



Rep. Kelly Burke

Filed: 4/7/2014

09800HB1452ham002

LRB098 02948 HEP 58277 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 and

11 (E) promote or order parents to participate in programs
12 designed to educate parents to:

13 (i) minimize or eliminate rancor and the
14 detrimental effect of litigation in any proceeding
15 involving children; and

16 (ii) facilitate the maximum cooperation of parents
17 in raising their children;

18 (8) ~~(5)~~ make reasonable provision for support spouses and
19 ~~minor children~~ during and after an underlying dissolution of
20 marriage, parentage, or parental responsibility allocation
21 action litigation, including provision for timely advances
22 ~~awards~~ of interim fees and costs to all attorneys, experts, and
23 opinion witnesses including guardians ad litem and children's
24 representatives, to achieve substantial parity in parties'
25 access to funds for pre-judgment litigation costs in an action
26 for dissolution of marriage;

1 (9) ~~(6)~~ eliminate the consideration of marital misconduct
2 in the adjudication of rights and duties incident to ~~the legal~~
3 dissolution of marriage, legal separation and declaration of
4 invalidity of marriage; and

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

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

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

11 (750 ILCS 5/104) (from Ch. 40, par. 104)

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

18 In any case brought pursuant to this Act where neither the
19 petitioner nor respondent resides in the county in which the
20 initial pleading is filed, the petitioner shall file with the
21 initial pleading a written motion, which shall be set for
22 hearing and ruled upon before any other issue is taken up,
23 advising that the forum selected is not one of proper venue and
24 seeking an appropriate order from the court allowing a waiver
25 of the venue requirements of this Section.

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

2 (750 ILCS 5/105) (from Ch. 40, par. 105)

3 Sec. 105. Application of Civil Practice Law.) (a) The
4 provisions of the Civil Practice Law shall apply to all
5 proceedings under this Act, except as otherwise provided in
6 this Act.

7 (b) A proceeding for dissolution of marriage, legal
8 separation or declaration of invalidity of marriage shall be
9 entitled "In re the Marriage of ... and ...". A parental
10 responsibility allocation ~~custody~~ or support proceeding shall
11 be entitled "In re the (Parental Responsibility~~Custody~~)
12 (Support) of ...".

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

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

22 (750 ILCS 5/107) (from Ch. 40, par. 107)

23 Sec. 107. Order of protection; status. Whenever relief is
24 sought under Part V, Part VI or Part VII of this Act, the

1 parties shall advise the court, ~~before granting relief, shall~~
2 ~~determine~~ whether any order of protection has previously been
3 entered in the instant proceeding or any other proceeding in
4 which any party, or a child of any party, or both, if relevant,
5 has been designated as either a respondent or a protected
6 person.

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

8 (750 ILCS 5/209) (from Ch. 40, par. 209)

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

10 Sec. 209. Solemnization and Registration.)

11 (a) A marriage may be solemnized by a judge of a court of
12 record, by a retired judge of a court of record, unless the
13 retired judge was removed from office by the Judicial Inquiry
14 Board, except that a retired judge shall not receive any
15 compensation from the State, a county or any unit of local
16 government in return for the solemnization of a marriage and
17 there shall be no effect upon any pension benefits conferred by
18 the Judges Retirement System of Illinois, by a judge of the
19 Court of Claims, by a county clerk in counties having 2,000,000
20 or more inhabitants, by a public official whose powers include
21 solemnization of marriages, or in accordance with the
22 prescriptions of any religious denomination, Indian Nation or
23 Tribe or Native Group, provided that when such prescriptions
24 require an officiant, the officiant be in good standing with
25 his or her religious denomination, Indian Nation or Tribe or

1 Native Group. Either the person solemnizing the marriage, or,
2 if no individual acting alone solemnized the marriage, both
3 parties to the marriage, shall complete the marriage
4 certificate form and forward it to the county clerk within 10
5 days after such marriage is solemnized.

6 (a-5) Nothing in this Act shall be construed to require any
7 religious denomination or Indian Nation or Tribe or Native
8 Group, or any minister, clergy, or officiant acting as a
9 representative of a religious denomination or Indian Nation or
10 Tribe or Native Group, to solemnize any marriage. Instead, any
11 religious denomination or Indian Nation or Tribe or Native
12 Group, or any minister, clergy, or officiant acting as a
13 representative of a religious denomination or Indian Nation or
14 Tribe or Native Group is free to choose which marriages it will
15 solemnize. Notwithstanding any other law to the contrary, a
16 refusal by a religious denomination or Indian Nation or Tribe
17 or Native Group, or any minister, clergy, or officiant acting
18 as a representative of a religious denomination or Indian
19 Nation or Tribe or Native Group to solemnize any marriage under
20 this Act shall not create or be the basis for any civil,
21 administrative, or criminal penalty, claim, or cause of action.

22 (a-10) No church, mosque, synagogue, temple,
23 nondenominational ministry, interdenominational or ecumenical
24 organization, mission organization, or other organization
25 whose principal purpose is the study, practice, or advancement
26 of religion is required to provide religious facilities for the

1 solemnization ceremony or celebration associated with the
2 solemnization ceremony of a marriage if the solemnization
3 ceremony or celebration associated with the solemnization
4 ceremony is in violation of its religious beliefs. An entity
5 identified in this subsection (a-10) shall be immune from any
6 civil, administrative, criminal penalty, claim, or cause of
7 action based on its refusal to provide religious facilities for
8 the solemnization ceremony or celebration associated with the
9 solemnization ceremony of a marriage if the solemnization
10 ceremony or celebration associated with the solemnization
11 ceremony is in violation of its religious beliefs. As used in
12 this subsection (a-10), "religious facilities" means
13 sanctuaries, parish halls, fellowship halls, and similar
14 facilities. "Religious facilities" does not include facilities
15 such as businesses, health care facilities, educational
16 facilities, or social service agencies.

