 Act or applicable provisions of the Uniform Child-Custody
15 Jurisdiction and Enforcement Act regarding a parental
16 allocation ~~custody~~ proceeding of an out-of-state party, every
17 court in this State, prior to granting or modifying a parental
18 allocation ~~custody~~ judgment, shall inquire with LEADS and the
19 National Crime Information Center to ascertain whether the
20 child or children in question have been reported missing or
21 have been involved in or are the victims of a parental or
22 noncustodial abduction. Such inquiry may be conducted with any
23 law enforcement agency in this State that maintains a LEADS

1 terminal or has immediate access to one on a 24-hour-per-day,
2 7-day-per-week basis through a written agreement with another
3 law enforcement agency.

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

5 Section 5-10. The Code of Criminal Procedure of 1963 is
6 amended by changing Section 112A-23 as follows:

7 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

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

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

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

16 (i) remedies described in paragraphs (1), (2),
17 (3), (14), or (14.5) of subsection (b) of Section
18 112A-14,

19 (ii) a remedy, which is substantially similar to
20 the remedies authorized under paragraphs (1), (2),
21 (3), (14) or (14.5) of subsection (b) of Section 214 of
22 the Illinois Domestic Violence Act of 1986, in a valid
23 order of protection, which is authorized under the laws
24 of another state, tribe or United States territory,

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

4 Prosecution for a violation of an order of protection
5 shall not bar concurrent prosecution for any other crime,
6 including any crime that may have been committed at the
7 time of the violation of the order of protection; or

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

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

13 (ii) a remedy, which is substantially similar to
14 the remedies authorized under paragraphs (1), (5),
15 (6), or (8) of subsection (b) of Section 214 of the
16 Illinois Domestic Violence Act of 1986, in a valid
17 order of protection, which is authorized under the laws
18 of another state, tribe or United States territory.

19 (b) When violation is contempt of court. A violation of any
20 valid order of protection, whether issued in a civil or
21 criminal proceeding, may be enforced through civil or criminal
22 contempt procedures, as appropriate, by any court with
23 jurisdiction, regardless where the act or acts which violated
24 the order of protection were committed, to the extent
25 consistent with the venue provisions of this Article. Nothing
26 in this Article shall preclude any Illinois court from

1 enforcing any valid order of protection issued in another
2 state. Illinois courts may enforce orders of protection through
3 both criminal prosecution and contempt proceedings, unless the
4 action which is second in time is barred by collateral estoppel
5 or the constitutional prohibition against double jeopardy.

6 (1) In a contempt proceeding where the petition for a
7 rule to show cause sets forth facts evidencing an immediate
8 danger that the respondent will flee the jurisdiction,
9 conceal a child, or inflict physical abuse on the
10 petitioner or minor children or on dependent adults in
11 petitioner's care, the court may order the attachment of
12 the respondent without prior service of the rule to show
13 cause or the petition for a rule to show cause. Bond shall
14 be set unless specifically denied in writing.

15 (2) A petition for a rule to show cause for violation
16 of an order of protection shall be treated as an expedited
17 proceeding.

18 (c) Violation of custody, allocation of parental
19 responsibility, or support orders. A violation of remedies
20 described in paragraphs (5), (6), (8), or (9) of subsection (b)
21 of Section 112A-14 may be enforced by any remedy provided by
22 Section 607.5 ~~611~~ of the Illinois Marriage and Dissolution of
23 Marriage Act. The court may enforce any order for support
24 issued under paragraph (12) of subsection (b) of Section
25 112A-14 in the manner provided for under Parts V and VII of the
26 Illinois Marriage and Dissolution of Marriage Act.

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

5 (1) By service, delivery, or notice under Section
6 112A-10.

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

8 (3) By service of an order of protection under Section
9 112A-22.

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

12 (e) The enforcement of an order of protection in civil or
13 criminal court shall not be affected by either of the
14 following:

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

17 (2) Any finding or order entered in a conjoined
18 criminal proceeding.

19 (f) Circumstances. The court, when determining whether or
20 not a violation of an order of protection has occurred, shall
21 not require physical manifestations of abuse on the person of
22 the victim.

23 (g) Penalties.

24 (1) Except as provided in paragraph (3) of this
25 subsection, where the court finds the commission of a crime
26 or contempt of court under subsections (a) or (b) of this

1 Section, the penalty shall be the penalty that generally
2 applies in such criminal or contempt proceedings, and may
3 include one or more of the following: incarceration,
4 payment of restitution, a fine, payment of attorneys' fees
5 and costs, or community service.

6 (2) The court shall hear and take into account evidence
7 of any factors in aggravation or mitigation before deciding
8 an appropriate penalty under paragraph (1) of this
9 subsection.

10 (3) To the extent permitted by law, the court is
11 encouraged to:

12 (i) increase the penalty for the knowing violation
13 of any order of protection over any penalty previously
14 imposed by any court for respondent's violation of any
15 order of protection or penal statute involving
16 petitioner as victim and respondent as defendant;

17 (ii) impose a minimum penalty of 24 hours
18 imprisonment for respondent's first violation of any
19 order of protection; and

20 (iii) impose a minimum penalty of 48 hours
21 imprisonment for respondent's second or subsequent
22 violation of an order of protection

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

25 (4) In addition to any other penalties imposed for a
26 violation of an order of protection, a criminal court may

1 consider evidence of any violations of an order of
2 protection:

3 (i) to increase, revoke or modify the bail bond on
4 an underlying criminal charge pursuant to Section
5 110-6;

6 (ii) to revoke or modify an order of probation,
7 conditional discharge or supervision, pursuant to
8 Section 5-6-4 of the Unified Code of Corrections;

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

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

13 Section 5-15. The Illinois Marriage and Dissolution of
14 Marriage Act is amended by changing Sections 102, 104, 105,
15 107, 209, 219, 401, 402, 403, 404, 405, 409, 411, 413, 452,
16 453, 501, 501.1, 502, 503, 504, 505, 505.1, 508, 510, 512, and
17 513 and the heading of Part VI and by adding Sections 513.5,
18 600, 601.2, 602.5, 602.7, 602.8, 602.9, 602.10, 603.5, 603.10,
19 604.10, 606.5, 606.10, 607.5, 609.2, 610.5, and 612 as follows:

20 (750 ILCS 5/102) (from Ch. 40, par. 102)

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

24 (1) provide adequate procedures for the solemnization and

1 registration of marriage;

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

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

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

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

14 (6) recognize the right of children to a healthy
15 relationship with parents, and the responsibility of parents to
16 ensure such a relationship;

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

21 (A) recognize children's right to a strong and healthy
22 relationship with parents, and parents' concomitant right
23 and responsibility to create and maintain such
24 relationships;

25 (B) recognize that, in the absence of domestic violence
26 or any other factor that the court expressly finds to be

1 relevant, proximity to, and frequent contact with, both
2 parents promotes healthy development of children;

3 (C) facilitate parental planning and agreement about
4 the children's upbringing and allocation of parenting time
5 and other parental responsibilities;

6 (D) continue existing parent-child relationships, and
7 secure the maximum involvement and cooperation of parents
8 regarding the physical, mental, moral, and emotional
9 well-being of the children during and after the litigation;

10 (E) recognize that, in order to maximize the
11 opportunity for each child to maintain and strengthen the
12 child's relationship with each parent, the child's best
13 interests may be served with a minimum amount of
14 residential parenting time for each parent of not less than
15 35% of available residential parenting time; however, this
16 presumption regarding the minimum percentage of parenting
17 time shall not, in and of itself, constitute a reason for
18 deviation from the child support guidelines; and

19 (F) promote or order parents to participate in programs
20 designed to educate parents to:

21 (i) minimize or eliminate rancor and the
22 detrimental effect of litigation in any proceeding
23 involving children; and

24 (ii) facilitate the maximum cooperation of parents
25 in raising their children;

26 (8) ~~(5)~~ make reasonable provision for support spouses and

1 ~~minor children~~ during and after an underlying dissolution of
2 marriage, parentage, or custody action litigation, including
3 provision for timely advances ~~awards~~ of interim fees and costs
4 to all attorneys, experts, and opinion witnesses including
5 guardians ad litem and children's representatives, to achieve
6 substantial parity in parties' access to funds for pre-judgment
7 litigation costs in an action for dissolution of marriage;

8 (9) ~~(6)~~ eliminate the consideration of marital misconduct
9 in the adjudication of rights and duties incident to ~~the legal~~
10 dissolution of marriage, legal separation and declaration of
11 invalidity of marriage; and

12 ~~(7) secure the maximum involvement and cooperation of both~~
13 ~~parents regarding the physical, mental, moral and emotional~~
14 ~~well being of the children during and after the litigation; and~~

15 (10) ~~(8)~~ make provision for the preservation and
16 conservation of marital assets during the litigation.

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

18 (750 ILCS 5/104) (from Ch. 40, par. 104)

19 Sec. 104. Venue.) The proceedings shall be had in the
20 county where the plaintiff or defendant resides, except as
21 otherwise provided herein, but process may be directed to any
22 county in the State. Objection to venue is barred if not made
23 within such time as the defendant's response is due. In no
24 event shall venue be deemed jurisdictional.

25 In any case brought pursuant to this Act where neither the

1 petitioner nor respondent resides in the county in which the
2 initial pleading is filed, the petitioner shall file with the
3 initial pleading a written motion, which shall be set for
4 hearing and ruled upon before any other issue is taken up,
5 advising that the forum selected is not one of proper venue and
6 seeking an appropriate order from the court allowing a waiver
7 of the venue requirements of this Section.

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

9 (750 ILCS 5/105) (from Ch. 40, par. 105)

10 Sec. 105. Application of Civil Practice Law.) (a) The
11 provisions of the Civil Practice Law shall apply to all
12 proceedings under this Act, except as otherwise provided in
13 this Act.

14 (b) A proceeding for dissolution of marriage, legal
15 separation or declaration of invalidity of marriage shall be
16 entitled "In re the Marriage of ... and ...". A custody or
17 support proceeding shall be entitled "In re the (Custody)
18 (Support) of ...".

19 (c) The initial pleading in all proceedings under this Act
20 shall be denominated a petition. A responsive pleading shall be
21 denominated a response. If new matter by way of defense is
22 pleaded in the response, a reply may be filed by the
23 petitioner, but the failure to reply is not an admission of the
24 legal sufficiency of the new matter. All other pleadings under
25 this Act shall be denominated as provided in the Civil Practice

1 Law.

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

3 (750 ILCS 5/107) (from Ch. 40, par. 107)

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

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

13 (750 ILCS 5/209) (from Ch. 40, par. 209)

14 (Text of Section after amendment by P.A. 98-597)

15 Sec. 209. Solemnization and Registration.)

16 (a) A marriage may be solemnized by a judge of a court of
17 record, by a retired judge of a court of record, unless the
18 retired judge was removed from office by the Judicial Inquiry
19 Board, except that a retired judge shall not receive any
20 compensation from the State, a county or any unit of local
21 government in return for the solemnization of a marriage and
22 there shall be no effect upon any pension benefits conferred by
23 the Judges Retirement System of Illinois, by a judge of the
24 Court of Claims, by a county clerk in counties having 2,000,000

1 or more inhabitants, by a public official whose powers include
2 solemnization of marriages, or in accordance with the
3 prescriptions of any religious denomination, Indian Nation or
4 Tribe or Native Group, provided that when such prescriptions
5 require an officiant, the officiant be in good standing with
6 his or her religious denomination, Indian Nation or Tribe or
7 Native Group. Either the person solemnizing the marriage, or,
8 if no individual acting alone solemnized the marriage, both
9 parties to the marriage, shall complete the marriage
10 certificate form and forward it to the county clerk within 10
11 days after such marriage is solemnized.

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

1 administrative, or criminal penalty, claim, or cause of action.

2 (a-10) No church, mosque, synagogue, temple,
3 nondenominational ministry, interdenominational or ecumenical
4 organization, mission organization, or other organization
5 whose principal purpose is the study, practice, or advancement
6 of religion is required to provide religious facilities for the
7 solemnization ceremony or celebration associated with the
8 solemnization ceremony of a marriage if the solemnization
9 ceremony or celebration associated with the solemnization
10 ceremony is in violation of its religious beliefs. An entity
11 identified in this subsection (a-10) shall be immune from any
12 civil, administrative, criminal penalty, claim, or cause of
13 action based on its refusal to provide religious facilities for
14 the solemnization ceremony or celebration associated with the
15 solemnization ceremony of a marriage if the solemnization
16 ceremony or celebration associated with the solemnization
17 ceremony is in violation of its religious beliefs. As used in
18 this subsection (a-10), "religious facilities" means
19 sanctuaries, parish halls, fellowship halls, and similar
20 facilities. "Religious facilities" does not include facilities
21 such as businesses, health care facilities, educational
22 facilities, or social service agencies.

23 (b) The solemnization of the marriage is not invalidated:
24 (1) by the fact that the person solemnizing the marriage was
25 not legally qualified to solemnize it, if a reasonable person
26 would believe the person solemnizing the marriage to be so

1 ~~qualified; if either party to the marriage believed him or her~~
2 ~~to be so qualified~~ or (2) by the fact that the marriage was
3 inadvertently solemnized in a county in Illinois other than the
4 county where the license was issued and filed.

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

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

8 (750 ILCS 5/219) (from Ch. 40, par. 219)

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

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

15 (750 ILCS 5/401) (from Ch. 40, par. 401)

16 Sec. 401. Dissolution of marriage.

17 (a) The court shall enter a judgment of dissolution of
18 marriage when ~~if~~ at the time the action was commenced one of
19 the spouses was a resident of this State or was stationed in
20 this State while a member of the armed services, and the
21 residence or military presence had been maintained for 90 days
22 next preceding the commencement of the action or the making of
23 the finding:

24 Irreconcilable differences have caused the irretrievable

1 breakdown of the marriage and the court determines that efforts
2 at reconciliation have failed or that future attempts at
3 reconciliation would be impracticable and not in the best
4 interests of the family.

5 (a-5) If the parties are separated for 6 consecutive
6 months, which period may commence prior to or after the filing
7 of an action for dissolution of marriage under this Act, there
8 will be an irrebuttable presumption that the requirement of
9 irreconcilable differences has been met.; provided, however,
10 that a finding of residence of a party in any judgment entered
11 under this Act from January 1, 1982 through June 30, 1982 shall
12 satisfy the former domicile requirements of this Act; and if
13 one of the following grounds for dissolution has been proved:

14 ~~(1) That, without cause or provocation by the~~
15 ~~petitioner: the respondent was at the time of such~~
16 ~~marriage, and continues to be naturally impotent; the~~
17 ~~respondent had a wife or husband living at the time of the~~
18 ~~marriage; the respondent had committed adultery subsequent~~
19 ~~to the marriage; the respondent has wilfully deserted or~~
20 ~~absented himself or herself from the petitioner for the~~
21 ~~space of one year, including any period during which~~
22 ~~litigation may have pended between the spouses for~~
23 ~~dissolution of marriage or legal separation; the~~
24 ~~respondent has been guilty of habitual drunkenness for the~~
25 ~~space of 2 years; the respondent has been guilty of gross~~
26 ~~and confirmed habits caused by the excessive use of~~

1 ~~addictive drugs for the space of 2 years, or has attempted~~
2 ~~the life of the other by poison or other means showing~~
3 ~~malice, or has been guilty of extreme and repeated physical~~
4 ~~or mental cruelty, or has been convicted of a felony or~~
5 ~~other infamous crime; or the respondent has infected the~~
6 ~~other with a sexually transmitted disease. "Excessive use~~
7 ~~of addictive drugs", as used in this Section, refers to use~~
8 ~~of an addictive drug by a person when using the drug~~
9 ~~becomes a controlling or a dominant purpose of his life; or~~

10 ~~(2) That the spouses have lived separate and apart for~~
11 ~~a continuous period in excess of 2 years and irreconcilable~~
12 ~~differences have caused the irretrievable breakdown of the~~
13 ~~marriage and the court determines that efforts at~~
14 ~~reconciliation have failed or that future attempts at~~
15 ~~reconciliation would be impracticable and not in the best~~
16 ~~interests of the family. If the spouses have lived separate~~
17 ~~and apart for a continuous period of not less than 6 months~~
18 ~~next preceding the entry of the judgment dissolving the~~
19 ~~marriage, as evidenced by testimony or affidavits of the~~
20 ~~spouses, the requirement of living separate and apart for a~~
21 ~~continuous period in excess of 2 years may be waived upon~~
22 ~~written stipulation of both spouses filed with the court.~~
23 ~~At any time after the parties cease to cohabit, the~~
24 ~~following periods shall be included in the period of~~
25 ~~separation:~~

26 ~~(A) any period of cohabitation during which the~~

1 ~~parties attempted in good faith to reconcile and~~
2 ~~participated in marriage counseling under the guidance~~
3 ~~of any of the following: a psychiatrist, a clinical~~
4 ~~psychologist, a clinical social worker, a marriage and~~
5 ~~family therapist, a person authorized to provide~~
6 ~~counseling in accordance with the prescriptions of any~~
7 ~~religious denomination, or a person regularly engaged~~
8 ~~in providing family or marriage counseling; and~~

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

11 ~~In computing the period during which the spouses have lived~~
12 ~~separate and apart for purposes of this Section, periods during~~
13 ~~which the spouses were living separate and apart prior to July~~
14 ~~1, 1984 are included.~~

15 (b) Judgment shall not be entered unless, to the extent it
16 has jurisdiction to do so, the court has considered, approved,
17 reserved or made provision for child custody, the support of
18 any child of the marriage entitled to support, the maintenance
19 of either spouse and the disposition of property. The court
20 shall ~~may~~ enter a judgment for dissolution that reserves any of
21 these issues either upon (i) agreement of the parties, or (ii)
22 motion of either party and a finding by the court that
23 appropriate circumstances exist.

24 The death of a party subsequent to entry of a judgment for
25 dissolution but before judgment on reserved issues shall not
26 abate the proceedings.

1 If any provision of this Section or its application shall
2 be adjudged unconstitutional or invalid for any reason by any
3 court of competent jurisdiction, that judgment shall not
4 impair, affect or invalidate any other provision or application
5 of this Section, which shall remain in full force and effect.

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

7 (750 ILCS 5/402) (from Ch. 40, par. 402)

8 Sec. 402. Legal Separation.) (a) Any person living separate
9 and apart from his or her spouse without fault may have a
10 remedy for reasonable support and maintenance while they so
11 live apart.

12 (b) Such action shall be brought in the circuit court of
13 the county in which the respondent resides or in which the
14 parties last resided together as husband and wife. In the event
15 the respondent cannot be found within the State, the action may
16 be brought in the circuit court of the county in which the
17 petitioner resides. Commencement of the action, temporary
18 relief and trials shall be the same as in actions for
19 dissolution of marriage, except that temporary relief in an
20 action for legal separation shall be limited to the relief set
21 forth in subdivision (a)(1) and items (ii), (iii), and (iv) of
22 subdivision (a)(2) of Section 501. If the court deems it
23 appropriate to enter a judgment for legal separation, the court
24 shall consider the factors in Section 504 in awarding
25 maintenance. If the court deems it appropriate to enter a

1 judgment for legal separation, the court may approve a property
2 settlement agreement that the parties have requested the court
3 to incorporate into the judgment, subject to the following
4 provisions:

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

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

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

10 (c) A proceeding or judgment for legal separation shall not
11 bar either party from instituting an action for dissolution of
12 marriage, and if the party so moving has met the requirements
13 of Section 401, a judgment for dissolution shall be granted.
14 Absent an agreement set forth in a separation agreement that
15 provides for non-modifiable permanent maintenance, if a party
16 to a judgment for legal separation files an action for
17 dissolution of marriage, the issues of temporary and permanent
18 maintenance shall be decided de novo.

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

20 (750 ILCS 5/403) (from Ch. 40, par. 403)

21 Sec. 403. Pleadings - Commencement - Abolition of Existing
22 Defenses - Procedure.)

23 (a) The complaint or petition for dissolution of marriage
24 or legal separation shall be verified and shall minimally set
25 forth:

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

3 (2) the date of the marriage and the place at which it
4 was registered;

5 (2.5) whether a petition for dissolution of marriage is
6 pending in any other county or state;

7 (3) that the jurisdictional requirements of subsection
8 (a) of Section 401 have been met and that irreconcilable
9 differences have caused the irretrievable breakdown of the
10 marriage; and that there exist grounds for dissolution of
11 marriage or legal separation. The petitioner need only
12 allege the name of the particular grounds relied upon,
13 which shall constitute a legally sufficient allegation of
14 the grounds; and the respondent shall be entitled to demand
15 a bill of particulars prior to trial setting forth the
16 facts constituting the grounds, if he so chooses. The
17 petition must also contain:

18 (4) the initials names, ages without birthdates, and
19 addresses of all living children of the marriage, and
20 whether the wife is pregnant, and, if there are children
21 born of the marriage, the wife shall allege whether she
22 believes the husband is the father of the children;

23 (5) any arrangements as to support, custody and
24 visitation of the children and maintenance of a spouse; and

25 (6) the relief sought.

26 (b) Either or both parties to the marriage may initiate the

1 proceeding.