17 (b) The solemnization of the marriage is not invalidated:
18 (1) by the fact that the person solemnizing the marriage was
19 not legally qualified to solemnize it, if a reasonable person
20 would believe the person solemnizing the marriage to be so
21 qualified; if either party to the marriage believed him or her
22 to be so qualified or (2) by the fact that the marriage was
23 inadvertently solemnized in a county in Illinois other than the
24 county where the license was issued and filed.

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

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

2 (750 ILCS 5/219) (from Ch. 40, par. 219)

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

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

9 (750 ILCS 5/401) (from Ch. 40, par. 401)

10 Sec. 401. Dissolution of marriage.

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

18 Irreconcilable differences have caused the irretrievable
19 breakdown of the marriage and the court determines that efforts
20 at reconciliation have failed or that future attempts at
21 reconciliation would be impracticable and not in the best
22 interests of the family.

23 (a-5) If the parties are separated for 6 consecutive
24 months, which period may commence prior to or after the filing

1 of an action for dissolution of marriage under this Act, there
2 will be an irrebuttable presumption that the requirement of
3 irreconcilable differences has been met.; ~~provided, however,~~
4 ~~that a finding of residence of a party in any judgment entered~~
5 ~~under this Act from January 1, 1982 through June 30, 1982 shall~~
6 ~~satisfy the former domicile requirements of this Act; and if~~
7 ~~one of the following grounds for dissolution has been proved:~~

8 ~~(1) That, without cause or provocation by the~~
9 ~~petitioner: the respondent was at the time of such~~
10 ~~marriage, and continues to be naturally impotent; the~~
11 ~~respondent had a wife or husband living at the time of the~~
12 ~~marriage; the respondent had committed adultery subsequent~~
13 ~~to the marriage; the respondent has wilfully deserted or~~
14 ~~absented himself or herself from the petitioner for the~~
15 ~~space of one year, including any period during which~~
16 ~~litigation may have pended between the spouses for~~
17 ~~dissolution of marriage or legal separation; the~~
18 ~~respondent has been guilty of habitual drunkenness for the~~
19 ~~space of 2 years; the respondent has been guilty of gross~~
20 ~~and confirmed habits caused by the excessive use of~~
21 ~~addictive drugs for the space of 2 years, or has attempted~~
22 ~~the life of the other by poison or other means showing~~
23 ~~malice, or has been guilty of extreme and repeated physical~~
24 ~~or mental cruelty, or has been convicted of a felony or~~
25 ~~other infamous crime; or the respondent has infected the~~
26 ~~other with a sexually transmitted disease. "Excessive use~~

1 ~~of addictive drugs", as used in this Section, refers to use~~
2 ~~of an addictive drug by a person when using the drug~~
3 ~~becomes a controlling or a dominant purpose of his life; or~~

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

20 ~~(A) any period of cohabitation during which the~~
21 ~~parties attempted in good faith to reconcile and~~
22 ~~participated in marriage counseling under the guidance~~
23 ~~of any of the following: a psychiatrist, a clinical~~
24 ~~psychologist, a clinical social worker, a marriage and~~
25 ~~family therapist, a person authorized to provide~~
26 ~~counseling in accordance with the prescriptions of any~~

1 ~~religious denomination, or a person regularly engaged~~
2 ~~in providing family or marriage counseling; and~~
3 ~~(B) any period of cohabitation under written~~
4 ~~agreement of the parties to attempt to reconcile.~~

5 ~~In computing the period during which the spouses have lived~~
6 ~~separate and apart for purposes of this Section, periods during~~
7 ~~which the spouses were living separate and apart prior to July~~
8 ~~1, 1984 are included.~~

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

19 The death of a party subsequent to entry of a judgment for
20 dissolution but before judgment on reserved issues shall not
21 abate the proceedings.

22 If any provision of this Section or its application shall
23 be adjudged unconstitutional or invalid for any reason by any
24 court of competent jurisdiction, that judgment shall not
25 impair, affect or invalidate any other provision or application
26 of this Section, which shall remain in full force and effect.

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

2 (750 ILCS 5/402) (from Ch. 40, par. 402)

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

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

25 (1) the court may not value or allocate property in the

1 absence of such an agreement;

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

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

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

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

15 (750 ILCS 5/403) (from Ch. 40, par. 403)

16 Sec. 403. Pleadings - Commencement - Abolition of Existing
17 Defenses - Procedure.)

18 (a) The complaint or petition for dissolution of marriage
19 or legal separation shall be verified and shall minimally set
20 forth:

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

23 (2) the date of the marriage and the place at which it
24 was registered;

25 (2.5) whether a petition for dissolution of marriage is

1 pending in any other county or state;

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

13 (4) the initials names, ages without birthdates, and
14 addresses of all living children of the marriage, and
15 whether the wife is pregnant, and, if there are children
16 born of the marriage, the wife shall allege whether she
17 believes the husband is the father of the children;

18 (5) any arrangements as to support, allocation of
19 parental responsibility, and parenting time ~~custody and~~
20 ~~visitation~~ of the children and maintenance of a spouse; and

21 (6) the relief sought.

22 (b) Either or both parties to the marriage may initiate the
23 proceeding.

24 (c) (Blank). ~~The previously existing defense of~~
25 ~~recrimination is abolished. The defense of condonation is~~
26 ~~abolished only as to condonations occurring after a proceeding~~

1 ~~is filed under this Act and after the court has acquired~~
2 ~~jurisdiction over the respondent.~~

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

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

1 at the conclusion of the case and not after hearing only the
2 testimony as to whether irreconcilable differences have caused
3 the irretrievable breakdown of the marriage.

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

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

10 (750 ILCS 5/404) (from Ch. 40, par. 404)

11 Sec. 404. Conciliation, ~~mediation~~.

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

19 (b) The facts adduced at any conciliation conference
20 resulting from a referral hereunder, shall not be considered in
21 the adjudication of a pending or subsequent action, nor shall
22 any report resulting from such conference become part of the
23 record of the case unless the parties have stipulated in
24 writing to the contrary.

25 The court, upon good cause shown, may prohibit

1 conciliation, ~~mediation~~ or other process that requires the
2 parties to meet and confer without counsel.

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

4 (750 ILCS 5/405) (from Ch. 40, par. 405)

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

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

18 (750 ILCS 5/409) (from Ch. 40, par. 409)

19 Sec. 409. Proof of Foreign Marriage.) A marriage which may
20 have been celebrated or had in any foreign state or country,
21 may be proved by the acknowledgment of the parties, their
22 cohabitation, and other evidence. Certified copies of records
23 of a marriage performed in any foreign state or country
24 obtained from an embassy or consulate may be admitted as an

1 exception to the hearsay rule ~~circumstantial testimony.~~

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

3 (750 ILCS 5/411) (from Ch. 40, par. 411)

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

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

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

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

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

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

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

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

20 (750 ILCS 5/413) (from Ch. 40, par. 413)

21 Sec. 413. Judgment.)

22 (a) A judgment of dissolution of marriage or of legal
23 separation or of declaration of invalidity of marriage shall be
24 entered within 60 days of the closing of proofs; however, if
25 the court enters an order specifying good cause as to why the

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

17 (b) The clerk of the court shall give notice of the entry
18 of a judgment of dissolution of marriage or legal separation or
19 a declaration of invalidity of marriage:

20 (1) if the marriage is registered in this State, to the
21 county clerk of the county where the marriage is
22 registered, who shall enter the fact of dissolution of
23 marriage or legal separation or declaration of invalidity
24 of marriage in the marriage registry; and within 45 days
25 after the close of the month in which the judgment is
26 entered, the clerk shall forward the certificate to the

1 Department of Public Health on a form furnished by the
2 Department; or

3 (2) if the marriage is registered in another
4 jurisdiction, to the appropriate official of that
5 jurisdiction, with the request that he enter the fact of
6 dissolution of marriage or legal separation or declaration
7 of invalidity of marriage in the appropriate record.

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

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

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

16 (750 ILCS 5/452)

17 Sec. 452. Petition. The parties to a dissolution proceeding
18 may file a joint petition for simplified dissolution if they
19 certify that all of the following conditions exist when the
20 proceeding is commenced:

21 (a) Neither party is dependent on the other party for
22 support or each party is willing to waive the right to
23 support; and the parties understand that consultation with
24 attorneys may help them determine eligibility for spousal
25 support.

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

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

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

14 (e) The duration of the marriage does not exceed 8
15 years.

16 (f) Neither party has any interest in real property or
17 retirement benefits.

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

19 (h) The total fair market value of all marital
20 property, after deducting all encumbrances, is less than
21 \$50,000 ~~\$10,000~~, the combined gross annualized income from
22 all sources is less than \$60,000 ~~\$35,000~~, and neither party
23 has a gross annualized income from all sources in excess of
24 \$30,000 ~~\$20,000~~.

25 (i) The parties have disclosed to each other all assets
26 and liabilities and their tax returns for all years of the

1 marriage.

2 (j) The parties have executed a written agreement
3 dividing all assets in excess of \$100 in value and
4 allocating responsibility for debts and liabilities
5 between the parties.

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

7 (750 ILCS 5/453)

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

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

21 (750 ILCS 5/501) (from Ch. 40, par. 501)

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

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

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

22 (2) a temporary restraining order or preliminary
23 injunction, accompanied by affidavit showing a factual
24 basis for any of the following relief:

25 (i) restraining any person from transferring,
26 encumbering, concealing or otherwise disposing of any

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

15 (ii) enjoining a party from removing a child from
16 the jurisdiction of the court;

17 (iii) enjoining a party from striking or
18 interfering with the personal liberty of the other
19 party or of any child; or

20 (iv) providing other injunctive relief proper in
21 the circumstances; or

22 (3) other appropriate temporary relief including, in
23 the discretion of the court, ordering the purchase or sale
24 of assets and requiring that a party or parties borrow
25 funds in the appropriate circumstances.

26 Issues concerning temporary maintenance or temporary

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

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

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

22 (c-1) As used in this subsection (c-1), "interim attorney's
23 fees and costs" means attorney's fees and costs assessed from
24 time to time while a case is pending, in favor of the
25 petitioning party's current counsel, for reasonable fees and
26 costs either already incurred or to be incurred, and "interim

1 award" means an award of interim attorney's fees and costs.