2 (c) (Blank). ~~The previously existing defense of~~
3 ~~recrimination is abolished. The defense of condonation is~~
4 ~~abolished only as to condonations occurring after a proceeding~~
5 ~~is filed under this Act and after the court has acquired~~
6 ~~jurisdiction over the respondent.~~

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

9 (e) Contested trials shall be on a bifurcated basis with
10 the issue of whether irreconcilable differences have caused the
11 irretrievable breakdown of the marriage, as described in
12 Section 401, grounds being tried first, regardless of whether
13 that issue is contested or uncontested. Upon the court
14 determining that irreconcilable differences have caused the
15 irretrievable breakdown of the marriage ~~the grounds exist~~, the
16 court may allow additional time for the parties to settle
17 amicably the remaining issues before resuming the trial, or may
18 proceed immediately to trial on the remaining issues. The court
19 has the discretion to use the date of the trial or such other
20 date as agreed upon by the parties, or ordered by the court
21 within its discretion, for purposes of determining the value of
22 assets or property. In cases where the requirements of Section
23 401 ~~the grounds~~ are uncontested and proved as in cases of
24 default, the trial on all other remaining issues shall proceed
25 immediately, if so ordered by the court or if the parties so
26 stipulate, ~~issue on the pleadings notwithstanding~~. Except as

1 provided in Section 401, the court shall enter a judgment of
2 dissolution of marriage, including an order dissolving the
3 marriage, incorporation of a marital settlement agreement if
4 applicable, and any other appropriate findings or orders, only
5 at the conclusion of the case and not after hearing only the
6 testimony as to whether irreconcilable differences have caused
7 the irretrievable breakdown of the marriage.

8 (f) (Blank). ~~Even if no bill of particulars shall have been~~
9 ~~filed demanding the specification of the particular facts~~
10 ~~underlying the allegation of the grounds, the court shall~~
11 ~~nonetheless require proper and sufficient proof of the~~
12 ~~existence of the grounds.~~

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

14 (750 ILCS 5/404) (from Ch. 40, par. 404)

15 Sec. 404. Conciliation, ~~mediation.~~

16 (a) If the court concludes that there is a prospect of
17 reconciliation, the court, at the request of either party, or
18 on its own motion, may order a conciliation conference. The
19 conciliation conference and counseling shall take place at the
20 established court conciliation service of that judicial
21 district or at any similar service or facility where no court
22 conciliation service has been established.

23 (b) The facts adduced at any conciliation conference
24 resulting from a referral hereunder, shall not be considered in
25 the adjudication of a pending or subsequent action, nor shall

1 any report resulting from such conference become part of the
2 record of the case unless the parties have stipulated in
3 writing to the contrary.

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

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

8 (750 ILCS 5/405) (from Ch. 40, par. 405)

9 Sec. 405. Hearing on Default - Notice.) If the respondent
10 is in default, the court shall proceed to hear the cause upon
11 testimony of petitioner taken in open court, and in no case of
12 default shall the court grant a dissolution of marriage or
13 legal separation or declaration of invalidity of marriage,
14 unless the judge is satisfied that all proper means have been
15 taken to notify the respondent of the pendency of the suit.
16 Whenever the judge is satisfied that the interests of the
17 respondent require it, the court may order such additional
18 notice as may be required. All of the provisions of the Code of
19 Civil Procedure relating to default hearings are applicable to
20 hearings on default.

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

22 (750 ILCS 5/409) (from Ch. 40, par. 409)

23 Sec. 409. Proof of Foreign Marriage.) A marriage which may
24 have been celebrated or had in any foreign state or country,

1 may be proved by the acknowledgment of the parties, their
2 cohabitation, and other evidence. Certified copies of records
3 of a marriage performed in any foreign state or country
4 obtained from an embassy or consulate may be admitted as an
5 exception to the hearsay rule ~~circumstantial testimony.~~

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

7 (750 ILCS 5/411) (from Ch. 40, par. 411)

8 Sec. 411. Commencement of Action.) (a) Actions for
9 dissolution of marriage or legal separation shall be commenced
10 as in other civil cases or, at the option of petitioner, by
11 filing a praecipe for summons with the clerk of the court and
12 paying the regular filing fees, in which latter case, a
13 petition shall be filed within 6 months thereafter, or any
14 extension for good cause shown granted by the court.

15 (b) When a praecipe for summons is filed without the
16 petition, the summons shall recite that petitioner has
17 commenced suit for dissolution of marriage or legal separation
18 and shall require the respondent to file his or her appearance
19 not later than 30 days from the day the summons is served and
20 to plead to the petitioner's petition within 30 days from the
21 day the petition is filed.

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

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

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

11 (d) An action for dissolution of marriage or legal
12 separation commenced by the filing a praecipe for summons
13 without the petition may ~~shall~~ be dismissed if ~~unless~~ a
14 petition for dissolution of marriage or legal separation has
15 not been filed within 6 months after the commencement of the
16 action.

17 (e) The filing of a praecipe for summons under this Section
18 constitutes the commencement of an action that serves as
19 grounds for involuntary dismissal under subdivision (a)(3) of
20 Section 2-619 of the Code of Civil Procedure of a subsequently
21 filed petition for dissolution of marriage or legal separation
22 in another county.

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

24 (750 ILCS 5/413) (from Ch. 40, par. 413)

25 Sec. 413. Judgment.)

1 (a) A judgment of dissolution of marriage or of legal
2 separation or of declaration of invalidity of marriage shall be
3 entered within 60 days of the closing of proofs; however, if
4 the court enters an order specifying good cause as to why the
5 court needs an additional 30 days, the judgment shall be
6 entered within 90 days of the closing of proofs, including any
7 hearing under subsection (j) of Section 503 of this Act and
8 submission of closing arguments. A judgment of dissolution of
9 marriage or of legal separation or of declaration of invalidity
10 of marriage is final when entered, subject to the right of
11 appeal. An appeal from the judgment of dissolution of marriage
12 that does not challenge the finding as to grounds does not
13 delay the finality of that provision of the judgment which
14 dissolves the marriage, beyond the time for appealing from that
15 provision, and either of the parties may remarry pending
16 appeal. An order requiring maintenance or support of a spouse
17 or a minor child or children entered under this Act or any
18 other law of this State shall not be suspended or the
19 enforcement thereof stayed pending the filing and resolution of
20 post-judgment motions or an appeal.

21 (b) The clerk of the court shall give notice of the entry
22 of a judgment of dissolution of marriage or legal separation or
23 a declaration of invalidity of marriage:

24 (1) if the marriage is registered in this State, to the
25 county clerk of the county where the marriage is
26 registered, who shall enter the fact of dissolution of

1 marriage or legal separation or declaration of invalidity
2 of marriage in the marriage registry; and within 45 days
3 after the close of the month in which the judgment is
4 entered, the clerk shall forward the certificate to the
5 Department of Public Health on a form furnished by the
6 Department; or

7 (2) if the marriage is registered in another
8 jurisdiction, to the appropriate official of that
9 jurisdiction, with the request that he enter the fact of
10 dissolution of marriage or legal separation or declaration
11 of invalidity of marriage in the appropriate record.

12 (c) Upon request by a wife whose marriage is dissolved or
13 declared invalid, the court shall order her maiden name or a
14 former name restored.

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

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

20 (750 ILCS 5/452)

21 Sec. 452. Petition. The parties to a dissolution proceeding
22 may file a joint petition for simplified dissolution if they
23 certify that all of the following conditions exist when the
24 proceeding is commenced:

25 (a) Neither party is dependent on the other party for

1 support or each party is willing to waive the right to
2 support; and the parties understand that consultation with
3 attorneys may help them determine eligibility for spousal
4 support.

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

7 (c) The requirements of Section 401 regarding
8 residence or military presence and proof of irreconcilable
9 differences have been met. ~~Irreconcilable differences have~~
10 ~~caused the irretrievable breakdown of the marriage and the~~
11 ~~parties have been separated 6 months or more and efforts at~~
12 ~~reconciliation have failed or future attempts at~~
13 ~~reconciliation would be impracticable and not in the best~~
14 ~~interests of the family.~~

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

18 (e) The duration of the marriage does not exceed 8
19 years.

20 (f) Neither party has any interest in real property or
21 retirement benefits.

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

23 (h) The total fair market value of all marital
24 property, after deducting all encumbrances, is less than
25 \$50,000 ~~\$10,000~~, the combined gross annualized income from
26 all sources is less than \$60,000 ~~\$35,000~~, and neither party

1 has a gross annualized income from all sources in excess of
2 \$30,000 ~~\$20,000~~.

3 (i) The parties have disclosed to each other all assets
4 and liabilities and their tax returns for all years of the
5 marriage.

6 (j) The parties have executed a written agreement
7 dividing all assets in excess of \$100 in value and
8 allocating responsibility for debts and liabilities
9 between the parties.

10 (Source: P.A. 90-731, eff. 7-1-99.)

11 (750 ILCS 5/453)

12 Sec. 453. Procedure; Judgment. The parties shall use the
13 forms, including a form for the affidavit required under
14 Section 454, provided by the circuit court clerk, and the clerk
15 shall submit the petition to the court. The court shall
16 expeditiously consider the cause. Both parties shall appear in
17 person before the court and, if the court so directs, testify.
18 The court, after examination of the petition and the parties
19 and finding the agreement of the parties not unconscionable,
20 shall enter a judgment granting the dissolution if the
21 requirements of this Part IV-A have been met and the parties
22 have submitted the affidavit required under Section 454. No
23 transcript of proceedings shall be required.

24 (Source: P.A. 88-39.)

1 (750 ILCS 5/501) (from Ch. 40, par. 501)

2 Sec. 501. Temporary Relief.) In all proceedings under this
3 Act, temporary relief shall be as follows:

4 (a) Either party may petition or move for:

5 (1) temporary maintenance or temporary support of a
6 child of the marriage entitled to support, accompanied by
7 an affidavit as to the factual basis for the relief
8 requested. One form of financial affidavit shall be used
9 statewide. The financial affidavit shall be supported by
10 documentary evidence including, but not limited to, income
11 tax returns, pay stubs, and banking statements. Unless the
12 court otherwise directs, any affidavit or supporting
13 documentary evidence submitted pursuant to this paragraph
14 shall not be made part of the public record of the
15 proceedings but shall be available to the court or an
16 appellate court in which the proceedings are subject to
17 review, to the parties, their attorneys, and such other
18 persons as the court may direct. Upon motion of a party, a
19 court may hold a hearing to determine whether and why there
20 is a disparity between a party's sworn affidavit and the
21 supporting documentation. If a party intentionally or
22 recklessly files an inaccurate or misleading financial
23 affidavit, the court shall impose significant penalties
24 and sanctions including, but not limited to, costs and
25 attorney's fees;

26 (2) a temporary restraining order or preliminary

1 injunction, accompanied by affidavit showing a factual
2 basis for any of the following relief:

3 (i) restraining any person from transferring,
4 encumbering, concealing or otherwise disposing of any
5 property except in the usual course of business or for
6 the necessities of life, and, if so restrained,
7 requiring him to notify the moving party and his
8 attorney of any proposed extraordinary expenditures
9 made after the order is issued; however, an order need
10 not include an exception for transferring,
11 encumbering, or otherwise disposing of property in the
12 usual course of business or for the necessities of life
13 if the court enters appropriate orders that enable the
14 parties to pay their necessary personal and business
15 expenses including, but not limited to, appropriate
16 professionals to assist the court pursuant to
17 subsection (1) of Section 503 to administer the payment
18 and accounting of such living and business expenses;

19 (ii) enjoining a party from removing a child from
20 the jurisdiction of the court;

21 (iii) enjoining a party from striking or
22 interfering with the personal liberty of the other
23 party or of any child; or

24 (iv) providing other injunctive relief proper in
25 the circumstances; or

26 (3) other appropriate temporary relief including, in

1 the discretion of the court, ordering the purchase or sale
2 of assets and requiring that a party or parties borrow
3 funds in the appropriate circumstances.

4 Issues concerning temporary maintenance or temporary
5 support of a child entitled to support shall be dealt with on a
6 summary basis based on financial affidavits, tax returns, pay
7 stubs, banking statements, and other relevant documentation,
8 except an evidentiary hearing may be held upon a showing of
9 good cause. Under appropriate circumstances, the recipient may
10 be required to account for the use of funds awarded in the same
11 manner as may otherwise be required to justify the use or
12 expenditure of marital funds or property. If a party
13 intentionally or recklessly files an inaccurate or misleading
14 financial affidavit, the court shall impose significant
15 penalties and sanctions including, but not limited to, costs
16 and attorney's fees resulting from the improper
17 representation.

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

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

26 (c-1) As used in this subsection (c-1), "interim attorney's

1 fees and costs" means attorney's fees and costs assessed from
2 time to time while a case is pending, in favor of the
3 petitioning party's current counsel, for reasonable fees and
4 costs either already incurred or to be incurred, and "interim
5 award" means an award of interim attorney's fees and costs.
6 Interim awards shall be governed by the following:

7 (1) Except for good cause shown, a proceeding for (or
8 relating to) interim attorney's fees and costs in a
9 pre-judgment dissolution proceeding shall be
10 nonevidentiary and summary in nature. All hearings for or
11 relating to interim attorney's fees and costs under this
12 subsection shall be scheduled expeditiously by the court.
13 When a party files a petition for interim attorney's fees
14 and costs supported by one or more affidavits that
15 delineate relevant factors, the court (or a hearing
16 officer) shall assess an interim award after affording the
17 opposing party a reasonable opportunity to file a
18 responsive pleading. A responsive pleading shall set out
19 the amount of each retainer or other payment or payments,
20 or both, previously paid to the responding party's counsel
21 by or on behalf of the responding party. A responsive
22 pleading shall include costs incurred, and shall indicate
23 whether the costs are paid or unpaid. In assessing an
24 interim award, the court shall consider all relevant
25 factors, as presented, that appear reasonable and
26 necessary, including to the extent applicable:

1 (A) the income and property of each party,
2 including alleged marital property within the sole
3 control of one party and alleged non-marital property
4 within access to a party;

5 (B) the needs of each party;

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

7 (D) any impairment to present earning capacity of
8 either party, including age and physical and emotional
9 health;

10 (E) the standard of living established during the
11 marriage;

12 (F) the degree of complexity of the issues,
13 including custody, valuation or division (or both) of
14 closely held businesses, and tax planning, as well as
15 reasonable needs for expert investigations or expert
16 witnesses, or both;

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

18 (H) the amount of the payment or payments made or
19 reasonably expected to be made to the attorney for the
20 other party; and

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

23 (2) Any assessment of an interim award (including one
24 pursuant to an agreed order) shall be without prejudice to
25 any final allocation and without prejudice as to any claim
26 or right of either party or any counsel of record at the

1 time of the award. Any such claim or right may be presented
2 by the appropriate party or counsel at a hearing on
3 contribution under subsection (j) of Section 503 or a
4 hearing on counsel's fees under subsection (c) of Section
5 508. Unless otherwise ordered by the court at the final
6 hearing between the parties or in a hearing under
7 subsection (j) of Section 503 or subsection (c) of Section
8 508, interim awards, as well as the aggregate of all other
9 payments by each party to counsel and related payments to
10 third parties, shall be deemed to have been advances from
11 the parties' marital estate. Any portion of any interim
12 award constituting an overpayment shall be remitted back to
13 the appropriate party or parties, or, alternatively, to
14 successor counsel, as the court determines and directs,
15 after notice. An order for the award of interim attorney's
16 fees shall be a standardized form order and labeled
17 "Interim Fee Award Order".

18 (3) In any proceeding under this subsection (c-1), the
19 court (or hearing officer) shall assess an interim award
20 against an opposing party in an amount necessary to enable
21 the petitioning party to participate adequately in the
22 litigation, upon findings that the party from whom
23 attorney's fees and costs are sought has the financial
24 ability to pay reasonable amounts and that the party
25 seeking attorney's fees and costs lacks sufficient access
26 to assets or income to pay reasonable amounts. In

1 determining an award, the court shall consider whether
2 adequate participation in the litigation requires
3 expenditure of more fees and costs for a party that is not
4 in control of assets or relevant information. Except for
5 good cause shown, an interim award shall not be less than
6 payments made or reasonably expected to be made to the
7 counsel for the other party. If the court finds that both
8 parties lack financial ability or access to assets or
9 income for reasonable attorney's fees and costs, the court
10 (or hearing officer) shall enter an order that allocates
11 available funds for each party's counsel, including
12 retainers or interim payments, or both, previously paid, in
13 a manner that achieves substantial parity between the
14 parties.

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

18 (c-2) Allocation of use of marital residence. Where there
19 is on file a verified complaint or verified petition seeking
20 temporary eviction from the marital residence, the court may,
21 during the pendency of the proceeding, only in cases where the
22 physical or mental well-being of either spouse or his or her
23 children is jeopardized by occupancy of the marital residence
24 by both spouses, and only upon due notice and full hearing,
25 unless waived by the court on good cause shown, enter orders
26 granting the exclusive possession of the marital residence to

1 either spouse, by eviction from, or restoration of, the marital
2 residence, until the final determination of the cause. The
3 order may also provide for the nesting of children with the
4 children having exclusive possession of the residence and the
5 spouses alternating occupancy if the nesting arrangement is in
6 the children's best interests pursuant to the factors listed in
7 Section 602.7 of this Act. No such order shall in any manner
8 affect any estate in homestead property of either party. In
9 entering orders under this subsection (c-2), the court shall
10 balance hardships to the parties.

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

12 (1) does not prejudice the rights of the parties or the
13 child which are to be adjudicated at subsequent hearings in
14 the proceeding;

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

17 (3) terminates when the final judgment is entered or
18 when the petition for dissolution of marriage or legal
19 separation or declaration of invalidity of marriage is
20 dismissed.

21 (e) The fees or costs of mediation under this Section shall
22 be borne by the parties and may be assessed by the court as it
23 deems equitable without prejudice and are subject to
24 reallocation at the conclusion of the case.

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

1 (750 ILCS 5/501.1) (from Ch. 40, par. 501.1)

2 Sec. 501.1. Dissolution action stay.

3 (a) Upon service of a summons and petition or praecipe
4 filed under the Illinois Marriage and Dissolution of Marriage
5 Act or upon the filing of the respondent's appearance in the
6 proceeding, whichever first occurs, a dissolution action stay
7 shall be in effect against both parties ~~and their agents and~~
8 ~~employees~~, without bond or further notice, until a final
9 judgement is entered, the proceeding is dismissed, or until
10 further order of the court, ÷

11 ~~(1) restraining both parties from transferring,~~
12 ~~encumbering, concealing, destroying, spending, damaging, or in~~
13 ~~any way disposing of any property, without the consent of the~~
14 ~~other party or an order of the court, except in the usual~~
15 ~~course of business, for the necessities of life, or for~~
16 ~~reasonable costs, expenses, and attorney's fees arising from~~
17 ~~the proceeding, as well as requiring each party to provide~~
18 ~~written notice to the other party and his or her attorney of~~
19 ~~any proposed extraordinary expenditure or transaction;~~

20 ~~(2) restraining both parties from physically abusing,~~
21 ~~harassing, intimidating, striking, or interfering with the~~
22 ~~personal liberty of the other party or the minor children of~~
23 ~~either party. ÷ and~~

24 ~~(3) restraining both parties from removing any minor~~
25 ~~child of either party from the State of Illinois or from~~
26 ~~concealing any such child from the other party, without the~~

1 ~~consent of the other party or an order of the court.~~

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

5 ~~A restraint of the parties' actions under this Section does~~
6 ~~not affect the rights of a bona fide purchaser or mortgagee~~
7 ~~whose interest in real property or whose beneficial interest in~~
8 ~~real property under an Illinois land trust was acquired before~~
9 ~~the filing of a lis pendens notice under Section 2-1901 of the~~
10 ~~Code of Civil Procedure.~~

11 (b) (Blank). ~~Notice of any proposed extraordinary~~
12 ~~expenditure or transaction, as required by subsection (a),~~
13 ~~shall be given as soon as practicable, but not less than 7 days~~
14 ~~before the proposed date for the carrying out or commencement~~
15 ~~of the carrying out of the extraordinary expenditure or~~
16 ~~transaction, except in an emergency, in which event notice~~
17 ~~shall be given as soon as practicable under the circumstances.~~
18 ~~If proper notice is given and if the party receiving the notice~~
19 ~~does not object by filing a petition for injunctive relief~~
20 ~~under the Code of Civil Procedure within 7 days of receipt of~~
21 ~~the notice, the carrying out of the proposed extraordinary~~
22 ~~expenditure or transaction is not a violation of the~~
23 ~~dissolution action stay. The dissolution action stay shall~~
24 ~~remain in full force and effect against both parties for 14~~
25 ~~days after the date of filing of a petition for injunctive~~
26 ~~relief by the objecting party (or a shorter period if the court~~

1 ~~so orders); and no extension beyond that 14 day period shall be~~
2 ~~granted by the court. For good cause shown, a party may file a~~
3 ~~petition for a reduction in time with respect to any 7 day~~
4 ~~notice requirement under this subsection.~~

5 (c) (Blank). ~~A party making any extraordinary expenditure~~
6 ~~or carrying out any extraordinary transaction after a~~
7 ~~dissolution action stay is in effect shall account promptly to~~
8 ~~the court and to the other party for all of those expenditures~~
9 ~~and transactions. This obligation to account applies~~
10 ~~throughout the pendency of the proceeding, irrespective of (i)~~
11 ~~any notice given by any party as to any proposed extraordinary~~
12 ~~expenditure or transaction, (ii) any filing of an objection and~~
13 ~~petition under this Section or the absence of any such filing,~~
14 ~~or (iii) any court ruling as to an issue presented to it by~~
15 ~~either party.~~

16 (d) (Blank). ~~If the party making an extraordinary~~
17 ~~expenditure or transaction fails to provide proper notice or if~~
18 ~~despite proper notice the other party filed a petition and~~
19 ~~prevailed on that petition, and the extraordinary expenditure~~
20 ~~or transaction results in a loss of income or reduction in the~~
21 ~~amount or in the value of property, there is a presumption of~~
22 ~~dissipation of property, equal to the amount of the loss or~~
23 ~~reduction, charged against the party for purposes of property~~
24 ~~distribution under Section 503.~~

25 (e) In a proceeding filed under this Act, the summons shall
26 provide notice of the entry of the automatic dissolution action

1 stay in a form as required by applicable rules.