2 Interim awards shall be governed by the following:

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

23 (A) the income and property of each party,
24 including alleged marital property within the sole
25 control of one party and alleged non-marital property
26 within access to a party;

1 (B) the needs of each party;

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

3 (D) any impairment to present earning capacity of
4 either party, including age and physical and emotional
5 health;

6 (E) the standard of living established during the
7 marriage;

8 (F) the degree of complexity of the issues,
9 including allocation of parental responsibility
10 ~~custody~~, valuation or division (or both) of closely
11 held businesses, and tax planning, as well as
12 reasonable needs for expert investigations or expert
13 witnesses, or both;

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

15 (H) the amount of the payment or payments made or
16 reasonably expected to be made to the attorney for the
17 other party; and

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

20 (2) Any assessment of an interim award (including one
21 pursuant to an agreed order) shall be without prejudice to
22 any final allocation and without prejudice as to any claim
23 or right of either party or any counsel of record at the
24 time of the award. Any such claim or right may be presented
25 by the appropriate party or counsel at a hearing on
26 contribution under subsection (j) of Section 503 or a

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

15 (3) In any proceeding under this subsection (c-1), the
16 court (or hearing officer) shall assess an interim award
17 against an opposing party in an amount necessary to enable
18 the petitioning party to participate adequately in the
19 litigation, upon findings that the party from whom
20 attorney's fees and costs are sought has the financial
21 ability to pay reasonable amounts and that the party
22 seeking attorney's fees and costs lacks sufficient access
23 to assets or income to pay reasonable amounts. In
24 determining an award, the court shall consider whether
25 adequate participation in the litigation requires
26 expenditure of more fees and costs for a party that is not

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

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

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

1 children having exclusive possession of the residence and the
2 spouses alternating occupancy if the nesting arrangement is in
3 the children's best interests pursuant to the factors listed in
4 Section 602.7 of this Act. No such order shall in any manner
5 affect any estate in homestead property of either party. In
6 entering orders under this subsection (c-2), the court shall
7 balance hardships to the parties.

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

9 (1) does not prejudice the rights of the parties or the
10 child which are to be adjudicated at subsequent hearings in
11 the proceeding;

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

14 (3) terminates when the final judgment is entered or
15 when the petition for dissolution of marriage or legal
16 separation or declaration of invalidity of marriage is
17 dismissed.

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

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

23 (750 ILCS 5/501.1) (from Ch. 40, par. 501.1)

24 Sec. 501.1. Dissolution action stay.

25 (a) Upon service of a summons and petition or praecipe

1 filed under the Illinois Marriage and Dissolution of Marriage
2 Act or upon the filing of the respondent's appearance in the
3 proceeding, whichever first occurs, a dissolution action stay
4 shall be in effect against both parties ~~and their agents and~~
5 ~~employees~~, without bond or further notice, until a final
6 judgement is entered, the proceeding is dismissed, or until
7 further order of the court. ~~⌚~~

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

17 ~~(2) restraining both parties from physically abusing,~~
18 ~~harassing, intimidating, striking, or interfering with the~~
19 ~~personal liberty of the other party or the minor children of~~
20 ~~either party. ~~⌚~~ and~~

21 ~~(3) restraining both parties from removing any minor~~
22 ~~child of either party from the State of Illinois or from~~
23 ~~concealing any such child from the other party, without the~~
24 ~~consent of the other party or an order of the court.~~

25 The restraint provided in this subsection (a) does not
26 operate to make unavailable any of the remedies provided in the

1 Illinois Domestic Violence Act of 1986.

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

8 (b) (Blank). ~~Notice of any proposed extraordinary~~
9 ~~expenditure or transaction, as required by subsection (a),~~
10 ~~shall be given as soon as practicable, but not less than 7 days~~
11 ~~before the proposed date for the carrying out or commencement~~
12 ~~of the carrying out of the extraordinary expenditure or~~
13 ~~transaction, except in an emergency, in which event notice~~
14 ~~shall be given as soon as practicable under the circumstances.~~
15 ~~If proper notice is given and if the party receiving the notice~~
16 ~~does not object by filing a petition for injunctive relief~~
17 ~~under the Code of Civil Procedure within 7 days of receipt of~~
18 ~~the notice, the carrying out of the proposed extraordinary~~
19 ~~expenditure or transaction is not a violation of the~~
20 ~~dissolution action stay. The dissolution action stay shall~~
21 ~~remain in full force and effect against both parties for 14~~
22 ~~days after the date of filing of a petition for injunctive~~
23 ~~relief by the objecting party (or a shorter period if the court~~
24 ~~so orders); and no extension beyond that 14 day period shall be~~
25 ~~granted by the court. For good cause shown, a party may file a~~
26 ~~petition for a reduction in time with respect to any 7 day~~

1 ~~notice requirement under this subsection.~~

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

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

22 (e) In a proceeding filed under this Act, the summons shall
23 provide notice of the entry of the automatic dissolution action
24 stay in a form as required by applicable rules.

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

1 (750 ILCS 5/502) (from Ch. 40, par. 502)

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

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

25 (c) If the court finds the agreement unconscionable, it may
26 request the parties to submit a revised agreement or upon

1 hearing, may make orders for the disposition of property,
2 maintenance, child support and other matters.

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

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

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

1 by modification of the judgment.

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

3 (750 ILCS 5/503) (from Ch. 40, par. 503)

4 Sec. 503. Disposition of property and debts.

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

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

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

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

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

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

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

4 (6.5) all property acquired by a spouse by the sole use
5 of non-marital property as collateral for a loan that then
6 is used to acquire property during the marriage; to the
7 extent that the marital estate repays any portion of the
8 loan, it shall be considered a contribution from the
9 marital estate to the non-marital estate subject to
10 reimbursement;

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

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

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

1 supporting its property award.

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

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

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

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

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

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

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

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

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

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

1 parties at the time of the judgment for dissolution or
2 declaration of invalidity of marriage.

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

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

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

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

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

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

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

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

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

1 ~~estates, the commingled property shall be deemed~~
2 ~~transmuted to marital property, subject to the provisions~~
3 ~~of paragraph (2) of this subsection.~~

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

20 (d) In a proceeding for dissolution of marriage or
21 declaration of invalidity of marriage, or in a proceeding for
22 disposition of property following dissolution of marriage by a
23 court that ~~which~~ lacked personal jurisdiction over the absent
24 spouse or lacked jurisdiction to dispose of the property, the
25 court shall assign each spouse's non-marital property to that
26 spouse. It also shall divide the marital property without

1 regard to marital misconduct in just proportions considering
2 all relevant factors, including:

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

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

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

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

25 (iii) the notice of intent to claim dissipation
26 shall be filed with the clerk of the court and be

1 served pursuant to applicable rules;

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

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

8 (4) the duration of the marriage;

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

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

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

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

22 (9) the custodial provisions for any children;

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

25 (11) the reasonable opportunity of each spouse for
26 future acquisition of capital assets and income; and

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

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

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

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

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

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

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

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

25 (1) A petition for contribution, if not filed before
26 the final hearing on other issues between the parties,

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

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

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

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

24 (5) A contribution award (payable to either the
25 petitioning party or the party's counsel, or jointly, as
26 the court determines) may be in the form of either a set

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

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

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

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

1 by the court between the parties.

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

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

10 (750 ILCS 5/504) (from Ch. 40, par. 504)

11 Sec. 504. Maintenance.

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

23 (1) the income and property of each party, including
24 marital property apportioned and non-marital property
25 assigned to the party seeking maintenance as well as all

1 financial obligations imposed on the parties as a result of
2 the dissolution of marriage;

3 (2) the needs of each party;

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

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

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

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

23 (7) the duration of the marriage;

24 (8) the age, health, station, occupation, amount and
25 sources of income, vocational skills, employability,
26 estate, liabilities, and needs of each of the parties ~~the~~

1 ~~age and the physical and emotional condition of both~~
2 ~~parties;~~

3 (8.5) any custodial arrangements;

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

6 (9.5) whether maintenance is in lieu of or in addition
7 to the property allocation;

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

11 (10.5) contributions made to the marriage, including,
12 without limitation, domestic duties, homemaker
13 contributions, and other financial and non-financial
14 contribution to the marriage;

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

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

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

20 (b) (Blank).

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

23 (1) temporary maintenance under Section 501;

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

26 (3) maintenance in gross;

1 (4) permanent maintenance for an indefinite period;

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

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

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

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

18 (b-7) Any ~~new or existing~~ maintenance order including any
19 unallocated maintenance and child support order entered by the
20 court under this Section shall be deemed to be a series of
21 judgments against the person obligated to pay support
22 thereunder. Each such judgment to be in the amount of each
23 payment or installment of support and each such judgment to be
24 deemed entered as of the date the corresponding payment or
25 installment becomes due under the terms of the support order,
26 except no judgment shall arise as to any installment coming due

1 after the termination of maintenance as provided by Section 510
2 of the Illinois Marriage and Dissolution of Marriage Act or the
3 provisions of any order for maintenance. Each such judgment
4 shall have the full force, effect and attributes of any other
5 judgment of this State, including the ability to be enforced.
6 Notwithstanding any other State or local law to the contrary, a
7 lien arises by operation of law against the real and personal
8 property of the obligor for each installment of overdue support
9 owed by the obligor.

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

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

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

25 (f) An award ordered by a court upon entry of a dissolution
26 judgment or upon entry of an award of maintenance following a

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

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

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

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

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

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

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

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

19 (5) The payee shall have the sole obligation to pay the
20 premiums.

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

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

1 (Source: P.A. 97-186, eff. 7-22-11; 97-608, eff. 1-1-12;
2 97-813, eff. 7-13-12.)

3 (750 ILCS 5/505) (from Ch. 40, par. 505)

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

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

23 (1) The Court shall determine the minimum amount of
24 support by using the following guidelines:

25 Number of Children Percent of Supporting Party's

		Net Income
1		
2	1	20%
3	2	28%
4	3	32%
5	4	40%
6	5	45%
7	6 or more	50%

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

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

14 (b) the financial resources and needs of the
15 custodial parent;

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

18 (d) the physical, mental, and emotional needs of
19 the child;

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

21 (e) the financial resources and needs of the
22 supporting ~~non-custodial~~ parent.

23 If the court deviates from the guidelines, the court's
24 finding shall state the amount of support that would have
25 been required under the guidelines, if determinable. The
26 court shall include the reason or reasons for the variance

1 from the guidelines.

2 (2.5) The court, in its discretion, in addition to
3 setting child support pursuant to the guidelines and
4 factors, may order either or both parents owing a duty of
5 support to a child of the marriage to contribute to the
6 following expenses, if determined by the court to be
7 reasonable:

8 (a) health needs not covered by insurance;

9 (b) child care;

10 (c) education; and

11 (d) extracurricular activities.

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

14 (a) Federal income tax (properly calculated
15 withholding or estimated payments);

16 (b) State income tax (properly calculated
17 withholding or estimated payments);

18 (c) Social Security (FICA payments);

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

21 (e) Union dues;

22 (f) Dependent and individual
23 health/hospitalization insurance premiums and premiums
24 for life insurance ordered by the court to reasonably
25 secure payment of ordered child support;

26 (g) Prior obligations of support or maintenance

1 actually paid pursuant to a court order;

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

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

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

25 (4.5) In a proceeding for child support following
26 dissolution of the marriage by a court that lacked personal

1 jurisdiction over the absent spouse, and in which the court
2 is requiring payment of support for the period before the
3 date an order for current support is entered, there is a
4 rebuttable presumption that the supporting party's net
5 income for the prior period was the same as his or her net
6 income at the time the order for current support is
7 entered.