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

3 (750 ILCS 5/502) (from Ch. 40, par. 502)

4 Sec. 502. Agreement. (a) To promote amicable settlement of
5 disputes between parties to a marriage attendant upon the
6 dissolution of their marriage, the parties may enter into an a
7 ~~written or oral~~ agreement containing provisions for
8 disposition of any property owned by either of them,
9 maintenance of either of them, ~~and~~ support, custody and
10 parenting time allocation ~~visitation~~ of their children, and
11 support of their children as provided in Section 513 after the
12 children attain majority. Any agreement pursuant to this
13 Section must be in writing, except for good cause shown with
14 the prior approval of the court, before proceeding to an oral
15 prove up.

16 (b) The terms of the agreement, except those providing for
17 the support, custody and visitation of children, are binding
18 upon the court unless it finds, after considering the economic
19 circumstances of the parties and any other relevant evidence
20 produced by the parties, on their own motion or on request of
21 the court, that the agreement is unconscionable. The terms of
22 the agreement incorporated into the judgment are binding if
23 there is any conflict between the terms of the agreement and
24 any testimony made at an uncontested prove-up hearing on the
25 grounds or the substance of the agreement.

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

5 (d) Unless the agreement provides to the contrary, its
6 terms shall be set forth in the judgment, and the parties shall
7 be ordered to perform under such terms, or if the agreement
8 provides that its terms shall not be set forth in the judgment,
9 the judgment shall identify the agreement and state that the
10 court has approved its terms.

11 (e) Terms of the agreement set forth in the judgment are
12 enforceable by all remedies available for enforcement of a
13 judgment, including contempt, and are enforceable as contract
14 terms.

15 (f) Child ~~Except for terms concerning the~~ support, support
16 of children as provided in Section 513 after the children
17 attain majority, and custody and ~~or~~ visitation of children may
18 be modified upon a showing of a substantial change in
19 circumstances. The parties may provide that maintenance is
20 non-modifiable in amount, duration, or both. If the parties do
21 not provide that maintenance is non-modifiable in amount,
22 duration, or both, then those terms are modifiable upon a
23 substantial change of circumstances. Property provisions of an
24 agreement are never modifiable. ~~The, the~~ judgment may expressly
25 preclude or limit modification of other terms set forth in the
26 judgment if the agreement so provides. Otherwise, terms of an

1 agreement set forth in the judgment are automatically modified
2 by modification of the judgment.

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

4 (750 ILCS 5/503) (from Ch. 40, par. 503)

5 Sec. 503. Disposition of property and debts.

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

10 (1) property acquired by gift, legacy or descent or
11 property acquired in exchange for such property;

12 (2) property acquired in exchange for property
13 acquired before the marriage ~~or in exchange for property~~
14 ~~acquired by gift, legacy or descent;~~

15 (3) property acquired by a spouse after a judgment of
16 legal separation;

17 (4) property excluded by valid agreement of the
18 parties, including a premarital agreement or a postnuptial
19 agreement;

20 (5) any judgment or property obtained by judgment
21 awarded to a spouse from the other spouse except, however,
22 when a spouse is required to sue the other spouse in order
23 to obtain insurance coverage or otherwise recover from a
24 third party and the recovery is directly related to amounts
25 advanced by the marital estate, the judgment shall be

1 considered marital property;

2 (6) property acquired, in whole or in part, before the
3 marriage; the equitable portion acquired prior to the
4 marriage shall be considered non-marital;

5 (6.5) all property acquired by a spouse by the sole use
6 of non-marital property as collateral for a loan that then
7 is used to acquire property during the marriage; to the
8 extent that the marital estate repays any portion of the
9 loan, it shall be considered a contribution from the
10 marital estate to the non-marital estate subject to
11 reimbursement;

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

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

22 Property acquired prior to a marriage that would otherwise
23 be non-marital property shall not be deemed to be marital
24 property solely because the property was acquired in
25 contemplation of marriage. The court shall make specific
26 factual findings as to its classification of assets as marital

1 or non-marital property, values, and other factual findings
2 supporting its property award.

3 (b) (1) For purposes of distribution of property ~~pursuant to~~
4 ~~this Section~~, all property acquired by either spouse after the
5 marriage and before a judgment of dissolution of marriage or
6 declaration of invalidity of marriage is presumed marital
7 property. This presumption includes, ~~including~~ non-marital
8 property transferred into some form of co-ownership between the
9 spouses, ~~is presumed to be marital property,~~ regardless of
10 whether title is held individually or by the spouses in some
11 form of co-ownership such as joint tenancy, tenancy in common,
12 tenancy by the entirety, or community property. A spouse may
13 overcome the ~~The~~ presumption of marital property ~~is overcome~~ by
14 a showing through clear and convincing evidence that the
15 property was acquired by a method listed in subsection (a) of
16 this Section or was done for estate or tax planning purposes or
17 for other reasons that establish that the transfer was not
18 intended to be a gift.

19 (2) For purposes of distribution of property pursuant to
20 this Section, all pension benefits (including pension benefits
21 under the Illinois Pension Code, defined benefit plans, defined
22 contribution plans and accounts, individual retirement
23 accounts, and non-qualified plans) acquired by or participated
24 in by either spouse after the marriage and before a judgment of
25 dissolution of marriage or declaration of invalidity of the
26 marriage are presumed to be marital property, ~~regardless of~~

1 ~~which spouse participates in the pension plan.~~ A spouse may
2 overcome the ~~The~~ presumption that these pension benefits are
3 marital property ~~is overcome~~ by ~~a~~ showing through clear and
4 convincing evidence that the pension benefits were acquired by
5 a method listed in subsection (a) of this Section. The right to
6 a division of pension benefits in just proportions under this
7 Section is enforceable under Section 1-119 of the Illinois
8 Pension Code.

9 The value of pension benefits in a retirement system
10 subject to the Illinois Pension Code shall be determined in
11 accordance with the valuation procedures established by the
12 retirement system.

13 The recognition of pension benefits as marital property and
14 the division of those benefits pursuant to a Qualified Illinois
15 Domestic Relations Order shall not be deemed to be a
16 diminishment, alienation, or impairment of those benefits. The
17 division of pension benefits is an allocation of property in
18 which each spouse has a species of common ownership.

19 (3) For purposes of distribution of property under this
20 Section, all stock options and restricted stock or similar form
21 of benefit granted to either spouse after the marriage and
22 before a judgment of dissolution of marriage or declaration of
23 invalidity of marriage, whether vested or non-vested or whether
24 their value is ascertainable, are presumed to be marital
25 property. This presumption of marital property is overcome by a
26 showing that the stock options or restricted stock or similar

1 form of benefit were acquired by a method listed in subsection
2 (a) of this Section. The court shall allocate stock options and
3 restricted stock or similar form of benefit between the parties
4 at the time of the judgment of dissolution of marriage or
5 declaration of invalidity of marriage recognizing that the
6 value of the stock options and restricted stock or similar form
7 of benefit may not be then determinable and that the actual
8 division of the options may not occur until a future date. In
9 making the allocation between the parties, the court shall
10 consider, in addition to the factors set forth in subsection
11 (d) of this Section, the following:

12 (i) All circumstances underlying the grant of the stock
13 option and restricted stock or similar form of benefit
14 including but not limited to the vesting schedule, whether
15 the grant was for past, present, or future efforts, whether
16 the grant is designed to promote future performance, or any
17 combination thereof.

18 (ii) The length of time from the grant of the option to
19 the time the option is exercisable.

20 (b-5) As to any policy of life insurance insuring the life
21 of either spouse, or any interest in such policy, that
22 constitutes marital property, whether whole life, term life,
23 group term life, universal life, or other form of life
24 insurance policy, and whether or not the value is
25 ascertainable, the court shall allocate ownership, death
26 benefits or the right to assign death benefits, and the

1 obligation for premium payments, if any, equitably between the
2 parties at the time of the judgment for dissolution or
3 declaration of invalidity of marriage.

4 (c) Commingled marital and non-marital property shall be
5 treated in the following manner, unless otherwise agreed by the
6 spouses:

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

10 (i) If the contributed property loses its
11 identity, the contributed property transmutes to the
12 estate receiving the property, subject to the
13 provisions of paragraph (2) of this subsection (c).

14 (ii) If the contributed property retains its
15 identity, it does not transmute and remains property of
16 the contributing estate.

17 (B) If marital and non-marital property are commingled
18 into newly acquired property resulting in a loss of
19 identity of the contributing estates, the commingled
20 property shall be deemed transmuted to marital property,
21 subject to the provisions of paragraph (2) of this
22 subsection (c).

23 (2) (A) When one estate of property makes a contribution
24 to another estate of property, the contributing estate
25 shall be reimbursed from the estate receiving the
26 contribution notwithstanding any transmutation. No such

1 reimbursement shall be made with respect to a contribution
2 that is not traceable by clear and convincing evidence or
3 that was a gift. The court may provide for reimbursement
4 out of the marital property to be divided or by imposing a
5 lien against the non-marital property that received the
6 contribution.

7 (B) When a spouse contributes personal effort to
8 non-marital property, it shall be deemed a contribution by
9 the marital estate, which shall receive reimbursement for
10 the efforts if the efforts are significant and result in
11 substantial appreciation to the non-marital property
12 except that if the spouse has been properly compensated for
13 his or her efforts, it shall not be deemed a contribution
14 by the marital estate and there shall be no reimbursement
15 to the marital estate. The court may provide for
16 reimbursement out of the marital property to be divided or
17 by imposing a lien against the non-marital property which
18 received the contribution.

19 ~~(1) When marital and non marital property are~~
20 ~~commingled by contributing one estate of property into~~
21 ~~another resulting in a loss of identity of the contributed~~
22 ~~property, the classification of the contributed property~~
23 ~~is transmuted to the estate receiving the contribution,~~
24 ~~subject to the provisions of paragraph (2) of this~~
25 ~~subsection; provided that if marital and non marital~~
26 ~~property are commingled into newly acquired property~~

1 ~~resulting in a loss of identity of the contributing~~
2 ~~estates, the commingled property shall be deemed~~
3 ~~transmuted to marital property, subject to the provisions~~
4 ~~of paragraph (2) of this subsection.~~

5 ~~(2) When one estate of property makes a contribution to~~
6 ~~another estate of property, or when a spouse contributes~~
7 ~~personal effort to non marital property, the contributing~~
8 ~~estate shall be reimbursed from the estate receiving the~~
9 ~~contribution notwithstanding any transmutation; provided,~~
10 ~~that no such reimbursement shall be made with respect to a~~
11 ~~contribution which is not retraceable by clear and~~
12 ~~convincing evidence, or was a gift, or, in the case of a~~
13 ~~contribution of personal effort of a spouse to non marital~~
14 ~~property, unless the effort is significant and results in~~
15 ~~substantial appreciation of the non marital property.~~
16 ~~Personal effort of a spouse shall be deemed a contribution~~
17 ~~by the marital estate. The court may provide for~~
18 ~~reimbursement out of the marital property to be divided or~~
19 ~~by imposing a lien against the non marital property which~~
20 ~~received the contribution.~~

21 (d) In a proceeding for dissolution of marriage or
22 declaration of invalidity of marriage, or in a proceeding for
23 disposition of property following dissolution of marriage by a
24 court that ~~which~~ lacked personal jurisdiction over the absent
25 spouse or lacked jurisdiction to dispose of the property, the
26 court shall assign each spouse's non-marital property to that

1 spouse. It also shall divide the marital property without
2 regard to marital misconduct in just proportions considering
3 all relevant factors, including:

4 (1) each party's ~~the~~ contribution ~~of each party~~ to the
5 acquisition, preservation, or increase or decrease in
6 value of the marital or non-marital property, including (i)
7 any ~~such~~ decrease attributable to a ~~payment deemed to have~~
8 ~~been~~ an advance from the parties' marital estate under
9 subsection (c-1)(2) of Section 501; ~~and~~ (ii) the
10 contribution of a spouse as a homemaker or to the family
11 unit; and (iii) whether the contribution is after the
12 commencement of a proceeding for dissolution of marriage or
13 declaration of invalidity of marriage;

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

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

20 (ii) the notice of intent to claim dissipation
21 shall contain, at a minimum, a date or period of time
22 during which the marriage began undergoing an
23 irretrievable breakdown, an identification of the
24 property dissipated, and a date or period of time
25 during which the dissipation occurred;

26 (iii) the notice of intent to claim dissipation

1 shall be filed with the clerk of the court and be
2 served pursuant to applicable rules;

3 (iv) no dissipation shall be deemed to have
4 occurred prior to 5 years before the filing of the
5 petition for dissolution of marriage, or 3 years after
6 the party claiming dissipation knew or should have
7 known of the dissipation;

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

9 (4) the duration of the marriage;

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

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

18 (7) any prenuptial or postnuptial ~~antenuptial~~
19 agreement of the parties;

20 (8) the age, health, station, occupation, amount and
21 sources of income, vocational skills, employability,
22 estate, liabilities, and needs of each of the parties;

23 (9) the custodial provisions for any children;

24 (10) whether the apportionment is in lieu of or in
25 addition to maintenance;

26 (11) the reasonable opportunity of each spouse for

1 future acquisition of capital assets and income; and

2 (12) the tax consequences of the property division upon
3 the respective economic circumstances of the parties.

4 (e) Each spouse has a species of common ownership in the
5 marital property which vests at the time dissolution
6 proceedings are commenced and continues only during the
7 pendency of the action. Any such interest in marital property
8 shall not encumber that property so as to restrict its
9 transfer, assignment or conveyance by the title holder unless
10 such title holder is specifically enjoined from making such
11 transfer, assignment or conveyance.

12 (f) In a proceeding for dissolution of marriage or
13 declaration of invalidity of marriage or in a proceeding for
14 disposition of property following dissolution of marriage by a
15 court that lacked personal jurisdiction over the absent spouse
16 or lacked jurisdiction to dispose of the property, the court,
17 in determining the value of the marital and non-marital
18 property for purposes of dividing the property, shall value the
19 property as of the date of trial or some other date as close to
20 the date of trial as is practicable.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 the court's witness. Costs of a professional shall be allocated
2 by the court between the parties.

3 (m) The changes made to this Section by this amendatory Act
4 of the 97th General Assembly apply only to petitions for
5 dissolution of marriage filed on or after the effective date of
6 this amendatory Act of the 97th General Assembly.

7 (Source: P.A. 96-583, eff. 1-1-10; 96-1551, Article 1, Section
8 985, eff. 7-1-11; 96-1551, Article 2, Section 1100, eff.
9 7-1-11; 97-608, eff. 1-1-12; 97-941, eff. 1-1-13; 97-1109, eff.
10 1-1-13; 97-1150, eff. 1-25-13.)

11 (750 ILCS 5/504) (from Ch. 40, par. 504)

12 Sec. 504. Maintenance.

13 (a) In a proceeding for dissolution of marriage or legal
14 separation or declaration of invalidity of marriage, or a
15 proceeding for maintenance following dissolution of the
16 marriage by a court which lacked personal jurisdiction over the
17 absent spouse, the court may grant a ~~temporary or permanent~~
18 maintenance award for either spouse in amounts and for periods
19 of time as the court deems just, without regard to marital
20 misconduct, ~~in gross or for fixed or indefinite periods of~~
21 ~~time~~, and the maintenance may be paid from the income or
22 property of the other spouse after consideration of all
23 relevant factors, including:

24 (1) the income and property of each party, including
25 marital property apportioned and non-marital property

1 assigned to the party seeking maintenance as well as all
2 financial obligations imposed on the parties as a result of
3 the dissolution of marriage;

4 (2) the needs of each party;

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

7 (4) any impairment of the present and future earning
8 capacity of the party seeking maintenance due to that party
9 devoting time to domestic duties or having forgone or
10 delayed education, training, employment, or career
11 opportunities due to the marriage. The court shall consider
12 any impairment of the realistic present or the realistic
13 future earning capacity of the party against whom
14 maintenance is sought as a result of the marriage and the
15 ultimate provisions of the judgment;

16 (5) the time necessary to enable the party seeking
17 maintenance to acquire appropriate education, training,
18 and employment, and whether that party is able to support
19 himself or herself through appropriate employment or is the
20 custodian of a child making it appropriate that the
21 custodian not seek employment;

22 (6) the standard of living established during the
23 marriage;

24 (7) the duration of the marriage;

25 (8) the age, health, station, occupation, amount and
26 sources of income, vocational skills, employability,

1 estate, liabilities, and needs of each of the parties ~~the~~
2 ~~age and the physical and emotional condition of both~~
3 ~~parties;~~

4 (8.5) any custodial arrangements;

5 (9) the tax consequences of the property division upon
6 the respective economic circumstances of the parties;

7 (9.5) whether maintenance is in lieu of or in addition
8 to the property allocation;

9 (10) contributions and services by the party seeking
10 maintenance to the education, training, career or career
11 potential, or license of the other spouse;

12 (10.5) contributions made to the marriage, including,
13 without limitation, domestic duties, homemaker
14 contributions, and other financial and non-financial
15 contribution to the marriage;

16 (11) any valid agreement of the parties; and

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

19 The court shall make specific factual findings as to the
20 type, amount, nature, and duration of the maintenance.

21 (b) (Blank).

22 (b-1) The court may order that the following types of
23 maintenance be paid:

24 (1) temporary maintenance under Section 501;

25 (2) rehabilitative maintenance for a period of time,
26 subject to a review;

1 (3) maintenance in gross;

2 (4) permanent maintenance for an indefinite period;

3 (5) non-modifiable as to duration maintenance in
4 marriages that lasted 10 years or less at the time the
5 action was commenced.

6 For a marriage that lasted more than 10 years, a fixed-term
7 maintenance award is barred.

8 (b-2) Unless agreed to by the parties, an order for
9 unallocated maintenance and child support may not be entered on
10 or after the effective date of this amendatory Act of the 98th
11 General Assembly. This subsection (b-2) does not affect an
12 order for unallocated maintenance and child support that was
13 entered before the effective date of this amendatory Act of the
14 98th General Assembly.

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

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

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

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

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

17 (e) When maintenance is to be paid through the clerk of the
18 court in a county of 1,000,000 inhabitants or less, the order
19 shall direct the obligor to pay to the clerk, in addition to
20 the maintenance payments, all fees imposed by the county board
21 under paragraph (3) of subsection (u) of Section 27.1 of the
22 Clerks of Courts Act. Unless paid in cash or pursuant to an
23 order for withholding, the payment of the fee shall be by a
24 separate instrument from the support payment and shall be made
25 to the order of the Clerk.

26 (f) An award ordered by a court upon entry of a dissolution

1 judgment or upon entry of an award of maintenance following a
2 reservation of maintenance in a dissolution judgment may be
3 reasonably secured, in whole or in part, by life insurance on
4 the payor's life on terms as to which the parties agree, or, if
5 they do not agree, on such terms determined by the court,
6 subject to the following:

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

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

17 (i) that the payor cooperate on all appropriate
18 steps for the payee to obtain such new life insurance;
19 and

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

1 insurance.

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

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

18 (4) Life insurance may be awarded only at the time of
19 the initial judgment.

20 (5) The payor shall have the sole obligation to pay the
21 premiums.

22 (6) All applications shall be made at the time of the
23 initial judgment and the court shall be limited to an in
24 camera review of the application in determining whether the
25 application was made in good faith as to avoid discovery
26 abuse.

1 (7) The court must consider the ability of the insured
2 spouse to obtain additional insurance.

3 (Source: P.A. 97-186, eff. 7-22-11; 97-608, eff. 1-1-12;
4 97-813, eff. 7-13-12.)

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

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

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

25 (1) The Court shall determine the minimum amount of

1 support by using the following guidelines:

2	Number of Children	Percent of Supporting Party's
3		Net Income
4	1	20%
5	2	28%
6	3	32%
7	4	40%
8	5	45%
9	6 or more	50%

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

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

16 (b) the financial resources and needs of the
17 custodial parent;

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

20 (d) the physical, mental, and emotional needs of
21 the child;

22 (d-5) the educational needs of the child; and

23 (e) the financial resources and needs of the
24 supporting non-custodial parent.