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

20 (6) If (i) the supporting ~~non-custodial~~ parent was
21 properly served with a request for discovery of financial
22 information relating to the supporting ~~non-custodial~~
23 parent's ability to provide child support, (ii) the
24 supporting ~~non-custodial~~ parent failed to comply with the
25 request, despite having been ordered to do so by the court,
26 and (iii) the supporting ~~non-custodial~~ parent is not

1 present at the hearing to determine support despite having
2 received proper notice, then any relevant financial
3 information concerning the supporting ~~non-custodial~~
4 parent's ability to provide child support that was obtained
5 pursuant to subpoena and proper notice shall be admitted
6 into evidence without the need to establish any further
7 foundation for its admission.

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

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

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

24 (2) sentenced to periodic imprisonment for a period not
25 to exceed 6 months; provided, however, that the Court may
26 permit the parent to be released for periods of time during

1 the day or night to:

2 (A) work; or

3 (B) conduct a business or other self-employed
4 occupation.

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

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

24 If there is a unity of interest and ownership sufficient to
25 render no financial separation between a supporting
26 ~~non-custodial~~ parent and another person or persons or business

1 entity, the court may pierce the ownership veil of the person,
2 persons, or business entity to discover assets of the
3 supporting ~~non-custodial~~ parent held in the name of that
4 person, those persons, or that business entity. The following
5 circumstances are sufficient to authorize a court to order
6 discovery of the assets of a person, persons, or business
7 entity and to compel the application of any discovered assets
8 toward payment on the judgment for support:

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

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

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

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

1 real property is located.

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

22 In addition to the penalties or punishment that may be
23 imposed under this Section, any person whose conduct
24 constitutes a violation of Section 15 of the Non-Support
25 Punishment Act may be prosecuted under that Act, and a person
26 convicted under that Act may be sentenced in accordance with

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

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

24 (c) A one-time charge of 20% is imposable upon the amount
25 of past-due child support owed on July 1, 1988 which has
26 accrued under a support order entered by the court. The charge

1 shall be imposed in accordance with the provisions of Section
2 10-21 of the Illinois Public Aid Code and shall be enforced by
3 the court upon petition.

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

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

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

21 (g) An order for support shall include a date on which the
22 current support obligation terminates. The termination date
23 shall be no earlier than the date on which the child covered by
24 the order will attain the age of 18. However, if the child will
25 not graduate from high school until after attaining the age of
26 18, then the termination date shall be no earlier than the

1 earlier of the date on which the child's high school graduation
2 will occur or the date on which the child will attain the age
3 of 19. The order for support shall state that the termination
4 date does not apply to any arrearage that may remain unpaid on
5 that date. Nothing in this subsection shall be construed to
6 prevent the court from modifying the order or terminating the
7 order in the event the child is otherwise emancipated.

8 (g-5) If there is an unpaid arrearage or delinquency (as
9 those terms are defined in the Income Withholding for Support
10 Act) equal to at least one month's support obligation on the
11 termination date stated in the order for support or, if there
12 is no termination date stated in the order, on the date the
13 child attains the age of majority or is otherwise emancipated,
14 the periodic amount required to be paid for current support of
15 that child immediately prior to that date shall automatically
16 continue to be an obligation, not as current support but as
17 periodic payment toward satisfaction of the unpaid arrearage or
18 delinquency. That periodic payment shall be in addition to any
19 periodic payment previously required for satisfaction of the
20 arrearage or delinquency. The total periodic amount to be paid
21 toward satisfaction of the arrearage or delinquency may be
22 enforced and collected by any method provided by law for
23 enforcement and collection of child support, including but not
24 limited to income withholding under the Income Withholding for
25 Support Act. Each order for support entered or modified on or
26 after the effective date of this amendatory Act of the 93rd

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

11 (h) An order entered under this Section shall include a
12 provision requiring the obligor to report to the obligee and to
13 the clerk of court within 10 days each time the obligor obtains
14 new employment, and each time the obligor's employment is
15 terminated for any reason. The report shall be in writing and
16 shall, in the case of new employment, include the name and
17 address of the new employer. Failure to report new employment
18 or the termination of current employment, if coupled with
19 nonpayment of support for a period in excess of 60 days, is
20 indirect criminal contempt. For any obligor arrested for
21 failure to report new employment bond shall be set in the
22 amount of the child support that should have been paid during
23 the period of unreported employment. An order entered under
24 this Section shall also include a provision requiring the
25 obligor and obligee parents to advise each other of a change in
26 residence within 5 days of the change except when the court

1 finds that the physical, mental, or emotional health of a party
2 or that of a child, or both, would be seriously endangered by
3 disclosure of the party's address.

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

9 (Source: P.A. 97-186, eff. 7-22-11; 97-608, eff. 1-1-12;
10 97-813, eff. 7-13-12; 97-878, eff. 8-2-12; 97-941, eff. 1-1-13;
11 97-1029, eff. 1-1-13; 98-463, eff. 8-16-13.)

12 (750 ILCS 5/508) (from Ch. 40, par. 508)

13 Sec. 508. Attorney's Fees; Client's Rights and
14 Responsibilities Respecting Fees and Costs.

15 (a) The court from time to time, after due notice and
16 hearing, and after considering the financial resources of the
17 parties, may order any party to pay a reasonable amount for his
18 own or the other party's costs and attorney's fees. Interim
19 attorney's fees and costs may be awarded from the opposing
20 party, in a pre-judgment dissolution proceeding in accordance
21 with subsection (c-1) of Section 501 and in any other
22 proceeding under this subsection. At the conclusion of any
23 pre-judgment dissolution proceeding under this subsection,
24 contribution to attorney's fees and costs may be awarded from
25 the opposing party in accordance with subsection (j) of Section

1 503 and in any other proceeding under this subsection. Fees and
2 costs may be awarded in any proceeding to counsel from a former
3 client in accordance with subsection (c) of this Section.
4 Awards may be made in connection with the following:

5 (1) The maintenance or defense of any proceeding under
6 this Act.

7 (2) The enforcement or modification of any order or
8 judgment under this Act.

9 (3) The defense of an appeal of any order or judgment
10 under this Act, including the defense of appeals of
11 post-judgment orders.

12 (3.1) The prosecution of any claim on appeal (if the
13 prosecuting party has substantially prevailed).

14 (4) The maintenance or defense of a petition brought
15 under Section 2-1401 of the Code of Civil Procedure seeking
16 relief from a final order or judgment under this Act. Fees
17 incurred with respect to motions under Section 2-1401 of
18 the Code of Civil Procedure may be granted only if the
19 underlying motion is granted.

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

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

25 (7) Costs and attorney's fees incurred in an action
26 under the Hague Convention on the Civil Aspects of

1 International Child Abduction.

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

9 The court may order that the award of attorney's fees and
10 costs (including an interim or contribution award) shall be
11 paid directly to the attorney, who may enforce the order in his
12 or her name, or that it shall be paid to the appropriate party.
13 Judgment may be entered and enforcement had accordingly. Except
14 as otherwise provided in subdivision (e)(1) of this Section,
15 subsection (c) of this Section is exclusive as to the right of
16 any counsel (or former counsel) of record to petition a court
17 for an award and judgment for final fees and costs during the
18 pendency of a proceeding under this Act.

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

21 (b) In every proceeding for the enforcement of an order or
22 judgment when the court finds that the failure to comply with
23 the order or judgment was without compelling cause or
24 justification, the court shall order the party against whom the
25 proceeding is brought to pay promptly the costs and reasonable
26 attorney's fees of the prevailing party. If non-compliance is

1 with respect to a discovery order, the non-compliance is
2 presumptively without compelling cause or justification, and
3 the presumption may only be rebutted by clear and convincing
4 evidence. If at any time a court finds that a hearing under
5 this Act was precipitated or conducted for any improper
6 purpose, the court shall allocate fees and costs of all parties
7 for the hearing to the party or counsel found to have acted
8 improperly. Improper purposes include, but are not limited to,
9 harassment, unnecessary delay, or other acts needlessly
10 increasing the cost of litigation.

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

15 (1) No petition of a counsel of record may be filed
16 against a client unless the filing counsel previously has
17 been granted leave to withdraw as counsel of record or has
18 filed a motion for leave to withdraw as counsel. On receipt
19 of a petition of a client under this subsection (c), the
20 counsel of record shall promptly file a motion for leave to
21 withdraw as counsel. If the client and the counsel of
22 record agree, however, a hearing on the motion for leave to
23 withdraw as counsel filed pursuant to this subdivision
24 (c) (1) may be deferred until completion of any alternative
25 dispute resolution procedure under subdivision (c) (4). As
26 to any Petition for Setting Final Fees and Costs against a

1 client or counsel over whom the court has not obtained
2 jurisdiction, a separate summons shall issue. Whenever a
3 separate summons is not required, original notice as to a
4 Petition for Setting Final Fees and Costs may be given, and
5 documents served, in accordance with Illinois Supreme
6 Court Rules 11 and 12.

7 (2) No final hearing under this subsection (c) is
8 permitted unless: (i) the counsel and the client had
9 entered into a written engagement agreement at the time the
10 client retained the counsel (or reasonably soon
11 thereafter) and the agreement meets the requirements of
12 subsection (f); (ii) the written engagement agreement is
13 attached to an affidavit of counsel that is filed with the
14 petition or with the counsel's response to a client's
15 petition; (iii) judgment in any contribution hearing on
16 behalf of the client has been entered or the right to a
17 contribution hearing under subsection (j) of Section 503
18 has been waived; (iv) the counsel has withdrawn as counsel
19 of record; and (v) the petition seeks adjudication of all
20 unresolved claims for fees and costs between the counsel
21 and the client. Irrespective of a Petition for Setting
22 Final Fees and Costs being heard in conjunction with an
23 original proceeding under this Act, the relief requested
24 under a Petition for Setting Final Fees and Costs
25 constitutes a distinct cause of action. A pending but
26 undetermined Petition for Setting Final Fees and Costs

1 shall not affect appealability of any judgment or other
2 adjudication in the original proceeding.

3 (3) The determination of reasonable attorney's fees
4 and costs either under this subsection (c), whether
5 initiated by a counsel or a client, or in an independent
6 proceeding for services within the scope of subdivisions
7 (1) through (5) of subsection (a), is within the sound
8 discretion of the trial court. The court shall first
9 consider the written engagement agreement and, if the court
10 finds that the former client and the filing counsel,
11 pursuant to their written engagement agreement, entered
12 into a contract which meets applicable requirements of
13 court rules and addresses all material terms, then the
14 contract shall be enforceable in accordance with its terms,
15 subject to the further requirements of this subdivision
16 (c)(3). Before ordering enforcement, however, the court
17 shall consider the performance pursuant to the contract.
18 Any amount awarded by the court must be found to be fair
19 compensation for the services, pursuant to the contract,
20 that the court finds were reasonable and necessary. Quantum
21 meruit principles shall govern any award for legal services
22 performed that is not based on the terms of the written
23 engagement agreement (except that, if a court expressly
24 finds in a particular case that aggregate billings to a
25 client were unconscionably excessive, the court in its
26 discretion may reduce the award otherwise determined

1 appropriate or deny fees altogether).

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

8 (A) In any circuit court for a single county with a
9 population in excess of 1,000,000, the requirement of
10 the controversy being submitted to an alternative
11 dispute resolution procedure is mandatory unless the
12 client and the counsel both affirmatively opt out of
13 such procedures; or

14 (B) In any other circuit court, the requirement of
15 the controversy being submitted to an alternative
16 dispute resolution procedure is mandatory only if
17 neither the client nor the counsel affirmatively opts
18 out of such procedures.