25 If the court deviates from the guidelines, the court's
26 finding shall state the amount of support that would have

1 been required under the guidelines, if determinable. The
2 court shall include the reason or reasons for the variance
3 from the guidelines.

4 (2.5) The court, in its discretion, in addition to
5 setting child support pursuant to the guidelines and
6 factors, may order either or both parents owing a duty of
7 support to a child of the marriage to contribute to the
8 following expenses, if determined by the court to be
9 reasonable:

10 (a) health needs not covered by insurance;

11 (b) child care;

12 (c) education; and

13 (d) extracurricular activities.

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

16 (a) Federal income tax (properly calculated
17 withholding or estimated payments);

18 (b) State income tax (properly calculated
19 withholding or estimated payments);

20 (c) Social Security (FICA payments);

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

23 (e) Union dues;

24 (f) Dependent and individual
25 health/hospitalization insurance premiums and premiums
26 for life insurance ordered by the court to reasonably

1 secure payment of ordered child support;

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

4 (h) Expenditures for repayment of debts that
5 represent reasonable and necessary expenses for the
6 production of income, medical expenditures necessary
7 to preserve life or health, reasonable expenditures
8 for the benefit of the child and the other parent,
9 exclusive of gifts. The court shall reduce net income
10 in determining the minimum amount of support to be
11 ordered only for the period that such payments are due
12 and shall enter an order containing provisions for its
13 self-executing modification upon termination of such
14 payment period;

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

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

1 (4.5) In a proceeding for child support following
2 dissolution of the marriage by a court that lacked personal
3 jurisdiction over the absent spouse, and in which the court
4 is requiring payment of support for the period before the
5 date an order for current support is entered, there is a
6 rebuttable presumption that the supporting party's net
7 income for the prior period was the same as his or her net
8 income at the time the order for current support is
9 entered.

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

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

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

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

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

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

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

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

4 (A) work; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (g) An order for support shall include a date on which the
24 current support obligation terminates. The termination date
25 shall be no earlier than the date on which the child covered by
26 the order will attain the age of 18. However, if the child will

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

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

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

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

1 obligor and obligee parents to advise each other of a change in
2 residence within 5 days of the change except when the court
3 finds that the physical, mental, or emotional health of a party
4 or that of a child, or both, would be seriously endangered by
5 disclosure of the party's address.

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

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

14 (750 ILCS 5/505.1) (from Ch. 40, par. 505.1)

15 Sec. 505.1. (a) Whenever it is determined in a proceeding
16 to establish or enforce a child support or maintenance
17 obligation that the person owing a duty of support is
18 unemployed, the court may order the person to seek employment
19 and report periodically to the court with a diary, listing or
20 other memorandum of his or her efforts in accordance with such
21 order. Additionally, the court may order the unemployed person
22 to report to the Department of Employment Security for job
23 search services or to make application with the local Job
24 Training Partnership Act provider for participation in job
25 search, training or work programs and where the duty of support

1 is owed to a child receiving child support enforcement services
2 under Article X of the Illinois Public Aid Code, as amended,
3 the court may order the unemployed person to report to the
4 Department of Healthcare and Family Services for participation
5 in job search, training or work programs established under
6 Section 9-6 and Article IXA of that Code.

7 (b) Whenever it is determined that a person owes past-due
8 support for a child or for a child and the parent with whom the
9 child is living, and the child is receiving assistance under
10 the Illinois Public Aid Code, the court shall order at the
11 request of the Department of Healthcare and Family Services:

12 (1) that the person pay the past-due support in
13 accordance with a plan approved by the court; or

14 (2) if the person owing past-due support is unemployed,
15 is subject to such a plan, and is not incapacitated, that
16 the person participate in such job search, training, or
17 work programs established under Section 9-6 and Article IXA
18 of the Illinois Public Aid Code as the court deems
19 appropriate.

20 (c) The court may construe the overall facts and
21 circumstances of the case at hand.

22 (Source: P.A. 95-331, eff. 8-21-07.)

23 (750 ILCS 5/508) (from Ch. 40, par. 508)

24 Sec. 508. Attorney's Fees; Client's Rights and
25 Responsibilities Respecting Fees and Costs.

1 (a) The court from time to time, after due notice and
2 hearing, and after considering the financial resources of the
3 parties, may order any party to pay a reasonable amount for his
4 own or the other party's costs and attorney's fees. Interim
5 attorney's fees and costs may be awarded from the opposing
6 party, in a pre-judgment dissolution proceeding in accordance
7 with subsection (c-1) of Section 501 and in any other
8 proceeding under this subsection. At the conclusion of any
9 pre-judgment dissolution proceeding under this subsection,
10 contribution to attorney's fees and costs may be awarded from
11 the opposing party in accordance with subsection (j) of Section
12 503 and in any other proceeding under this subsection. Fees and
13 costs may be awarded in any proceeding to counsel from a former
14 client in accordance with subsection (c) of this Section.
15 Awards may be made in connection with the following:

16 (1) The maintenance or defense of any proceeding under
17 this Act.

18 (2) The enforcement or modification of any order or
19 judgment under this Act.

20 (3) The defense of an appeal of any order or judgment
21 under this Act, including the defense of appeals of
22 post-judgment orders.

23 (3.1) The prosecution of any claim on appeal (if the
24 prosecuting party has substantially prevailed).

25 (4) The maintenance or defense of a petition brought
26 under Section 2-1401 of the Code of Civil Procedure seeking

1 relief from a final order or judgment under this Act. Fees
2 incurred with respect to motions under Section 2-1401 of
3 the Code of Civil Procedure may be granted only if the
4 underlying motion is granted.

5 (5) The costs and legal services of an attorney
6 rendered in preparation of the commencement of the
7 proceeding brought under this Act.

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

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

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

20 The court may order that the award of attorney's fees and
21 costs (including an interim or contribution award) shall be
22 paid directly to the attorney, who may enforce the order in his
23 or her name, or that it shall be paid to the appropriate party.
24 Judgment may be entered and enforcement had accordingly. Except
25 as otherwise provided in subdivision (e)(1) of this Section,
26 subsection (c) of this Section is exclusive as to the right of

1 any counsel (or former counsel) of record to petition a court
2 for an award and judgment for final fees and costs during the
3 pendency of a proceeding under this Act.

4 A petition for temporary attorney's fees in a post-judgment
5 case shall be heard on a non-evidentiary, summary basis.

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

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

26 (1) No petition of a counsel of record may be filed

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

18 (2) No final hearing under this subsection (c) is
19 permitted unless: (i) the counsel and the client had
20 entered into a written engagement agreement at the time the
21 client retained the counsel (or reasonably soon
22 thereafter) and the agreement meets the requirements of
23 subsection (f); (ii) the written engagement agreement is
24 attached to an affidavit of counsel that is filed with the
25 petition or with the counsel's response to a client's
26 petition; (iii) judgment in any contribution hearing on

1 behalf of the client has been entered or the right to a
2 contribution hearing under subsection (j) of Section 503
3 has been waived; (iv) the counsel has withdrawn as counsel
4 of record; and (v) the petition seeks adjudication of all
5 unresolved claims for fees and costs between the counsel
6 and the client. Irrespective of a Petition for Setting
7 Final Fees and Costs being heard in conjunction with an
8 original proceeding under this Act, the relief requested
9 under a Petition for Setting Final Fees and Costs
10 constitutes a distinct cause of action. A pending but
11 undetermined Petition for Setting Final Fees and Costs
12 shall not affect appealability of any judgment or other
13 adjudication in the original proceeding.

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

1 (c) (3). Before ordering enforcement, however, the court
2 shall consider the performance pursuant to the contract.
3 Any amount awarded by the court must be found to be fair
4 compensation for the services, pursuant to the contract,
5 that the court finds were reasonable and necessary. Quantum
6 meruit principles shall govern any award for legal services
7 performed that is not based on the terms of the written
8 engagement agreement (except that, if a court expressly
9 finds in a particular case that aggregate billings to a
10 client were unconscionably excessive, the court in its
11 discretion may reduce the award otherwise determined
12 appropriate or deny fees altogether).

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

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

25 (B) In any other circuit court, the requirement of
26 the controversy being submitted to an alternative

1 dispute resolution procedure is mandatory only if
2 neither the client nor the counsel affirmatively opts
3 out of such procedures.

4 After completion of any such procedure (or after one or
5 both sides has opted out of such procedures), if the
6 dispute is unresolved, any pending motion for leave to
7 withdraw as counsel shall be promptly granted and a final
8 hearing under this subsection (c) shall be expeditiously
9 set and completed.

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

24 (A) tolled if a motion is filed under Section 2-1203 of
25 the Code of Civil Procedure, in which instance a petition
26 (or a praecipe) shall be filed no later than 30 days

1 following disposition of all Section 2-1203 motions; or

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

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

10 (d) A consent judgment, in favor of a current counsel of
11 record against his or her own client for a specific amount in a
12 marital settlement agreement, dissolution judgment, or any
13 other instrument involving the other litigant, is prohibited. A
14 consent judgment between client and counsel, however, is
15 permissible if it is entered pursuant to a verified petition
16 for entry of consent judgment, supported by an affidavit of the
17 counsel of record that includes the counsel's representation
18 that the client has been provided an itemization of the billing
19 or billings to the client, detailing hourly costs, time spent,
20 and tasks performed, and by an affidavit of the client
21 acknowledging receipt of that documentation, awareness of the
22 right to a hearing, the right to be represented by counsel
23 (other than counsel to whom the consent judgment is in favor),
24 and the right to be present at the time of presentation of the
25 petition, and agreement to the terms of the judgment. The
26 petition may be filed at any time during which it is

1 permissible for counsel of record to file a petition (or a
2 praecipe) for a final fee hearing, except that no such petition
3 for entry of consent judgment may be filed before adjudication
4 (or waiver) of the client's right to contribution under
5 subsection (j) of Section 503 or filed after the filing of a
6 petition (or a praecipe) by counsel of record for a fee hearing
7 under subsection (c) if the petition (or praecipe) remains
8 pending. No consent security arrangement between a client and a
9 counsel of record, pursuant to which assets of a client are
10 collateralized to secure payment of legal fees or costs, is
11 permissible unless approved in advance by the court as being
12 reasonable under the circumstances.

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

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

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

25 In an independent proceeding, the prior applicability of this
26 Section shall in no way be deemed to have diminished any other

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

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

3 (f) Unless the Supreme Court by rule addresses the matters
4 set out in this subsection (f), a written engagement agreement
5 within the scope of subdivision (c)(2) shall have appended to
6 it verbatim the following Statement:

7 "STATEMENT OF CLIENT'S RIGHTS AND RESPONSIBILITIES

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

19 (2) REPRESENTATION. Representation will commence upon the
20 signing of the written engagement agreement. The counsel will
21 provide competent representation, which requires legal
22 knowledge, skill, thoroughness and preparation to handle those
23 matters set forth in the written engagement agreement. Once
24 employed, the counsel will act with reasonable diligence and
25 promptness, as well as use his best efforts on behalf of the

1 client, but he cannot guarantee results. The counsel will abide
2 by the client's decision concerning the objectives of
3 representation, including whether or not to accept an offer of
4 settlement, and will endeavor to explain any matter to the
5 extent reasonably necessary to permit the client to make
6 informed decisions regarding representation. During the course
7 of representation and afterwards, the counsel may not use or
8 reveal a client's confidence or secrets, except as required or
9 permitted by law.

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

1 exhibits together with complete copies of all pleadings and
2 discovery within thirty (30) days of the counsel's withdrawal
3 or discharge.

4 (4) ETHICAL CONDUCT. The counsel cannot be required to
5 engage in conduct which is illegal, unethical, or fraudulent.
6 In matters involving minor children, the counsel may refuse to
7 engage in conduct which, in the counsel's professional
8 judgment, would be contrary to the best interest of the
9 client's minor child or children. A counsel who cannot
10 ethically abide by his client's directions shall be allowed to
11 withdraw from representation.

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

1 promptly and address any objection or error in a timely manner.
2 The client will not be billed for time spent to explain or
3 correct a billing statement. If an appropriately detailed
4 written estimate is submitted to a client as to future costs
5 for a counsel's representation or a portion of the contemplated
6 services (i.e., relative to specific steps recommended by the
7 counsel in the estimate) and, without objection from the
8 client, the counsel then performs the contemplated services,
9 all such services are presumptively reasonable and necessary,
10 as well as to be deemed pursuant to the client's direction. In
11 an appropriate case, the client may pursue contribution to his
12 or her fees and costs from the other party.

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

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

20 (1) Subdivisions (c) (1) and (c) (2) of this Section 508,
21 as well as provisions of subdivision (c) (3) of this Section
22 508 pertaining to written engagement agreements, apply
23 only to cases filed on or after June 1, 1997.

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

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

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

2 (C) The changes to this Section 508 made by this
3 amendatory Act of 1996 pertaining to the final setting
4 of fees.

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

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

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

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

17 (1) upon a showing of a substantial change in
18 circumstances; and

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

21 (A) upon a showing of an inconsistency of at least
22 20%, but no less than \$10 per month, between the amount
23 of the existing order and the amount of child support
24 that results from application of the guidelines
25 specified in Section 505 of this Act unless the

1 inconsistency is due to the fact that the amount of the
2 existing order resulted from a deviation from the
3 guideline amount and there has not been a change in the
4 circumstances that resulted in that deviation; or

5 (B) upon a showing of a need to provide for the
6 health care needs of the child under the order through
7 health insurance or other means. In no event shall the
8 eligibility for or receipt of medical assistance be
9 considered to meet the need to provide for the child's
10 health care needs.

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

17 (a-5) An order for maintenance may be modified or
18 terminated only upon a showing of a substantial change in
19 circumstances. In all such proceedings, as well as in
20 proceedings in which maintenance is being reviewed, the court
21 shall consider the applicable factors set forth in subsection
22 (a) of Section 504 and the following factors:

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

25 (2) the efforts, if any, made by the party receiving
26 maintenance to become self-supporting, and the

1 reasonableness of the efforts where they are appropriate;

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

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

6 (5) the duration of the maintenance payments
7 previously paid (and remaining to be paid) relative to the
8 length of the marriage;

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

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

17 (8) the property acquired and currently owned by each
18 party after the entry of the judgment of dissolution of
19 marriage, judgment of legal separation, or judgment of
20 declaration of invalidity of marriage; and

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

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

1 (c) Unless otherwise agreed by the parties in a written
2 agreement set forth in the judgment or otherwise approved by
3 the court, the obligation to pay future maintenance is
4 terminated upon the death of either party, ~~or~~ the remarriage of
5 the party receiving maintenance, entry by the party receiving
6 maintenance into a civil union, or if the party receiving
7 maintenance cohabits with another person on a resident,
8 continuing conjugal basis. Any obligation of a payor party for
9 premium payments respecting insurance on such party's life
10 imposed under subsection (f) of Section 504 is also terminated
11 on the occurrence of any of the foregoing events, unless
12 otherwise agreed by the parties. Any termination of an
13 obligation for maintenance as a result of the death of the
14 payor party, however, shall be inapplicable to any right of the
15 other party or such other party's designee to receive a death
16 benefit under such insurance on the payor party's life. A party
17 receiving maintenance must advise the payor of his or her
18 intention to marry or enter into a civil union at least 30 days
19 before the remarriage or entry into the civil union, unless the
20 decision is made within said time period. In that event, he or
21 she must notify the other party within 72 hours of getting
22 married or entering into a civil union. Failure to notify the
23 payor as required by this subsection allows any subsequent
24 petition for termination to be made retroactive, to the date of
25 marriage or civil union, with reimbursement permitted for the
26 amount paid prior to notification.

1 (c-5) The court shall make specific factual findings as to
2 the reason for the modification as well as the amount, nature,
3 and duration of the modified maintenance reward.

4 (d) Unless otherwise provided in this Act, or as agreed in
5 writing or expressly provided in the judgment, provisions for
6 the support of a child are terminated by emancipation of the
7 child, or if the child has attained the age of 18 and is still
8 attending high school, provisions for the support of the child
9 are terminated upon the date that the child graduates from high
10 school or the date the child attains the age of 19, whichever
11 is earlier, but not by the death of a parent obligated to
12 support or educate the child. An existing obligation to pay for
13 support or educational expenses, or both, is not terminated by
14 the death of a parent. When a parent obligated to pay support
15 or educational expenses, or both, dies, the amount of support
16 or educational expenses, or both, may be enforced, modified,
17 revoked or commuted to a lump sum payment, as equity may
18 require, and that determination may be provided for at the time
19 of the dissolution of the marriage or thereafter.

20 (e) The right to petition for support or educational
21 expenses, or both, under Sections 505 and 513 is not
22 extinguished by the death of a parent. Upon a petition filed
23 before or after a parent's death, the court may award sums of
24 money out of the decedent's estate for the child's support or
25 educational expenses, or both, as equity may require. The time
26 within which a claim may be filed against the estate of a

1 decedent under Sections 505 and 513 and subsection (d) and this
2 subsection shall be governed by the provisions of the Probate
3 Act of 1975, as a barrable, noncontingent claim.

4 (f) A petition to modify or terminate child support,
5 custody, or visitation shall not delay any child support
6 enforcement litigation or supplementary proceeding on behalf
7 of the obligee, including, but not limited to, a petition for a
8 rule to show cause, for non-wage garnishment, or for a
9 restraining order.

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

11 (750 ILCS 5/512) (from Ch. 40, par. 512)

12 Sec. 512. Post-Judgment Venue.) After 30 days from the
13 entry of a judgment of dissolution of marriage or the last
14 modification thereof, any further proceedings to enforce or
15 modify the judgment shall be as follows:

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

20 (b) If one or both of the parties then resides in the
21 judicial circuit wherein the judgment was entered or last
22 modified, further proceedings shall be had in the judicial
23 circuit that last exercised jurisdiction in the matter;
24 provided, however, that the court may in its discretion,
25 transfer matters involving a change in child custody to the

1 judicial circuit where the minor or dependent child resides.

2 (c) If neither party then resides in the judicial circuit
3 wherein the judgment was entered or last modified, further
4 proceedings shall be had in that circuit or in the judicial
5 circuit wherein either party resides ~~or where the respondent is~~
6 ~~actively employed~~; provided, however, that the court may, in
7 its discretion, transfer matters involving a change in child
8 custody to the judicial circuit where the minor or dependent
9 child resides.

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

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

15 (750 ILCS 5/513) (from Ch. 40, par. 513)

16 Sec. 513. Educational Expenses Support for a Non-minor
17 Child Children and Educational Expenses.

18 (a) The court may award sums of money out of the property
19 and income of either or both parties or the estate of a
20 deceased parent, as equity may require, for the educational
21 expenses support of any the child or children of the parties.
22 Unless otherwise agreed to by the parties, all educational
23 expenses which are the subject of a petition brought pursuant
24 to this Section shall be incurred no later than the student's
25 23rd birthday.

1 (b) Regardless of whether an award has been made under
2 subsection (a), the court may require both parties and the
3 child to complete the Free Application for Federal Student Aid
4 (FAFSA) and other financial aid forms and to submit any form of
5 that type prior to the designated submission deadline for the
6 form. The court may require either or both parties to provide
7 funds for the child so as to pay for the cost of up to 5 college
8 applications, the cost of 2 standardized college entrance
9 examinations, and the cost of one standardized college entrance
10 examination preparatory course.

11 (c) The authority under this Section to make provision for
12 educational expenses extends not only to periods of college
13 education or vocational or professional or other training after
14 graduation from high school, but also to any period during
15 which the child of the parties is still attending high school,
16 even though he or she attained the age of 19.

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

19 (1) the actual cost of the child's post-secondary
20 expenses, including tuition and fees, provided that the
21 cost for tuition and fees does not exceed the amount of
22 tuition and fees paid by a student at the University of
23 Illinois at Urbana-Champaign for the same academic year;

24 (2) the actual costs of the child's housing expenses,
25 whether on-campus and off-campus, provided that the
26 housing expenses do not exceed the cost for the same

1 academic year of a double-occupancy student room, with a
2 standard meal plan, in a residence hall operated by the
3 University of Illinois at Urbana-Champaign;

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

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

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

10 (B) if the child is living with one party at that
11 party's home and attending a post-secondary
12 educational program as a non-resident student, in
13 which case the living expenses include an amount that
14 pays for the reasonable cost of the child's food,
15 utilities, and transportation.

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

20 (f) If educational expenses are ordered payable, each party
21 and the child shall sign any consent necessary for the
22 educational institution to provide a supporting party with
23 access to the child's academic transcripts, records, and grade
24 reports. The consent shall not apply to any non-academic
25 records. Failure to execute the required consent may be a basis
26 for a modification or termination of any order entered under

1 this Section. Unless the court specifically finds that the
2 child's safety would be jeopardized, each party is entitled to
3 know the name of the educational institution the child attends.

4 (g) The authority under this Section to make provision for
5 educational expenses terminates when the child: fails to
6 maintain a "C" grade point average, except in the event of
7 illness or other good cause shown; attains the age of 23;
8 receives a baccalaureate degree; or marries or becomes a party
9 to a civil union. A child's enlisting in the armed forces,
10 being incarcerated, or becoming pregnant does not terminate the
11 court's authority to make provisions for the educational
12 expenses for the child under this Section.

13 (h) An account established prior to the dissolution that is
14 to be used for the child's post-secondary education, that is an
15 account in a state tuition program under Section 529 of the
16 Internal Revenue Code, or that is some other college savings
17 plan, is to be considered by the court to be a resource of the
18 child, provided that any post-judgment contribution made by a
19 party to such an account is to be considered a contribution
20 from that party.

21 (i) The child is not a third party beneficiary to the
22 settlement agreement or judgment between the parties after
23 trial and is not entitled to file a petition for contribution.
24 If the parties' settlement agreement describes the manner in
25 which a child's educational expenses will be paid, or if the
26 court makes an award pursuant to this Section, then the parties

1 are responsible pursuant to that agreement or award for the
2 child's educational expenses, but in no event shall the court
3 consider the child a third party beneficiary of that provision.
4 ~~who have attained majority in the following instances:~~

5 ~~(1) When the child is mentally or physically disabled~~
6 ~~and not otherwise emancipated, an application for support~~
7 ~~may be made before or after the child has attained~~
8 ~~majority.~~

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

1 ~~institution, directly or through a special account or trust~~
2 ~~created for that purpose, as the court sees fit.~~

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

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

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

1 (1) The present and future financial resources of both
2 parties to meet their needs, including, but not limited to,
3 savings for retirement ~~The financial resources of both~~
4 ~~parents.~~

5 (2) The standard of living the child would have enjoyed
6 had the marriage or civil union not been dissolved. The
7 court may consider factors beyond the pure financial
8 circumstances of the parties.

9 (3) The financial resources of the child.

10 (4) The child's academic performance.

11 (k) Relief under this Section is retroactive only to the
12 date of filing of a petition.

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

14 (750 ILCS 5/513.5 new)

15 Sec. 513.5. Support for a non-minor child with a
16 disability.

17 (a) The court may award sums of money out of the property
18 and income of either or both parties or the estate of a
19 deceased parent, as equity may require, for the support of a
20 child of the parties who has attained majority when the child
21 is mentally or physically disabled and not otherwise
22 emancipated. The sums awarded may be paid to one of the
23 parents, to a trust created by the parties for the benefit of
24 the non-minor child with a disability, or irrevocably to a
25 special needs trust, established by the parties and for the

1 sole benefit of the non-minor child with a disability, pursuant
2 to subdivisions (d) (4) (A) or (d) (4) (C) of 42 U.S.C. 1396p,
3 Section 15.1 of the Trusts and Trustees Act, and applicable
4 provisions of the Social Security Administration Program
5 Operating Manual System. An application for support for a
6 non-minor disabled child may be made before or after the child
7 has attained majority. Unless an application for educational
8 expenses is made for a mentally or physically disabled child
9 under Section 513, the disability that is the basis for the
10 application for support must have arisen before the child
11 attained majority.

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

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

19 (2) the standard of living the child would have enjoyed
20 had the marriage or civil union not been dissolved. The
21 court may consider factors beyond the pure financial
22 circumstances of the parties;

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

24 (4) any financial or other resource provided to or for
25 the child including, but not limited to, any Supplemental
26 Security Income, any home-based support provided pursuant

1 to the Home-Based Support Services Law for Mentally
2 Disabled Adults, and any other State, federal, or local
3 benefit available to the non-minor disabled child.

4 (c) As used in this Section:

5 A "disabled" individual means an individual who has a
6 physical or mental impairment that substantially limits a major
7 life activity, has a record of such an impairment, or is
8 regarded as having such an impairment.

9 "Disability" means a mental or physical impairment that
10 substantially limits a major life activity.

11 (750 ILCS 5/Pt. VI heading)

12 PART VI

13 ALLOCATION OF PARENTAL RESPONSIBILITIES ~~CUSTODY~~

14 (750 ILCS 5/600 new)

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

16 "Abuse" has the meaning ascribed to that term in Section
17 103 of the Illinois Domestic Violence Act of 1986.

18 "Allocation judgment" means a judgment allocating parental
19 responsibilities.

20 "Caretaking functions" means tasks that involve
21 interaction with a child or that direct, arrange, and supervise
22 the interaction with and care of a child provided by others, or
23 for obtaining the resources allowing for the provision of these
24 functions. The term includes, but is not limited to, the

1 following:

2 (1) satisfying a child's nutritional needs; managing a
3 child's bedtime and wake-up routines; caring for a child
4 when the child is sick or injured; being attentive to a
5 child's personal hygiene needs, including washing,
6 grooming, and dressing; playing with a child and arranging
7 for recreation; protecting a child's physical safety; and
8 providing transportation for a child;

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

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

16 (4) arranging for a child's education, including
17 arranging for remedial or special services appropriate to
18 the child's needs and interests, communicating with
19 teachers and counselors, and supervising homework;

20 (5) helping a child develop and maintain appropriate
21 interpersonal relationships with peers, siblings, and
22 other family members;

23 (6) arranging for health-care providers, medical
24 follow-up, and home health care for a child;

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

26 and

1 (8) arranging alternative care for a child by a family
2 member, babysitter, or other child-care provider or
3 facility, including investigating such alternatives,
4 communicating with providers, and supervising such care.

5 "Parental responsibilities" means both parenting time and
6 significant decision-making responsibilities with respect to a
7 child.

8 "Parenting time" means the time during which a parent is
9 physically with a child and exercises caretaking functions and
10 non-significant decision-making responsibilities with respect
11 to the child.

12 "Parenting plan" means a written agreement that allocates
13 significant decision-making responsibilities, parenting time,
14 or both.

15 "Relocation" means:

16 (1) a change of residence or a move out of State of
17 more than 25 miles from the counties of Cook, DuPage, Kane,
18 Lake, McHenry, or Will; or

19 (2) a change of residence or a move out of State of
20 more than 50 miles from any county not listed in item (1);
21 for more than 90 days that significantly impairs a parent's
22 ability to exercise the parental responsibilities that the
23 parent has been exercising or is entitled to exercise under a
24 parenting plan or allocation judgment.

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

1 training, or participation in religious customs or practices.

2 "Residential responsibility" means the amount of time a
3 child spends in a parent's care.

4 "Restriction of parenting time" means any limitation or
5 condition placed on parenting time, including supervision.

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

8 "Step-parent" means a person, other than a biological or
9 adoptive parent, who is or was married to or is or was in a
10 civil union with a legal parent.

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

13 (750 ILCS 5/601.2 new)

14 Sec. 601.2. Jurisdiction; commencement of proceeding.

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

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

23 (1) dissolution of marriage or legal separation or
24 declaration of invalidity of marriage; or

25 (2) allocation of parental responsibilities with

1 respect to the child in the county in which the child
2 resides.

3 (c) When a proceeding for allocation of parental
4 responsibilities is commenced, the parent commencing the
5 action must, at least 30 days before any hearing on the
6 petition, serve a written notice and a copy of the petition on
7 the child's parent and on any party previously appearing in any
8 prior proceeding for allocation of parental responsibilities
9 with respect to the child. Nothing in this Section shall
10 preclude a party in a proceeding for allocation of parental
11 responsibilities from moving for a temporary order under
12 Section 602.5.

13 (d) Adjudicated parents under the Illinois Parentage Act of
14 1984 are not considered parents for purposes of this Act.

15 (750 ILCS 5/602.5 new)

16 Sec. 602.5. Allocation of parental responsibilities:
17 decision-making.

18 (a) Generally. The court shall allocate decision-making
19 responsibilities according to the child's best interests.
20 Nothing in this Act requires that every parent be allocated
21 decision-making responsibilities.

22 (b) Allocation of significant decision-making
23 responsibilities. Unless the parents otherwise agree in
24 writing on an allocation of significant decision-making
25 responsibilities, the court shall make the determination. The

1 court shall allocate to one or more of the parents the
2 significant decision-making responsibility for each
3 significant issue affecting the child. Those significant
4 issues shall include, without limitation, the following:

5 (1) Education, including the choice of schools and
6 tutors.

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

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

11 (A) The court shall allocate parental
12 responsibility for the child's religious upbringing in
13 accordance with any express or implied agreement
14 between the parents.

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

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

1 that could serve as a basis for any such order.

2 (4) Extracurricular activities.

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

8 (1) the wishes of a child who is sufficiently mature to
9 express reasoned and independent preferences as to
10 significant decisions;

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

13 (3) the mental and physical health of all individuals
14 involved;

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

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

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

23 (7) the wishes of the parents;

24 (8) the child's needs in light of economic, physical,
25 or other circumstances;

26 (9) the distance between the parents' residences, the

1 cost and difficulty of transporting the child, each
2 parent's and the child's daily schedules, and the ability
3 of the parents to cooperate in the arrangement;

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

6 (11) the willingness and ability of each parent to
7 facilitate and encourage a close and continuing
8 relationship between the other parent and the child; and

9 (12) any other factor that the court expressly finds to
10 be relevant.

11 (d) If, over the prior 24 months preceding the filing of
12 the petition, or, if the child is under age 2, since the
13 child's birth, each parent has been exercising significant
14 decision-making responsibilities with respect to the child,
15 the court shall presume that it is in the child's best
16 interests to allocate significant decision-making
17 responsibilities to each parent. The presumption shall be
18 overcome if there has been a history of domestic violence or
19 abuse, or if it is shown that an allocation of any significant
20 decision-making responsibilities to one of the parents is not
21 in the child's best interests.

22 (e) A parent shall have sole responsibility for making
23 routine decisions with respect to the child and for emergency
24 decisions affecting the child's health and safety during that
25 parent's parenting time.

26 (f) In allocating significant decision-making

1 responsibilities, the court shall not consider conduct of a
2 parent that does not affect that parent's relationship to the
3 child.

4 (750 ILCS 5/602.7 new)

5 Sec. 602.7. Parenting time.

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

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

17 In determining the child's best interests for purposes of
18 allocating parenting time, the court shall consider all
19 relevant factors, including, without limitation, the
20 following:

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

22 (2) the wishes of a child who is sufficiently mature to
23 express reasoned and independent preferences as to
24 parenting time;

25 (3) the amount of time each parent spent performing

1 caretaking functions with respect to the child in the 24
2 months preceding the filing of any petition for allocation
3 of parental responsibilities or, if the child is under 2
4 years of age, since the child's birth;

5 (4) any prior agreement or course of conduct between
6 the parents relating to caretaking functions with respect
7 to the child;

8 (5) the interaction and interrelationship of the child
9 with his or her parents and siblings and with any other
10 person who may significantly affect the child's best
11 interests;

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

14 (7) the mental and physical health of all individuals
15 involved;

16 (8) the child's needs in light of economic, physical,
17 or other circumstances;

18 (9) the distance between the parents' residences, the
19 cost and difficulty of transporting the child, each
20 parent's and the child's daily schedules, and the ability
21 of the parents to cooperate in the arrangement;

22 (10) the occurrence of abuse, whether directed against
23 the child or directed against another person;

24 (11) whether a restriction on parenting time is
25 appropriate;

26 (12) the physical violence or threat of physical

1 violence by a parent, whether directed against the child or
2 directed against another person;

3 (13) the willingness and ability of each parent to
4 place the needs of the child ahead of his or her own needs;

5 (14) the willingness and ability of each parent to
6 facilitate and encourage a close and continuing
7 relationship between the other parent and the child;

8 (15) the occurrence of abuse, including, but not
9 limited to, abuse as defined in the Illinois Domestic
10 Violence Act of 1986 and the Abused and Neglected Child
11 Reporting Act, whether against the child or another person;

12 (16) whether one of the parents is a convicted sex
13 offender or lives with a convicted sex offender and, if so,
14 the exact nature of the offense and what if any treatment
15 the offender has successfully participated in; the parties
16 are entitled to a hearing on the issues raised in this
17 paragraph (16);

18 (17) the terms of a parent's military family-care plan
19 that a parent must complete before deployment if a parent
20 is a member of the United States Armed Forces who is being
21 deployed; and

22 (18) any other factor that the court expressly finds to
23 be relevant.

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

1 (d) A parent who is allocated parenting time is not
2 entitled to access to the child's school or health care records
3 unless a court finds that it is in the child's best interests
4 to provide those records to the parent.

5 (e) Upon motion, the court may allow a parent who is
6 deployed or who has orders to be deployed as a member of the
7 United States Armed Forces to designate a person known to the
8 child to exercise reasonable substitute parenting time on
9 behalf of the deployed parent, if the court determines that
10 substitute parenting time is in the best interests of the
11 child. In determining whether substitute parenting time is in
12 the best interests of the child, the court shall consider all
13 of the relevant factors listed in subsection (b) of Section
14 602.7 of this Act and apply those factors to the person
15 designated as a substitute for the deployed parent for
16 parenting time purposes.

17 (750 ILCS 5/602.8 new)

18 Sec. 602.8. Parenting time by parents not allocated
19 parental responsibilities.

20 (a) A parent who has established parentage under the laws
21 of this State and who is not granted parental responsibilities
22 of a child is entitled to reasonable parenting time with the
23 child, subject to subsections (d) and (e) of Section 603.10 of
24 this Act, unless the court finds, after a hearing, that the
25 parenting time would seriously endanger the child's physical,

1 mental, moral, or emotional health. The order setting forth
2 parenting time shall be in the child's best interests pursuant
3 to the factors set forth in subsection (b) of Section 602.7 of
4 this Section.

5 (b) The court may modify an order granting or denying
6 parenting time pursuant to Section 610.5 of this Act. The court
7 may restrict parenting time, and modify an order restricting
8 parenting time, pursuant to Section 603.10 of this Act.

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

16 (750 ILCS 5/602.9 new)

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

18 (a) As used in this Section:

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

1 another medium of communication;

2 (2) "sibling" means a brother, sister, stepbrother, or
3 stepsister of the minor child;

4 (3) "step-parent" is a person married to or in a civil
5 union with a child's parent, including a person married to
6 or in a civil union with the child's parent immediately
7 prior to the parent's death; and

8 (4) "visitation" means in-person time spent between a
9 child and the child's grandparent, great-grandparent,
10 sibling, or step-parent. In appropriate circumstances,
11 visitation may include electronic communication under
12 conditions and at times determined by the court.

13 (b) General provisions.

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

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

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

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

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

10 (D) who has been previously adopted by an
11 individual or individuals who are not related to the
12 biological parents of the child or who is the subject
13 of a pending adoption petition by an individual or
14 individuals who are not related to the biological
15 parents of the child.

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

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

1 child's mental, physical, or emotional health.

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

4 (A) the preference of the child if the child is
5 determined to be of sufficient maturity to express a
6 preference;

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

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

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

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

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

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

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

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

1 adults.

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

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

17 (c) Visitation by grandparents, great-grandparents, and
18 siblings.

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

26 (A) the child's other parent is deceased or has

1 been missing for at least 3 months. For the purposes of
2 this subsection a parent is considered to be missing if
3 the parent's location has not been determined and the
4 parent has been reported as missing to a law
5 enforcement agency; or

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

8 (C) a parent has been incarcerated in jail or
9 prison during the 3-month period preceding the filing
10 of the petition; or

11 (D) the child's mother and father have been granted
12 a dissolution of marriage or have been legally
13 separated from each other or there is pending a
14 dissolution proceeding involving a parent of the child
15 or another court proceeding involving parental
16 responsibilities, parenting time, or visitation of the
17 child (other than any adoption proceeding of an
18 unrelated child or a proceeding under Article II of the
19 Juvenile Court Act of 1987) and at least one parent
20 does not object to the grandparent, great-grandparent,
21 or sibling having visitation with the child. The
22 visitation of the grandparent, great-grandparent, or
23 sibling must not diminish the parenting time of the
24 parent who is not related to the grandparent,
25 great-grandparent, or sibling seeking visitation; or

26 (E) the child is born to parents who are not

1 married to each other, the parents are not living
2 together, and the petitioner is a grandparent,
3 great-grandparent, or sibling of the child, and
4 parentage has been established by a court of competent
5 jurisdiction.

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

8 (A) whether the child resided with the petitioner
9 for at least 6 consecutive months with or without a
10 parent present;

11 (B) whether the child had frequent and regular
12 contact or visitation with the petitioner for at least
13 12 consecutive months; and

14 (C) whether the grandparent, great-grandparent,
15 sibling, or step-parent was a primary caretaker of the
16 child for a period of not less than 6 consecutive
17 months.

18 (3) Any order granting visitation privileges with the
19 child to a grandparent or great-grandparent who is related
20 to the child through a parent whose contact with the child
21 is prohibited or restricted shall contain the following
22 provision:

23 "If the (grandparent or great-grandparent, whichever
24 is applicable) who has been granted visitation privileges
25 under this order uses the visitation privileges to
26 facilitate contact between the child and the child's parent

1 whose contact with the child has been prohibited or
2 restricted, the visitation privileges granted under this
3 order shall be permanently revoked."

4 (4) A petition for visitation privileges may not be
5 filed pursuant to this subsection (b) by the parents or
6 grandparents of a putative father if the paternity of the
7 putative father has not been legally established.

8 (d) Visitation by step-parents. A step-parent may bring a
9 petition for visitation and electronic communication under
10 this Section if there is an unreasonable denial of visitation
11 by a parent that causes undue mental, physical, or emotional
12 harm to the child and the following circumstances exist:

13 (1) the child is at least 12 years old;

14 (2) the child resided continuously with the parent and
15 step-parent for at least 5 years;

16 (3) the parent is deceased or is disabled and is unable
17 to care for the child;

18 (4) the child wishes to have reasonable visitation with
19 the step-parent; and

20 (5) the step-parent was providing for the care,
21 control, and welfare of the child prior to the initiation
22 of the petition for visitation.

23 (e) Modification of visitation orders.

24 (1) Unless by stipulation of the parties, no motion to
25 modify a grandparent, great-grandparent, sibling, or
26 step-parent visitation order may be made earlier than 2

1 years after the date the order was filed, unless the court
2 permits it to be made on the basis of affidavits that there
3 is reason to believe the child's present environment may
4 endanger seriously the child's mental, physical, or
5 emotional health.

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

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

25 (4) Attorney's fees and costs shall be assessed against
26 a party seeking modification of the visitation order if the

1 court finds that the modification action is vexatious and
2 constitutes harassment.

3 (5) If any court has entered an order prohibiting a
4 parent of a child from any contact with a child or
5 restricting the parent's contact with the child, the
6 following provisions shall apply:

7 (A) If an order has been entered granting
8 visitation privileges with the child to a grandparent
9 or great-grandparent who is related to the child
10 through the parent whose contact with the child is
11 prohibited or restricted, the visitation privileges of
12 the grandparent or great-grandparent may be revoked
13 if:

14 (i) a court has entered an order prohibiting
15 the parent from any contact with the child, and the
16 grandparent or great-grandparent is found to have
17 used his or her visitation privileges to
18 facilitate contact between the child and the
19 parent; or

20 (ii) a court has entered an order restricting
21 the parent's contact with the child, and the
22 grandparent or great-grandparent is found to have
23 used his or her visitation privileges to
24 facilitate contact between the child and the
25 parent in a manner that violates the terms of the
26 order restricting the parent's contact with the

1 child.

2 Nothing in this paragraph (5) limits the authority of
3 the court to enforce its orders in any manner permitted by
4 law.

5 (f) No minor child's grandparent, great-grandparent,
6 sibling, or step-parent who was convicted of any offense
7 involving an illegal sex act perpetrated upon a victim less
8 than 18 years of age including, but not limited to, offenses
9 for violations of Section 11-1.20, 11-1.30, 11-1.40, 11-1.50,
10 11-1.60, 11-1.70, or Article 12 of the Criminal Code of 1961 or
11 the Criminal Code of 2012, is entitled to visitation while
12 incarcerated or while on parole, probation, conditional
13 discharge, periodic imprisonment, or mandatory supervised
14 release for that offense, and upon discharge from incarceration
15 for a misdemeanor offense or upon discharge from parole,
16 probation, conditional discharge, periodic imprisonment, or
17 mandatory supervised release for a felony offense. Visitation
18 shall be denied until the person successfully completes a
19 treatment program approved by the court. Upon completion of
20 treatment, the court may deny visitation based on the factors
21 listed in subdivision (b) (5) of Section 607 of this Act.

22 (g) No minor child's grandparent, great-grandparent,
23 sibling, or step-parent may be granted visitation under this
24 Section if he or she has been convicted of first degree murder
25 of a parent, grandparent, great-grandparent, or sibling of the
26 child who is the subject of the visitation request. Pursuant to

1 a motion to modify visitation, the court shall revoke
2 visitation rights previously granted to any person who would
3 otherwise be entitled to petition for visitation rights under
4 this Section, if the person has been convicted of first degree
5 murder of a parent, grandparent, great-grandparent, or sibling
6 of the child who is the subject of the visitation order. Until
7 an order is entered pursuant to this subsection, no person may
8 visit, with the child present, a person who has been convicted
9 of first degree murder of the parent, grandparent,
10 great-grandparent, or sibling of the child without the consent
11 of the child's parent, other than a parent convicted of first
12 degree murder as set forth herein, or legal guardian.

13 (750 ILCS 5/602.10 new)

14 Sec. 602.10. Parenting plan.

15 (a) Filing of parenting plan. All parents, within 90 days
16 after service or filing of any petition for allocation of
17 parental responsibilities, must file with the court, either
18 jointly or separately, a proposed parenting plan supported by
19 an affidavit or affidavits that comply with subsection (g).

20 (b) No parenting plan filed. In the absence of filing of
21 one or more parenting plans with supporting affidavits, the
22 court must conduct an evidentiary hearing to allocate parental
23 responsibilities.

24 (c) Mediation. The court may order mediation to assist the
25 parents in formulating or modifying a parenting plan or in

1 implementing a parenting plan. Costs under this subsection
2 shall be allocated between the parties pursuant to the
3 applicable statute or Supreme Court Rule.

4 (d) Parents' agreement on parenting plan. The parents may
5 agree on a parenting plan at any time. The parenting plan must
6 be in writing and signed by all parents. The parents must
7 submit the parenting plan to the court for approval within 90
8 days after service of a petition for allocation of parental
9 responsibilities, parenting time, or the filing of an
10 appearance. The parenting plan must be accompanied by a joint
11 affidavit that complies with subsection (g), unless the filing
12 of such an affidavit is excused by the court. If the court does
13 not approve the parenting plan, the court shall make express
14 findings of the reason or reasons for its refusal to approve
15 the plan. The court, on its own motion, may conduct an
16 evidentiary hearing to determine whether the parenting plan is
17 in the child's best interests.

18 (e) Parents cannot agree on parenting plan. When parents
19 fail to submit an agreed parenting plan, each parent must file
20 and submit a written, signed parenting plan to the court within
21 90 days after service of a petition for allocation of parental
22 responsibilities or the filing of an appearance. The
23 determination of residential parenting time should be based on
24 the child's best interests. The plan must be accompanied by a
25 separate affidavit that complies with subsection (g). The
26 filing of the plan and affidavit may be excused by the court

1 if:

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

4 (2) the parents have agreed in writing to extend the
5 time for filing a proposed plan and supporting affidavit
6 and the court has approved such an extension; or

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

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

10 (1) an allocation of significant decision-making
11 responsibilities;

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

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

16 (B) a formula or method for determining such a
17 schedule in sufficient detail to be enforced in a
18 subsequent proceeding;

19 (3) a mediation provision addressing any proposed
20 revisions or disputes, except that this provision is not
21 required if one parent is allocated all significant
22 decision-making responsibilities;

23 (4) each parent's right of access to medical, dental,
24 and psychological records (subject to the Mental Health and
25 Developmental Disabilities Confidentiality Act), child
26 care records, and school and extracurricular records,

1 reports, and schedules, unless expressly denied by a court
2 order or denied under subsection (g) of Section 602.5;

3 (5) a designation of the parent who will be denominated
4 as the parent with the majority of the residential
5 responsibility for purposes of Section 606.10;

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

8 (7) each parent's residence address and phone number,
9 and each parent's place of employment and employment
10 address and phone number;

11 (8) a requirement that a parent changing his or her
12 residence provide at least 60 days prior written notice of
13 the change to any other parent under the parenting plan or
14 allocation judgment, unless such notice is impracticable
15 or unless otherwise ordered by the court. If such notice is
16 impracticable, written notice shall be given at the
17 earliest date practicable. At a minimum, the notice shall
18 set forth the following:

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

20 and

21 (B) the address of the new residence;

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

25 (10) transportation arrangements between the parents;

26 (11) provisions for communications with the child

1 during the other parent's parenting time;

2 (12) provisions for resolving issues arising from a
3 parent's future relocation;

4 (13) provisions for future modifications of the
5 parenting plan, if specified events occur; and

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

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

14 (g) Affidavit. The affidavit supporting a proposed
15 parenting plan must contain, to the best of the affiant's
16 knowledge, all of the following:

17 (1) the initials and address of the child and the name
18 and address of every parent and any other person previously
19 appearing in any prior allocation proceeding;

20 (2) the name and address of every person with whom the
21 child has lived for one year or more, and the period of
22 time during which the child and each such person lived
23 together. If the child is less than one year old, the
24 affidavit must contain the name and address of any person
25 with whom the child lived for more than 60 days;

26 (3) a summary of the caretaking functions performed by

1 each person identified under paragraph (2), including such
2 functions performed during at least the 24 months preceding
3 the filing of the action for allocation of parental
4 responsibilities;

5 (4) a schedule of each parent's current hours of
6 employment, availability to perform caretaking functions
7 with respect to the child, existing child care
8 arrangements, and any anticipated changes;

9 (5) a summary schedule of the child's school and
10 extracurricular activities;

11 (6) A summary of any relevant existing risk factors,
12 including orders arising from allegations of abuse and the
13 case number and issuing court; and

14 (7) a summary of the known areas of agreement and
15 disagreement between the parents concerning a proposed
16 parenting plan.

17 The personal information under items (1), (2), (4), and (5)
18 of this subsection is not required if there is evidence of or
19 the affidavit states that there is a history of domestic
20 violence or abuse, or if it is shown that the release of the
21 information is not in the child's or parent's best interests.

22 (h) The court shall select the plan which it finds to be in
23 the best interests of the child and maximizes the child's
24 relationship and access to both parents. The court shall take
25 the parenting plans into consideration when determining
26 parenting time and responsibilities at trial or hearing.

1 (750 ILCS 5/603.5 new)

2 Sec. 603.5. Temporary orders.

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

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

15 (c) A temporary order allocating parental responsibilities
16 does not preclude access to the child by a parent who has been
17 exercising a reasonable share of caretaking functions with
18 respect to the child, unless a denial of such access is in the
19 child's best interests as determined in accordance with Section
20 602.5.

21 (750 ILCS 5/603.10 new)

22 Sec. 603.10. Restriction of parental responsibilities.

23 (a) After hearing, if the court finds by a preponderance of
24 the evidence that a parent engaged in any conduct that

1 seriously endangered the child's mental, moral, or physical
2 health or that significantly impaired the child's emotional
3 development, the court shall enter orders as necessary to
4 protect the child. Such orders may include, but are not limited
5 to, orders for one or more of the following:

6 (1) a reduction, elimination, or other adjustment of
7 the parent's decision-making responsibilities or parenting
8 time, or both decision-making responsibilities and
9 parenting time;

10 (2) supervision, including ordering the Department of
11 Children and Family Services to exercise continuing
12 supervision under Section 5 of the Children and Family
13 Services Act to ensure compliance with the allocation
14 judgment;

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

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

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

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

25 (7) requiring a parent to post a bond to secure the
26 return of the child following the parent's exercise of

1 parenting time or to secure other performance required by
2 the court;

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

7 (9) any other constraints or conditions that the court
8 deems necessary to provide for the child's safety or
9 welfare.

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

20 (1) abuse, neglect, or abandonment of the child as
21 determined by any findings of the Department of Children
22 and Family Services, including an indicated report filed
23 under the Abused and Neglected Child Reporting Act;

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

26 (3) use of drugs, alcohol, or any other substance in a

1 way that interferes with the parent's ability to perform
2 caretaking functions with respect to the child; and

3 (4) persistent continuing interference with the other
4 parent's access to the child, except for actions taken with
5 a reasonable, good-faith belief that they are necessary to
6 protect the child's safety pending adjudication of the
7 facts underlying that belief, provided that the
8 interfering parent initiates a proceeding to determine
9 those facts as soon as practicable.

10 (c) An order granting parenting time to a parent may be
11 revoked by the court if that parent is found to have knowingly
12 used his or her parenting time to facilitate contact between
13 the child and a parent who has been barred from contact with
14 the child or to have knowingly used his or her parenting time
15 to facilitate contact with the child that violates any
16 restrictions imposed on the parent's parenting time by a court
17 of competent jurisdiction. Nothing in this subsection limits a
18 court's authority to enforce its orders in any other manner
19 authorized by law.

20 (d) An order granting parenting time with a child whose
21 parent is prohibited from contact with the child, or whose
22 parenting time is restricted, shall contain the following
23 provision:

24 "If a parent granted parenting time under this order
25 uses that time to facilitate contact between the child and
26 a parent whose parenting time is restricted, or if such a

1 parent violates any restrictions placed on his or her
2 parenting time by the court, the parenting time granted
3 under this order shall be revoked until further order of
4 court."

5 (e) A parent who, after an evidentiary hearing, is
6 determined by the court to have been convicted of any offense
7 involving an illegal sex act perpetrated upon a victim less
8 than 18 years of age, including but not limited to an offense
9 under Article 11 of the Criminal Code of 2012, is not entitled
10 to parenting time while incarcerated or while on parole,
11 probation, conditional discharge, periodic imprisonment, or
12 mandatory supervised release for a felony offense, until the
13 parent complies with such terms and conditions as the court
14 determines are in the child's best interests, taking into
15 account the exact nature of the offense and what, if any,
16 treatment in which the parent successfully participated.

17 (f) A parent may not, while the child is present, visit any
18 other parent of the child who has been convicted of first
19 degree murder, unless the court finds, after considering all
20 relevant factors, including those set forth in subsection (c)
21 of Section 602.5, that it would be in the child's best
22 interests to allow the child to be present during such a visit.

23 (750 ILCS 5/604.10 new)

24 Sec. 604.10. Interviews; evaluations; investigation.

25 (a) Court's interview of child. The court may interview the

1 child in chambers to ascertain the child's wishes as to the
2 allocation of parental responsibilities. Counsel shall be
3 present at the interview unless otherwise agreed upon by the
4 parties. The entire interview shall be recorded by a court
5 reporter. The transcript of the interview shall be filed under
6 seal and released only upon order of the court. The cost of the
7 court reporter and transcript shall be paid by the court.

8 (b) Court's professional. The court may seek the advice of
9 any professional, whether or not regularly employed by the
10 court, to assist the court in determining the child's best
11 interests. The advice to the court shall be in writing and sent
12 by the professional to counsel for the parties and to the
13 court, under seal. The writing may be admitted into evidence
14 without testimony from its author, unless a party objects. A
15 professional consulted by the court shall testify as the
16 court's witness. The court shall order all costs and fees of
17 the professional to be paid by one or more of the parties,
18 subject to reallocation in accordance with subsection (a) of
19 Section 508.

20 (c) Evaluation by a party's retained professional. In a
21 proceeding to allocate parental responsibilities or to
22 relocate a child, upon notice and motion made by a parent or
23 any party to the litigation within a reasonable time before
24 trial, the court shall order an evaluation to assist the court
25 in determining the child's best interests unless the court
26 finds that an evaluation under this Section is untimely or not

1 in the best interests of the child. The evaluation may be in
2 place of or in addition to any advice given to the court by a
3 professional under subsection (b). A motion for an evaluation
4 under this subsection must, at a minimum, identify the proposed
5 evaluator and the evaluator's specialty or discipline. An order
6 for an evaluation under this subsection must set forth the
7 evaluator's name, address, and telephone number and the time,
8 place, conditions, and scope of the evaluation. No person shall
9 be required to travel an unreasonable distance for the
10 evaluation. The party requesting the evaluation shall pay the
11 evaluator's fees and costs unless otherwise ordered by the
12 court.

13 The evaluator's report must, at a minimum, set forth the
14 following:

15 (1) a description of the procedures employed during the
16 evaluation;

17 (2) a report of the data collected;

18 (3) all test results;

19 (4) any conclusions of the evaluator relating to the
20 allocation of parental responsibilities under Sections
21 602.5 and 602.7;

22 (5) any recommendations of the evaluator concerning
23 the allocation of parental responsibilities or the child's
24 relocation; and

25 (6) an explanation of any limitations in the evaluation
26 or any reservations of the evaluator regarding the

1 resulting recommendations.

2 A party who retains a professional to conduct an evaluation
3 under this subsection shall cause the evaluator's written
4 report to be sent to the attorneys of record no less than 60
5 days before the hearing on the allocation of parental
6 responsibilities, unless otherwise ordered by the court; if a
7 party fails to comply with this provision, the court may not
8 admit the evaluator's report into evidence and may not allow
9 the evaluator to testify.

10 The party calling an evaluator to testify at trial shall
11 disclose the evaluator as a controlled expert witness in
12 accordance with the Supreme Court Rules.

13 Any party to the litigation may call the evaluator as a
14 witness. That party shall pay the evaluator's fees and costs
15 for testifying, unless otherwise ordered by the court.

16 (d) Investigation. Upon notice and a motion by a parent or
17 any party to the litigation, or upon the court's own motion,
18 the court may order an investigation and report to assist the
19 court in allocating parental responsibilities. The
20 investigation may be made by any child welfare agency approved
21 by the Department of Children and Family Services. The court
22 shall specify the purpose and scope of the investigation.

23 The investigator's report must, at a minimum, set forth the
24 following:

25 (1) a description of the procedures employed during the
26 investigation;

1 (2) a report of the data collected;

2 (3) all test results;

3 (4) any conclusions of the investigator relating to the
4 allocation of parental responsibilities under Sections
5 602.5 and 602.7;

6 (5) any recommendations of the investigator concerning
7 the allocation of parental responsibilities or the child's
8 relocation; and

9 (6) an explanation of any limitations in the
10 investigation or any reservations of the investigator
11 regarding the resulting recommendations.

12 The investigator shall send his or her report to all
13 attorneys of record, and to any party not represented, at least
14 60 days before the hearing on the allocation of parental
15 responsibilities. The court shall examine and consider the
16 investigator's report only after it has been admitted into
17 evidence or after the parties have waived their right to
18 cross-examine the investigator.

19 The investigator shall make available to all attorneys of
20 record, and to any party not represented, the investigator's
21 file, and the names and addresses of all persons whom the
22 investigator has consulted. Any party to the proceeding may
23 call the investigator, or any person consulted by the
24 investigator as a court's witness, for cross-examination. No
25 fees shall be paid for any investigation by a governmental
26 agency. The fees incurred by any other investigator shall be

1 allocated in accordance with Section 508.

2 (e) The Supreme Court of Illinois, through its
3 Administrative Office of the Illinois Courts, shall approve not
4 less than 3 hours of training for all of the following:

5 (1) any professional whose advice the court seeks under
6 subsection (b) of this Section;

7 (2) any professional who conducts an evaluation under
8 subsection (c) of this Section;

9 (3) any individual who conducts an investigation under
10 subsection (d) of this Section; and

11 (4) any guardian ad litem or other individual appointed
12 by the court to represent a child in a proceeding
13 concerning the allocation of parental responsibilities
14 with respect to the child.

15 The training shall include a component on the dynamics of
16 domestic violence and its effect on parents and children.

17 (750 ILCS 5/606.5 new)

18 Sec. 606.5. Hearings.

19 (a) Proceedings to allocate parental responsibilities
20 shall receive priority in being set for hearing.

21 (b) The court, without a jury, shall determine questions of
22 law and fact.

23 (c) Previous statements made by the child relating to any
24 allegations that the child is an abused or neglected child
25 within the meaning of the Abused and Neglected Child Reporting

1 Act, or an abused or neglected minor within the meaning of the
2 Juvenile Court Act of 1987, shall be admissible in evidence in
3 a hearing concerning allocation of parental responsibilities.
4 No such statement, however, if uncorroborated and not subject
5 to cross examination, shall be sufficient in itself to support
6 a finding of abuse or neglect.

7 (d) If the court finds that a public hearing may be
8 detrimental to the child's best interests, the court shall
9 exclude the public from the hearing, but the court may admit
10 any person having:

11 (1) a direct and legitimate interest in the case; or

12 (2) a legitimate educational or research interest in
13 the work of the court, but only with the permission of both
14 parties and subject to court approval.

15 (e) The court may make an appropriate order sealing the
16 records of any interview, report, investigation, or testimony.

17 (750 ILCS 5/606.10 new)

18 Sec. 606.10. Designation of custodian for purposes of other
19 statutes. Solely for the purposes of all State and federal
20 statutes that require a designation or determination of custody
21 or a custodian, a parenting plan shall designate the parent who
22 is allocated the majority of residential responsibility. This
23 designation shall not affect parents' rights and
24 responsibilities under the parenting plan.

1 (750 ILCS 5/607.5 new)

2 Sec. 607.5. Abuse of allocated parenting time.

3 (a) The court shall provide an expedited procedure for the
4 enforcement of allocated parenting time.

5 (b) An action for the enforcement of allocated parenting
6 time may be commenced by a parent or a person appointed under
7 Section 506 by filing a petition setting forth: (i) the
8 petitioner's name and residence address or mailing address,
9 except that if the petition states that disclosure of
10 petitioner's address would risk abuse of petitioner or any
11 member of petitioner's family or household or reveal the
12 confidential address of a shelter for domestic violence
13 victims, that address may be omitted from the petition; (ii)
14 the respondent's name and place of residence, place of
15 employment, or mailing address; (iii) the terms of the
16 parenting plan or allocation judgment then in effect; (iv) the
17 nature of the violation of the allocation of parenting time,
18 giving dates and other relevant information; and (v) that a
19 reasonable attempt was made to resolve the dispute.

20 (c) If the court finds by a preponderance of the evidence
21 that a parent has not complied with allocated parenting time
22 according to an approved parenting plan or a court order, the
23 court, in the child's best interests, shall issue an order that
24 may include one or more of the following:

25 (1) an imposition of additional terms and conditions
26 consistent with the court's previous allocation of

1 parenting time or other order;

2 (2) a requirement that either or both of the parties
3 attend a parental education program at the expense of the
4 non-complying parent;

5 (3) a requirement that the parties participate in
6 family counseling at the expense of the non-complying
7 parent;

8 (4) a requirement that the non-complying parent post a
9 cash bond or other security to ensure future compliance,
10 including a provision that the bond or other security may
11 be forfeited to the other parent for payment of expenses on
12 behalf of the child as the court shall direct;

13 (5) a requirement that makeup parenting time be
14 provided for the aggrieved parent or child under the
15 following conditions:

16 (A) that the parenting time is of the same type and
17 duration as the parenting time that was denied,
18 including but not limited to parenting time during
19 weekends, on holidays, and on weekdays and during times
20 when the child is not in school;

21 (B) that the parenting time is made up within 6
22 months after the noncompliance occurs, unless the
23 period of time or holiday cannot be made up within 6
24 months, in which case the parenting time shall be made
25 up within one year after the noncompliance occurs;

26 (6) a finding that the non-complying parent is in

1 contempt of court;

2 (7) an imposition on the non-complying parent of an
3 appropriate civil fine per incident of denied parenting
4 time;

5 (8) a requirement that the non-complying parent
6 reimburse the other parent for all reasonable expenses
7 incurred as a result of the violation of the parenting plan
8 or court order; and

9 (9) any other provision that may promote the child's
10 best interests.

11 (d) In addition to any other order entered under subsection
12 (c), except for good cause shown, the court shall order a
13 parent who has failed to provide allocated parenting time or to
14 exercise allocated parenting time to pay the aggrieved party
15 his or her reasonable attorney's fees, court costs, and
16 expenses associated with an action brought under this Section.
17 If the court finds that the respondent in an action brought
18 under this Section has not violated the allocated parenting
19 time, the court may order the petitioner to pay the
20 respondent's reasonable attorney's fees, court costs, and
21 expenses incurred in the action.

22 (e) Nothing in this Section precludes a party from
23 maintaining any other action as provided by law.

24 (750 ILCS 5/609.2 new)

25 Sec. 609.2. Parent's relocation.

1 (a) A parent's relocation constitutes a substantial change
2 in circumstances for purposes of Section 610.5.

3 (b) Only a parent who has been allocated a majority of
4 parenting time may seek to relocate with a child, except that
5 when parents have equal parenting time, either parent may seek
6 to relocate with a child.

7 (c) Any parent intending to relocate must provide at least
8 60 days' prior written notice to any other parent under the
9 parenting plan or allocation judgment unless such notice is
10 impracticable (in which case written notice shall be given at
11 the earliest date practicable) or unless otherwise ordered by
12 the court. A copy of the notice required under this Section
13 shall be filed with the clerk of the circuit court. At a
14 minimum, the notice must set forth the following:

15 (1) the intended date of the parent's relocation;

16 (2) the address of the parent's intended new residence,
17 if known;

18 (3) the specific reasons for the parent's intended
19 relocation;

20 (4) a proposal modifying the parents' parental
21 responsibilities, if necessary, in light of the
22 relocation;

23 (5) if the parent's intended relocation requires a
24 change in the child's school, a statement of how the
25 relocating parent intends to meet the child's educational
26 needs; and

1 (6) the following statement in bold, underlined
2 16-point type: "YOU HAVE THIRTY (30) DAYS FROM THE RECEIPT
3 OF THIS NOTICE TO SEND A RESPONSE SETTING FORTH YOUR
4 OBJECTIONS TO THE PROPOSED RELOCATION. FAILURE TO SEND A
5 RESPONSE WITHIN THIRTY (30) DAYS OF RECEIPT OF THIS NOTICE
6 WAIVES ANY RIGHTS YOU MAY HAVE TO OBJECT TO THE RELOCATION.
7 OBJECTIONS MADE BY YOU IN BAD FAITH MAY RESULT IN A COURT
8 ORDER REQUIRING YOU TO PAY THE OTHER PARTY'S REASONABLE
9 ATTORNEY FEES AND COSTS."

10 The court may consider a parent's failure to comply with
11 the notice requirements of this Section without good cause (i)
12 as a factor in determining whether the parent's relocation is
13 in good faith; and (ii) as a basis for awarding reasonable
14 attorney's fees and costs resulting from the parent's failure
15 to comply with these provisions.

16 (d) If a relocating parent receives written objections to
17 the relocation, then no later than 30 days after receiving the
18 response, the parent requesting relocation must file a petition
19 requesting a court order allowing the relocation of the child.
20 A petition filed under this subsection shall be expeditiously
21 heard by the court. A parent's failure to file for the relief
22 provided under this subsection constitutes a waiver of that
23 parent's request for relocation. The burden of going forward
24 and the burden of proving a case for relocation is solely on
25 the parent requesting to relocate the parties' child. If the
26 court finds that objections are made in bad faith, it shall

1 award reasonable attorney's fees and costs to the other party.

2 (e) The court shall modify the parenting plan or allocation
3 judgment to accommodate a parent's relocation as agreed by the
4 parents, as long as the agreed modification is in the child's
5 best interests.

6 (f) The court shall modify the parenting plan or allocation
7 judgment to accommodate the relocation without changing the
8 proportion of parental responsibilities between the parties,
9 if practicable, as long as such a modification is in the
10 child's best interests.

11 (g) If a parent's relocation makes it impracticable to
12 maintain the same proportion of parental responsibilities
13 between the parties, the court shall modify the parenting plan
14 or allocation judgment in accordance with the child's best
15 interests. The court shall consider the following factors:

16 (1) the factors set forth in subsection (c) of this
17 Section;

18 (2) the reasons, if any, why a parent is objecting to
19 the intended relocation;

20 (3) the history and quality of each parent's
21 relationship with the child since the implementation of any
22 previous parenting plan or allocation judgment;

23 (4) the educational opportunities for the child at the
24 existing location and at the proposed new location;

25 (5) the presence or absence of extended family at the
26 existing location and at the proposed new location;

1 (6) the anticipated impact of the relocation on the
2 child;

3 (7) whether the court will be able to fashion a
4 reasonable allocation of parental responsibilities between
5 all parents if the relocation occurs;

6 (8) the wishes of the child after taking into
7 consideration the child's age and maturity;

8 (9) whether the intended relocation is valid, in good
9 faith, and to a location that is reasonable in light of the
10 purpose;

11 (10) possible arrangements for the exercise of
12 parental responsibilities appropriate to the parents'
13 resources and circumstances and the developmental level of
14 the child;

15 (11) minimization of the impairment to a parent-child
16 relationship caused by a parent's relocation; and

17 (12) any other relevant factors bearing on the child's
18 best interests.

19 (h) Unless the non-relocating parent demonstrates that a
20 reallocation of parental responsibilities is necessary to
21 prevent harm to the child, the court shall deny the
22 non-relocating parent's request for a reallocation of parental
23 responsibilities based on relocation if the non-relocating
24 parent either:

25 (1) failed to object to the relocation within the time
26 allowed; or

1 (2) has substantially failed or refused to exercise the
2 parental responsibilities allocated to him or her under the
3 parenting plan or allocation judgment.

4 (750 ILCS 5/610.5 new)

5 Sec. 610.5. Modification.

6 (a) Unless by stipulation of the parties or except as
7 provided in subsection (b) of this Section, no motion to modify
8 an order allocating parental responsibilities may be made
9 earlier than 2 years after its date, unless the court permits
10 it to be made on the basis of affidavits that there is reason
11 to believe the child's present environment may endanger
12 seriously his or her physical, mental, moral, or emotional
13 health.

14 (b) A motion to modify an order allocating parental
15 responsibilities may be made at any time by a party who has
16 been informed of the existence of facts requiring notice to be
17 given under Section 609.5 of this Act.

18 (c) Except in a case concerning the modification of any
19 restriction of parental responsibilities under Section 603.10,
20 the court shall modify a parenting plan or allocation judgment
21 when necessary to serve the child's best interests if the court
22 finds, by a preponderance of the evidence, that:

23 (1) on the basis of facts that have arisen since the
24 entry of the existing parenting plan or allocation judgment
25 or were not anticipated therein, a substantial change has

1 occurred in the circumstances of the child or of any parent
2 and that a modification is necessary to serve the child's
3 best interests; or

4 (2) the existing allocation of parental
5 responsibilities seriously endangers the child's physical,
6 mental, moral, or emotional health.

7 (d) The court shall modify a parenting plan or allocation
8 judgment in accordance with a parental agreement, unless it
9 finds that the modification is not in the child's best
10 interests.

11 (e) The court may modify a parenting plan or allocation
12 judgment without a showing of changed circumstances if (i) the
13 modification is in the child's best interests; and (ii) any of
14 the following are proven as to the modification:

15 (1) the modification reflects the actual arrangement
16 under which the child has been receiving care, without
17 parental objection, for the 6 months preceding the filing
18 of the petition for modification, provided that the
19 arrangement is not the result of a parent's acquiescence
20 resulting from circumstances that negated the parent's
21 ability to give meaningful consent;

22 (2) the modification constitutes a minor modification
23 in the parenting plan or allocation judgment; and

24 (3) the modification is necessary to modify an agreed
25 parenting plan or allocation judgment that the court would
26 not have ordered or approved under Section 602.5 or 602.7

1 had the court been aware of the circumstances at the time
2 of the order or approval.

3 (f) Attorney's fees and costs shall be assessed against a
4 party seeking modification if the court finds that the
5 modification action is vexatious or constitutes harassment. If
6 the court finds that a parent has repeatedly filed frivolous
7 motions for modification, the court may bar the parent from
8 filing a motion for modification for a period of time.

9 (750 ILCS 5/612 new)

10 Sec. 612. Application of provisions concerning allocation
11 of parental responsibilities.

12 (a) The changes made by this amendatory Act of the 98th
13 General Assembly apply to all proceedings commenced on or after
14 the effective date of this amendatory Act of the 98th General
15 Assembly.

16 (b) The changes made by this amendatory Act of the 98th
17 General Assembly apply to all actions pending on the effective
18 date of this amendatory Act of the 98th General Assembly and to
19 all proceedings commenced before that effective date with
20 respect to issues on which a judgment has not been entered.
21 Evidence adduced after the effective date of this amendatory
22 Act of the 98th General Assembly shall comply with the changes
23 made by this amendatory Act of the 98th General Assembly.

24 (c) The changes made by this amendatory Act of the 98th
25 General Assembly apply to all proceedings commenced on or after

1 the effective date of this amendatory Act of the 98th General
2 Assembly for the modification of a judgment or order entered
3 before that effective date.

4 (d) In any action or proceeding in which an appeal was
5 pending or a new trial was ordered before the effective date of
6 this amendatory Act of the 98th General Assembly, the law in
7 effect at the time of the order sustaining the appeal or the
8 new trial governs the appeal, the new trial, and any subsequent
9 trial or appeal.

10 (750 ILCS 5/406 rep.)
11 (750 ILCS 5/407 rep.)
12 (750 ILCS 5/408 rep.)
13 (750 ILCS 5/412 rep.)
14 (750 ILCS 5/514 rep.)
15 (750 ILCS 5/515 rep.)
16 (750 ILCS 5/516 rep.)
17 (750 ILCS 5/517 rep.)
18 (750 ILCS 5/601 rep.)
19 (750 ILCS 5/601.5 rep.)
20 (750 ILCS 5/602 rep.)
21 (750 ILCS 5/602.1 rep.)
22 (750 ILCS 5/603 rep.)
23 (750 ILCS 5/604 rep.)
24 (750 ILCS 5/604.5 rep.)
25 (750 ILCS 5/605 rep.)

- 1 (750 ILCS 5/606 rep.)
2 (750 ILCS 5/607 rep.)
3 (750 ILCS 5/607.1 rep.)
4 (750 ILCS 5/608 rep.)
5 (750 ILCS 5/609 rep.)
6 (750 ILCS 5/610 rep.)
7 (750 ILCS 5/611 rep.)
8 (750 ILCS 5/701 rep.)
9 (750 ILCS 5/703 rep.)

10 Section 5-20. The Illinois Marriage and Dissolution of
11 Marriage Act is amended by repealing Sections 406, 407, 408,
12 412, 514, 515, 516, 517, 601, 601.5, 602, 602.1, 603, 604,
13 604.5, 605, 606, 607, 607.1, 608, 609, 610, 611, 701, and 703.

14 Section 5-25. The Illinois Domestic Violence Act of 1986 is
15 amended by changing Sections 214 and 223 as follows:

16 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

17 Sec. 214. Order of protection; remedies.

18 (a) Issuance of order. If the court finds that petitioner
19 has been abused by a family or household member or that
20 petitioner is a high-risk adult who has been abused, neglected,
21 or exploited, as defined in this Act, an order of protection
22 prohibiting the abuse, neglect, or exploitation shall issue;
23 provided that petitioner must also satisfy the requirements of
24 one of the following Sections, as appropriate: Section 217 on

1 emergency orders, Section 218 on interim orders, or Section 219
2 on plenary orders. Petitioner shall not be denied an order of
3 protection because petitioner or respondent is a minor. The
4 court, when determining whether or not to issue an order of
5 protection, shall not require physical manifestations of abuse
6 on the person of the victim. Modification and extension of
7 prior orders of protection shall be in accordance with this
8 Act.

9 (b) Remedies and standards. The remedies to be included in
10 an order of protection shall be determined in accordance with
11 this Section and one of the following Sections, as appropriate:
12 Section 217 on emergency orders, Section 218 on interim orders,
13 and Section 219 on plenary orders. The remedies listed in this
14 subsection shall be in addition to other civil or criminal
15 remedies available to petitioner.

16 (1) Prohibition of abuse, neglect, or exploitation.
17 Prohibit respondent's harassment, interference with
18 personal liberty, intimidation of a dependent, physical
19 abuse, or willful deprivation, neglect or exploitation, as
20 defined in this Act, or stalking of the petitioner, as
21 defined in Section 12-7.3 of the Criminal Code of 2012, if
22 such abuse, neglect, exploitation, or stalking has
23 occurred or otherwise appears likely to occur if not
24 prohibited.

25 (2) Grant of exclusive possession of residence.
26 Prohibit respondent from entering or remaining in any

1 residence, household, or premises of the petitioner,
2 including one owned or leased by respondent, if petitioner
3 has a right to occupancy thereof. The grant of exclusive
4 possession of the residence, household, or premises shall
5 not affect title to real property, nor shall the court be
6 limited by the standard set forth in Section 701 of the
7 Illinois Marriage and Dissolution of Marriage Act.

8 (A) Right to occupancy. A party has a right to
9 occupancy of a residence or household if it is solely
10 or jointly owned or leased by that party, that party's
11 spouse, a person with a legal duty to support that
12 party or a minor child in that party's care, or by any
13 person or entity other than the opposing party that
14 authorizes that party's occupancy (e.g., a domestic
15 violence shelter). Standards set forth in subparagraph
16 (B) shall not preclude equitable relief.

17 (B) Presumption of hardships. If petitioner and
18 respondent each has the right to occupancy of a
19 residence or household, the court shall balance (i) the
20 hardships to respondent and any minor child or
21 dependent adult in respondent's care resulting from
22 entry of this remedy with (ii) the hardships to
23 petitioner and any minor child or dependent adult in
24 petitioner's care resulting from continued exposure to
25 the risk of abuse (should petitioner remain at the
26 residence or household) or from loss of possession of

1 the residence or household (should petitioner leave to
2 avoid the risk of abuse). When determining the balance
3 of hardships, the court shall also take into account
4 the accessibility of the residence or household.
5 Hardships need not be balanced if respondent does not
6 have a right to occupancy.

7 The balance of hardships is presumed to favor
8 possession by petitioner unless the presumption is
9 rebutted by a preponderance of the evidence, showing
10 that the hardships to respondent substantially
11 outweigh the hardships to petitioner and any minor
12 child or dependent adult in petitioner's care. The
13 court, on the request of petitioner or on its own
14 motion, may order respondent to provide suitable,
15 accessible, alternate housing for petitioner instead
16 of excluding respondent from a mutual residence or
17 household.

18 (3) Stay away order and additional prohibitions. Order
19 respondent to stay away from petitioner or any other person
20 protected by the order of protection, or prohibit
21 respondent from entering or remaining present at
22 petitioner's school, place of employment, or other
23 specified places at times when petitioner is present, or
24 both, if reasonable, given the balance of hardships.
25 Hardships need not be balanced for the court to enter a
26 stay away order or prohibit entry if respondent has no

1 right to enter the premises.

2 (A) If an order of protection grants petitioner
3 exclusive possession of the residence, or prohibits
4 respondent from entering the residence, or orders
5 respondent to stay away from petitioner or other
6 protected persons, then the court may allow respondent
7 access to the residence to remove items of clothing and
8 personal adornment used exclusively by respondent,
9 medications, and other items as the court directs. The
10 right to access shall be exercised on only one occasion
11 as the court directs and in the presence of an
12 agreed-upon adult third party or law enforcement
13 officer.

14 (B) When the petitioner and the respondent attend
15 the same public, private, or non-public elementary,
16 middle, or high school, the court when issuing an order
17 of protection and providing relief shall consider the
18 severity of the act, any continuing physical danger or
19 emotional distress to the petitioner, the educational
20 rights guaranteed to the petitioner and respondent
21 under federal and State law, the availability of a
22 transfer of the respondent to another school, a change
23 of placement or a change of program of the respondent,
24 the expense, difficulty, and educational disruption
25 that would be caused by a transfer of the respondent to
26 another school, and any other relevant facts of the

1 case. The court may order that the respondent not
2 attend the public, private, or non-public elementary,
3 middle, or high school attended by the petitioner,
4 order that the respondent accept a change of placement
5 or change of program, as determined by the school
6 district or private or non-public school, or place
7 restrictions on the respondent's movements within the
8 school attended by the petitioner. The respondent
9 bears the burden of proving by a preponderance of the
10 evidence that a transfer, change of placement, or
11 change of program of the respondent is not available.
12 The respondent also bears the burden of production with
13 respect to the expense, difficulty, and educational
14 disruption that would be caused by a transfer of the
15 respondent to another school. A transfer, change of
16 placement, or change of program is not unavailable to
17 the respondent solely on the ground that the respondent
18 does not agree with the school district's or private or
19 non-public school's transfer, change of placement, or
20 change of program or solely on the ground that the
21 respondent fails or refuses to consent or otherwise
22 does not take an action required to effectuate a
23 transfer, change of placement, or change of program.
24 When a court orders a respondent to stay away from the
25 public, private, or non-public school attended by the
26 petitioner and the respondent requests a transfer to

1 another attendance center within the respondent's
2 school district or private or non-public school, the
3 school district or private or non-public school shall
4 have sole discretion to determine the attendance
5 center to which the respondent is transferred. In the
6 event the court order results in a transfer of the
7 minor respondent to another attendance center, a
8 change in the respondent's placement, or a change of
9 the respondent's program, the parents, guardian, or
10 legal custodian of the respondent is responsible for
11 transportation and other costs associated with the
12 transfer or change.

13 (C) The court may order the parents, guardian, or
14 legal custodian of a minor respondent to take certain
15 actions or to refrain from taking certain actions to
16 ensure that the respondent complies with the order. In
17 the event the court orders a transfer of the respondent
18 to another school, the parents, guardian, or legal
19 custodian of the respondent is responsible for
20 transportation and other costs associated with the
21 change of school by the respondent.

22 (4) Counseling. Require or recommend the respondent to
23 undergo counseling for a specified duration with a social
24 worker, psychologist, clinical psychologist, psychiatrist,
25 family service agency, alcohol or substance abuse program,
26 mental health center guidance counselor, agency providing

1 services to elders, program designed for domestic violence
2 abusers or any other guidance service the court deems
3 appropriate. The Court may order the respondent in any
4 intimate partner relationship to report to an Illinois
5 Department of Human Services protocol approved partner
6 abuse intervention program for an assessment and to follow
7 all recommended treatment.

8 (5) Physical care and possession of the minor child. In
9 order to protect the minor child from abuse, neglect, or
10 unwarranted separation from the person who has been the
11 minor child's primary caretaker, or to otherwise protect
12 the well-being of the minor child, the court may do either
13 or both of the following: (i) grant petitioner physical
14 care or possession of the minor child, or both, or (ii)
15 order respondent to return a minor child to, or not remove
16 a minor child from, the physical care of a parent or person
17 in loco parentis.

18 If a court finds, after a hearing, that respondent has
19 committed abuse (as defined in Section 103) of a minor
20 child, there shall be a rebuttable presumption that
21 awarding physical care to respondent would not be in the
22 minor child's best interest.

23 (6) Temporary allocation of parental responsibilities
24 ~~legal custody~~. Award temporary parental responsibility
25 ~~legal custody~~ to petitioner in accordance with this
26 Section, the Illinois Marriage and Dissolution of Marriage

1 Act, the Illinois Parentage Act of 1984, and this State's
2 Uniform Child-Custody Jurisdiction and Enforcement Act.

3 If a court finds, after a hearing, that respondent has
4 committed abuse (as defined in Section 103) of a minor
5 child, there shall be a rebuttable presumption that
6 awarding temporary parental responsibility ~~legal custody~~
7 to respondent would not be in the child's best interest.

8 (7) Parenting time ~~Visitation~~. Determine the parenting
9 time ~~visitation rights~~, if any, of respondent in any case
10 in which the court awards physical care or allocates
11 temporary parental responsibility ~~legal custody~~ of a minor
12 child to petitioner. The court shall restrict or deny
13 respondent's parenting time ~~visitation~~ with a minor child
14 if the court finds that respondent has done or is likely to
15 do any of the following: (i) abuse or endanger the minor
16 child during parenting time ~~visitation~~; (ii) use the
17 parenting time ~~visitation~~ as an opportunity to abuse or
18 harass petitioner or petitioner's family or household
19 members; (iii) improperly conceal or detain the minor
20 child; or (iv) otherwise act in a manner that is not in the
21 best interests of the minor child. The court shall not be
22 limited by the standards set forth in Section 603.10 ~~607.1~~
23 of the Illinois Marriage and Dissolution of Marriage Act.
24 If the court grants parenting time ~~visitation~~, the order
25 shall specify dates and times for the parenting time
26 ~~visitation~~ to take place or other specific parameters or

1 conditions that are appropriate. No order for parenting
2 time visitation shall refer merely to the term "reasonable
3 parenting time visitation".

4 Petitioner may deny respondent access to the minor
5 child if, when respondent arrives for parenting time
6 visitation, respondent is under the influence of drugs or
7 alcohol and constitutes a threat to the safety and
8 well-being of petitioner or petitioner's minor children or
9 is behaving in a violent or abusive manner.

10 If necessary to protect any member of petitioner's
11 family or household from future abuse, respondent shall be
12 prohibited from coming to petitioner's residence to meet
13 the minor child for parenting time visitation, and the
14 parties shall submit to the court their recommendations for
15 reasonable alternative arrangements for parenting time
16 visitation. A person may be approved to supervise parenting
17 time visitation only after filing an affidavit accepting
18 that responsibility and acknowledging accountability to
19 the court.

20 (8) Removal or concealment of minor child. Prohibit
21 respondent from removing a minor child from the State or
22 concealing the child within the State.

23 (9) Order to appear. Order the respondent to appear in
24 court, alone or with a minor child, to prevent abuse,
25 neglect, removal or concealment of the child, to return the
26 child to the custody or care of the petitioner or to permit

1 any court-ordered interview or examination of the child or
2 the respondent.

3 (10) Possession of personal property. Grant petitioner
4 exclusive possession of personal property and, if
5 respondent has possession or control, direct respondent to
6 promptly make it available to petitioner, if:

7 (i) petitioner, but not respondent, owns the
8 property; or

9 (ii) the parties own the property jointly; sharing
10 it would risk abuse of petitioner by respondent or is
11 impracticable; and the balance of hardships favors
12 temporary possession by petitioner.

13 If petitioner's sole claim to ownership of the property
14 is that it is marital property, the court may award
15 petitioner temporary possession thereof under the
16 standards of subparagraph (ii) of this paragraph only if a
17 proper proceeding has been filed under the Illinois
18 Marriage and Dissolution of Marriage Act, as now or
19 hereafter amended.

20 No order under this provision shall affect title to
21 property.

22 (11) Protection of property. Forbid the respondent
23 from taking, transferring, encumbering, concealing,
24 damaging or otherwise disposing of any real or personal
25 property, except as explicitly authorized by the court, if:

26 (i) petitioner, but not respondent, owns the

1 property; or

2 (ii) the parties own the property jointly, and the
3 balance of hardships favors granting this remedy.

4 If petitioner's sole claim to ownership of the property
5 is that it is marital property, the court may grant
6 petitioner relief under subparagraph (ii) of this
7 paragraph only if a proper proceeding has been filed under
8 the Illinois Marriage and Dissolution of Marriage Act, as
9 now or hereafter amended.

10 The court may further prohibit respondent from
11 improperly using the financial or other resources of an
12 aged member of the family or household for the profit or
13 advantage of respondent or of any other person.

14 (11.5) Protection of animals. Grant the petitioner the
15 exclusive care, custody, or control of any animal owned,
16 possessed, leased, kept, or held by either the petitioner
17 or the respondent or a minor child residing in the
18 residence or household of either the petitioner or the
19 respondent and order the respondent to stay away from the
20 animal and forbid the respondent from taking,
21 transferring, encumbering, concealing, harming, or
22 otherwise disposing of the animal.

23 (12) Order for payment of support. Order respondent to
24 pay temporary support for the petitioner or any child in
25 the petitioner's care or over whom the petitioner has been
26 allocated parental responsibility ~~custody~~, when the

1 respondent has a legal obligation to support that person,
2 in accordance with the Illinois Marriage and Dissolution of
3 Marriage Act, which shall govern, among other matters, the
4 amount of support, payment through the clerk and
5 withholding of income to secure payment. An order for child
6 support may be granted to a petitioner with lawful physical
7 care ~~or custody~~ of a child, or an order or agreement for
8 physical care of a child ~~or custody~~, prior to entry of an
9 order allocating parental responsibility ~~for legal~~
10 ~~custody~~. Such a support order shall expire upon entry of a
11 valid order allocating parental responsibility differently
12 ~~granting legal custody to another~~, unless otherwise
13 provided in the custody order.

14 (13) Order for payment of losses. Order respondent to
15 pay petitioner for losses suffered as a direct result of
16 the abuse, neglect, or exploitation. Such losses shall
17 include, but not be limited to, medical expenses, lost
18 earnings or other support, repair or replacement of
19 property damaged or taken, reasonable attorney's fees,
20 court costs and moving or other travel expenses, including
21 additional reasonable expenses for temporary shelter and
22 restaurant meals.

23 (i) Losses affecting family needs. If a party is
24 entitled to seek maintenance, child support or
25 property distribution from the other party under the
26 Illinois Marriage and Dissolution of Marriage Act, as

1 now or hereafter amended, the court may order
2 respondent to reimburse petitioner's actual losses, to
3 the extent that such reimbursement would be
4 "appropriate temporary relief", as authorized by
5 subsection (a) (3) of Section 501 of that Act.

6 (ii) Recovery of expenses. In the case of an
7 improper concealment or removal of a minor child, the
8 court may order respondent to pay the reasonable
9 expenses incurred or to be incurred in the search for
10 and recovery of the minor child, including but not
11 limited to legal fees, court costs, private
12 investigator fees, and travel costs.

13 (14) Prohibition of entry. Prohibit the respondent
14 from entering or remaining in the residence or household
15 while the respondent is under the influence of alcohol or
16 drugs and constitutes a threat to the safety and well-being
17 of the petitioner or the petitioner's children.

18 (14.5) Prohibition of firearm possession.

19 (a) Prohibit a respondent against whom an order of
20 protection was issued from possessing any firearms
21 during the duration of the order if the order:

22 (1) was issued after a hearing of which such
23 person received actual notice, and at which such
24 person had an opportunity to participate;

25 (2) restrains such person from harassing,
26 stalking, or threatening an intimate partner of

1 such person or child of such intimate partner or
2 person, or engaging in other conduct that would
3 place an intimate partner in reasonable fear of
4 bodily injury to the partner or child; and

5 (3)(i) includes a finding that such person
6 represents a credible threat to the physical
7 safety of such intimate partner or child; or (ii)
8 by its terms explicitly prohibits the use,
9 attempted use, or threatened use of physical force
10 against such intimate partner or child that would
11 reasonably be expected to cause bodily injury.

12 Any Firearm Owner's Identification Card in the
13 possession of the respondent, except as provided in
14 subsection (b), shall be ordered by the court to be
15 turned over to the local law enforcement agency. The
16 local law enforcement agency shall immediately mail
17 the card to the Department of State Police Firearm
18 Owner's Identification Card Office for safekeeping.
19 The court shall issue a warrant for seizure of any
20 firearm in the possession of the respondent, to be kept
21 by the local law enforcement agency for safekeeping,
22 except as provided in subsection (b). The period of
23 safekeeping shall be for the duration of the order of
24 protection. The firearm or firearms and Firearm
25 Owner's Identification Card, if unexpired, shall at
26 the respondent's request, be returned to the

1 respondent at the end of the order of protection. It is
2 the respondent's responsibility to notify the
3 Department of State Police Firearm Owner's
4 Identification Card Office.

5 (b) If the respondent is a peace officer as defined
6 in Section 2-13 of the Criminal Code of 2012, the court
7 shall order that any firearms used by the respondent in
8 the performance of his or her duties as a peace officer
9 be surrendered to the chief law enforcement executive
10 of the agency in which the respondent is employed, who
11 shall retain the firearms for safekeeping for the
12 duration of the order of protection.

13 (c) Upon expiration of the period of safekeeping,
14 if the firearms or Firearm Owner's Identification Card
15 cannot be returned to respondent because respondent
16 cannot be located, fails to respond to requests to
17 retrieve the firearms, or is not lawfully eligible to
18 possess a firearm, upon petition from the local law
19 enforcement agency, the court may order the local law
20 enforcement agency to destroy the firearms, use the
21 firearms for training purposes, or for any other
22 application as deemed appropriate by the local law
23 enforcement agency; or that the firearms be turned over
24 to a third party who is lawfully eligible to possess
25 firearms, and who does not reside with respondent.

26 (15) Prohibition of access to records. If an order of

1 protection prohibits respondent from having contact with
2 the minor child, or if petitioner's address is omitted
3 under subsection (b) of Section 203, or if necessary to
4 prevent abuse or wrongful removal or concealment of a minor
5 child, the order shall deny respondent access to, and
6 prohibit respondent from inspecting, obtaining, or
7 attempting to inspect or obtain, school or any other
8 records of the minor child who is in the care of
9 petitioner.

10 (16) Order for payment of shelter services. Order
11 respondent to reimburse a shelter providing temporary
12 housing and counseling services to the petitioner for the
13 cost of the services, as certified by the shelter and
14 deemed reasonable by the court.

15 (17) Order for injunctive relief. Enter injunctive
16 relief necessary or appropriate to prevent further abuse of
17 a family or household member or further abuse, neglect, or
18 exploitation of a high-risk adult with disabilities or to
19 effectuate one of the granted remedies, if supported by the
20 balance of hardships. If the harm to be prevented by the
21 injunction is abuse or any other harm that one of the
22 remedies listed in paragraphs (1) through (16) of this
23 subsection is designed to prevent, no further evidence is
24 necessary that the harm is an irreparable injury.

25 (c) Relevant factors; findings.

26 (1) In determining whether to grant a specific remedy,

1 other than payment of support, the court shall consider
2 relevant factors, including but not limited to the
3 following:

4 (i) the nature, frequency, severity, pattern and
5 consequences of the respondent's past abuse, neglect
6 or exploitation of the petitioner or any family or
7 household member, including the concealment of his or
8 her location in order to evade service of process or
9 notice, and the likelihood of danger of future abuse,
10 neglect, or exploitation to petitioner or any member of
11 petitioner's or respondent's family or household; and

12 (ii) the danger that any minor child will be abused
13 or neglected or improperly relocated ~~removed~~ from the
14 jurisdiction, improperly concealed within the State or
15 improperly separated from the child's primary
16 caretaker.

17 (2) In comparing relative hardships resulting to the
18 parties from loss of possession of the family home, the
19 court shall consider relevant factors, including but not
20 limited to the following:

21 (i) availability, accessibility, cost, safety,
22 adequacy, location and other characteristics of
23 alternate housing for each party and any minor child or
24 dependent adult in the party's care;

25 (ii) the effect on the party's employment; and

26 (iii) the effect on the relationship of the party,

1 and any minor child or dependent adult in the party's
2 care, to family, school, church and community.

3 (3) Subject to the exceptions set forth in paragraph
4 (4) of this subsection, the court shall make its findings
5 in an official record or in writing, and shall at a minimum
6 set forth the following:

7 (i) That the court has considered the applicable
8 relevant factors described in paragraphs (1) and (2) of
9 this subsection.

10 (ii) Whether the conduct or actions of respondent,
11 unless prohibited, will likely cause irreparable harm
12 or continued abuse.

13 (iii) Whether it is necessary to grant the
14 requested relief in order to protect petitioner or
15 other alleged abused persons.

16 (4) For purposes of issuing an ex parte emergency order
17 of protection, the court, as an alternative to or as a
18 supplement to making the findings described in paragraphs
19 (c) (3) (i) through (c) (3) (iii) of this subsection, may use
20 the following procedure:

21 When a verified petition for an emergency order of
22 protection in accordance with the requirements of Sections
23 203 and 217 is presented to the court, the court shall
24 examine petitioner on oath or affirmation. An emergency
25 order of protection shall be issued by the court if it
26 appears from the contents of the petition and the

1 examination of petitioner that the averments are
2 sufficient to indicate abuse by respondent and to support
3 the granting of relief under the issuance of the emergency
4 order of protection.

5 (5) Never married parties. No rights or
6 responsibilities for a minor child born outside of marriage
7 attach to a putative father until a father and child
8 relationship has been established under the Illinois
9 Parentage Act of 1984, the Illinois Public Aid Code,
10 Section 12 of the Vital Records Act, the Juvenile Court Act
11 of 1987, the Probate Act of 1985, the Revised Uniform
12 Reciprocal Enforcement of Support Act, the Uniform
13 Interstate Family Support Act, the Expedited Child Support
14 Act of 1990, any judicial, administrative, or other act of
15 another state or territory, any other Illinois statute, or
16 by any foreign nation establishing the father and child
17 relationship, any other proceeding substantially in
18 conformity with the Personal Responsibility and Work
19 Opportunity Reconciliation Act of 1996 (Pub. L. 104-193),
20 or where both parties appeared in open court or at an
21 administrative hearing acknowledging under oath or
22 admitting by affirmation the existence of a father and
23 child relationship. Absent such an adjudication, finding,
24 or acknowledgement, no putative father shall be granted
25 temporary allocation of parental responsibilities,
26 including parenting time ~~eustody of the minor child,~~

1 ~~visitation~~ with the minor child, or physical care and
2 possession of the minor child, nor shall an order of
3 payment for support of the minor child be entered.

4 (d) Balance of hardships; findings. If the court finds that
5 the balance of hardships does not support the granting of a
6 remedy governed by paragraph (2), (3), (10), (11), or (16) of
7 subsection (b) of this Section, which may require such
8 balancing, the court's findings shall so indicate and shall
9 include a finding as to whether granting the remedy will result
10 in hardship to respondent that would substantially outweigh the
11 hardship to petitioner from denial of the remedy. The findings
12 shall be an official record or in writing.

13 (e) Denial of remedies. Denial of any remedy shall not be
14 based, in whole or in part, on evidence that:

15 (1) Respondent has cause for any use of force, unless
16 that cause satisfies the standards for justifiable use of
17 force provided by Article 7 of the Criminal Code of 2012;

18 (2) Respondent was voluntarily intoxicated;

19 (3) Petitioner acted in self-defense or defense of
20 another, provided that, if petitioner utilized force, such
21 force was justifiable under Article 7 of the Criminal Code
22 of 2012;

23 (4) Petitioner did not act in self-defense or defense
24 of another;

25 (5) Petitioner left the residence or household to avoid
26 further abuse, neglect, or exploitation by respondent;

1 (6) Petitioner did not leave the residence or household
2 to avoid further abuse, neglect, or exploitation by
3 respondent;

4 (7) Conduct by any family or household member excused
5 the abuse, neglect, or exploitation by respondent, unless
6 that same conduct would have excused such abuse, neglect,
7 or exploitation if the parties had not been family or
8 household members.

9 (Source: P.A. 96-701, eff. 1-1-10; 96-1239, eff. 1-1-11;
10 97-158, eff. 1-1-12; 97-294, eff. 1-1-12; 97-813, eff. 7-13-12;
11 97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13.)

12 (750 ILCS 60/223) (from Ch. 40, par. 2312-23)

13 Sec. 223. Enforcement of orders of protection.

14 (a) When violation is crime. A violation of any order of
15 protection, whether issued in a civil or criminal proceeding,
16 shall be enforced by a criminal court when:

17 (1) The respondent commits the crime of violation of an
18 order of protection pursuant to Section 12-3.4 or 12-30 of
19 the Criminal Code of 1961 or the Criminal Code of 2012, by
20 having knowingly violated:

21 (i) remedies described in paragraphs (1), (2),
22 (3), (14), or (14.5) of subsection (b) of Section 214
23 of this Act; or

24 (ii) a remedy, which is substantially similar to
25 the remedies authorized under paragraphs (1), (2),

1 (3), (14), and (14.5) of subsection (b) of Section 214
2 of this Act, in a valid order of protection which is
3 authorized under the laws of another state, tribe, or
4 United States territory; or

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

8 Prosecution for a violation of an order of protection
9 shall not bar concurrent prosecution for any other crime,
10 including any crime that may have been committed at the
11 time of the violation of the order of protection; or

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

15 (i) remedies described in paragraphs (5), (6) or
16 (8) of subsection (b) of Section 214 of this Act; or

17 (ii) a remedy, which is substantially similar to
18 the remedies authorized under paragraphs (5), (6), or
19 (8) of subsection (b) of Section 214 of this Act, in a
20 valid order of protection which is authorized under the
21 laws of another state, tribe, or United States
22 territory.

23 (b) When violation is contempt of court. A violation of any
24 valid Illinois order of protection, whether issued in a civil
25 or criminal proceeding, may be enforced through civil or
26 criminal contempt procedures, as appropriate, by any court with

1 jurisdiction, regardless where the act or acts which violated
2 the order of protection were committed, to the extent
3 consistent with the venue provisions of this Act. Nothing in
4 this Act shall preclude any Illinois court from enforcing any
5 valid order of protection issued in another state. Illinois
6 courts may enforce orders of protection through both criminal
7 prosecution and contempt proceedings, unless the action which
8 is second in time is barred by collateral estoppel or the
9 constitutional prohibition against double jeopardy.

10 (1) In a contempt proceeding where the petition for a
11 rule to show cause sets forth facts evidencing an immediate
12 danger that the respondent will flee the jurisdiction,
13 conceal a child, or inflict physical abuse on the
14 petitioner or minor children or on dependent adults in
15 petitioner's care, the court may order the attachment of
16 the respondent without prior service of the rule to show
17 cause or the petition for a rule to show cause. Bond shall
18 be set unless specifically denied in writing.

19 (2) A petition for a rule to show cause for violation
20 of an order of protection shall be treated as an expedited
21 proceeding.

22 (b-1) The court shall not hold a school district or private
23 or non-public school or any of its employees in civil or
24 criminal contempt unless the school district or private or
25 non-public school has been allowed to intervene.

26 (b-2) The court may hold the parents, guardian, or legal

1 custodian of a minor respondent in civil or criminal contempt
2 for a violation of any provision of any order entered under
3 this Act for conduct of the minor respondent in violation of
4 this Act if the parents, guardian, or legal custodian directed,
5 encouraged, or assisted the respondent minor in such conduct.

6 (c) Violation of custody or support orders or temporary or
7 final judgments allocating parental responsibilities. A
8 violation of remedies described in paragraphs (5), (6), (8), or
9 (9) of subsection (b) of Section 214 of this Act may be
10 enforced by any remedy provided by Section 607.5 ~~611~~ of the
11 Illinois Marriage and Dissolution of Marriage Act. The court
12 may enforce any order for support issued under paragraph (12)
13 of subsection (b) of Section 214 in the manner provided for
14 under Parts V and VII of the Illinois Marriage and Dissolution
15 of Marriage Act.

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

20 (1) By service, delivery, or notice under Section 210.

21 (2) By notice under Section 210.1 or 211.

22 (3) By service of an order of protection under Section
23 222.

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

26 (e) The enforcement of an order of protection in civil or

1 criminal court shall not be affected by either of the
2 following:

3 (1) The existence of a separate, correlative order,
4 entered under Section 215.

5 (2) Any finding or order entered in a conjoined
6 criminal proceeding.

7 (f) Circumstances. The court, when determining whether or
8 not a violation of an order of protection has occurred, shall
9 not require physical manifestations of abuse on the person of
10 the victim.

11 (g) Penalties.

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

20 (2) The court shall hear and take into account evidence
21 of any factors in aggravation or mitigation before deciding
22 an appropriate penalty under paragraph (1) of this
23 subsection.

24 (3) To the extent permitted by law, the court is
25 encouraged to:

26 (i) increase the penalty for the knowing violation

1 of any order of protection over any penalty previously
2 imposed by any court for respondent's violation of any
3 order of protection or penal statute involving
4 petitioner as victim and respondent as defendant;

5 (ii) impose a minimum penalty of 24 hours
6 imprisonment for respondent's first violation of any
7 order of protection; and

8 (iii) impose a minimum penalty of 48 hours
9 imprisonment for respondent's second or subsequent
10 violation of an order of protection

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

13 (4) In addition to any other penalties imposed for a
14 violation of an order of protection, a criminal court may
15 consider evidence of any violations of an order of
16 protection:

17 (i) to increase, revoke or modify the bail bond on
18 an underlying criminal charge pursuant to Section
19 110-6 of the Code of Criminal Procedure of 1963;

20 (ii) to revoke or modify an order of probation,
21 conditional discharge or supervision, pursuant to
22 Section 5-6-4 of the Unified Code of Corrections;

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

26 (5) In addition to any other penalties, the court shall

1 impose an additional fine of \$20 as authorized by Section
2 5-9-1.11 of the Unified Code of Corrections upon any person
3 convicted of or placed on supervision for a violation of an
4 order of protection. The additional fine shall be imposed
5 for each violation of this Section.

6 (Source: P.A. 96-1551, eff. 7-1-11; 97-294, eff. 1-1-12;
7 97-1150, eff. 1-25-13.)

8 Section 5-30. The Probate Act of 1975 is amended by
9 changing Section 11-7.1 as follows:

10 (755 ILCS 5/11-7.1) (from Ch. 110 1/2, par. 11-7.1)

11 Sec. 11-7.1. Parenting time ~~Visitation rights~~.

12 (a) Whenever both natural or adoptive parents of a minor
13 are deceased, an allocation of parenting time ~~visitation rights~~
14 shall be granted to the grandparents of the minor who are the
15 parents of the minor's legal parents unless it is shown that
16 such parenting time ~~visitation~~ would be detrimental to the best
17 interests and welfare of the minor. In the discretion of the
18 court, reasonable parenting time ~~visitation rights~~ may be
19 granted to any other relative of the minor or other person
20 having an interest in the welfare of the child. However, the
21 court shall not grant parenting time ~~visitation privileges~~ to
22 any person who otherwise might have parenting time ~~visitation~~
23 ~~privileges~~ under this Section where the minor has been adopted
24 subsequent to the death of both his legal parents except where

1 such adoption is by a close relative. For the purpose of this
2 Section, "close relative" shall include, but not be limited to,
3 a grandparent, aunt, uncle, first cousin, or adult brother or
4 sister.

5 Where such adoption is by a close relative, the court shall
6 not grant parenting time ~~visitation privileges~~ under this
7 Section unless the petitioner alleges and proves that he or she
8 has been unreasonably denied parenting time ~~visitation~~ with the
9 child. The court may grant reasonable parenting time ~~visitation~~
10 ~~privileges~~ upon finding that such parenting time ~~visitation~~
11 would be in the best interest of the child.

12 An order denying parenting time ~~visitation rights~~ to
13 grandparents of the minor shall be in writing and shall state
14 the reasons for denial. An order denying parenting time
15 ~~visitation rights~~ is a final order for purposes of appeal.

16 (b) Unless the court determines, after considering all
17 relevant factors, including but not limited to those set forth
18 in Section 602.7 ~~602(a)~~ of the Illinois Marriage and
19 Dissolution of Marriage Act, that it would be in the best
20 interests of the child to allow parenting time ~~visitation~~, the
21 court shall not enter an order providing parenting time
22 ~~visitation rights~~ and pursuant to a motion to modify parenting
23 time ~~visitation~~ brought under Section 610.5 ~~607(f)~~ of the
24 Illinois Marriage and Dissolution of Marriage Act shall revoke
25 parenting time ~~visitation rights~~ previously granted to any
26 person who would otherwise be entitled to petition for

1 parenting time ~~visitation rights~~ under this Section who has
2 been convicted of first degree murder of the parent,
3 grandparent, great-grandparent, or sibling of the child who is
4 the subject of the order. Until an order is entered pursuant to
5 this subsection, no person shall visit, with the child present,
6 a person who has been convicted of first degree murder of the
7 parent, grandparent, great-grandparent, or sibling of the
8 child without the consent of the child's parent, other than a
9 parent convicted of first degree murder as set forth herein, or
10 legal guardian.

11 (Source: P.A. 90-801, eff. 6-1-99.)".