19 After completion of any such procedure (or after one or
20 both sides has opted out of such procedures), if the
21 dispute is unresolved, any pending motion for leave to
22 withdraw as counsel shall be promptly granted and a final
23 hearing under this subsection (c) shall be expeditiously
24 set and completed.

25 (5) A petition (or a praecipe for fee hearing without
26 the petition) shall be filed no later than the end of the

1 period in which it is permissible to file a motion pursuant
2 to Section 2-1203 of the Code of Civil Procedure. A
3 praecipe for fee hearing shall be dismissed if a Petition
4 for Setting Final Fees and Costs is not filed within 60
5 days after the filing of the praecipe. A counsel who
6 becomes a party by filing a Petition for Setting Final Fees
7 and Costs, or as a result of the client filing a Petition
8 for Setting Final Fees and Costs, shall not be entitled to
9 exercise the right to a substitution of a judge without
10 cause under subdivision (a)(2) of Section 2-1001 of the
11 Code of Civil Procedure. Each of the foregoing deadlines
12 for the filing of a praecipe or a petition shall be:

13 (A) tolled if a motion is filed under Section 2-1203 of
14 the Code of Civil Procedure, in which instance a petition
15 (or a praecipe) shall be filed no later than 30 days
16 following disposition of all Section 2-1203 motions; or

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

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

25 (d) A consent judgment, in favor of a current counsel of
26 record against his or her own client for a specific amount in a

1 marital settlement agreement, dissolution judgment, or any
2 other instrument involving the other litigant, is prohibited. A
3 consent judgment between client and counsel, however, is
4 permissible if it is entered pursuant to a verified petition
5 for entry of consent judgment, supported by an affidavit of the
6 counsel of record that includes the counsel's representation
7 that the client has been provided an itemization of the billing
8 or billings to the client, detailing hourly costs, time spent,
9 and tasks performed, and by an affidavit of the client
10 acknowledging receipt of that documentation, awareness of the
11 right to a hearing, the right to be represented by counsel
12 (other than counsel to whom the consent judgment is in favor),
13 and the right to be present at the time of presentation of the
14 petition, and agreement to the terms of the judgment. The
15 petition may be filed at any time during which it is
16 permissible for counsel of record to file a petition (or a
17 praecipe) for a final fee hearing, except that no such petition
18 for entry of consent judgment may be filed before adjudication
19 (or waiver) of the client's right to contribution under
20 subsection (j) of Section 503 or filed after the filing of a
21 petition (or a praecipe) by counsel of record for a fee hearing
22 under subsection (c) if the petition (or praecipe) remains
23 pending. No consent security arrangement between a client and a
24 counsel of record, pursuant to which assets of a client are
25 collateralized to secure payment of legal fees or costs, is
26 permissible unless approved in advance by the court as being

1 reasonable under the circumstances.

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

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

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

14 In an independent proceeding, the prior applicability of this
15 Section shall in no way be deemed to have diminished any other
16 right of any counsel (or former counsel) to pursue an award and
17 judgment for legal fees and costs on the basis of remedies that
18 may otherwise exist under applicable law; and the limitations
19 period for breach of contract shall apply. In an independent
20 proceeding under subdivision (e) (1) in which the former counsel
21 had represented a former client in a dissolution case that is
22 still pending, the former client may bring in his or her spouse
23 as a third-party defendant, provided on or before the final
24 date for filing a petition (or praecipe) under subsection (c),
25 the party files an appropriate third-party complaint under
26 Section 2-406 of the Code of Civil Procedure. In any such case,

1 any judgment later obtained by the former counsel shall be
2 against both spouses or ex-spouses, jointly and severally
3 (except that, if a hearing under subsection (j) of Section 503
4 has already been concluded and the court hearing the
5 contribution issue has imposed a percentage allocation between
6 the parties as to fees and costs otherwise being adjudicated in
7 the independent proceeding, the allocation shall be applied
8 without deviation by the court in the independent proceeding
9 and a separate judgment shall be entered against each spouse
10 for the appropriate amount). After the period for the
11 commencement of a proceeding under subsection (c), the
12 provisions of this Section (other than the standard set forth
13 in subdivision (c) (3) and the terms respecting consent security
14 arrangements in subsection (d) of this Section 508) shall be
15 inapplicable.

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

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

22 "STATEMENT OF CLIENT'S RIGHTS AND RESPONSIBILITIES

23 (1) WRITTEN ENGAGEMENT AGREEMENT. The written engagement
24 agreement, prepared by the counsel, shall clearly address the
25 objectives of representation and detail the fee arrangement,

1 including all material terms. If fees are to be based on
2 criteria apart from, or in addition to, hourly rates, such
3 criteria (e.g., unique time demands and/or utilization of
4 unique expertise) shall be delineated. The client shall receive
5 a copy of the written engagement agreement and any additional
6 clarification requested and is advised not to sign any such
7 agreement which the client finds to be unsatisfactory or does
8 not understand.

9 (2) REPRESENTATION. Representation will commence upon the
10 signing of the written engagement agreement. The counsel will
11 provide competent representation, which requires legal
12 knowledge, skill, thoroughness and preparation to handle those
13 matters set forth in the written engagement agreement. Once
14 employed, the counsel will act with reasonable diligence and
15 promptness, as well as use his best efforts on behalf of the
16 client, but he cannot guarantee results. The counsel will abide
17 by the client's decision concerning the objectives of
18 representation, including whether or not to accept an offer of
19 settlement, and will endeavor to explain any matter to the
20 extent reasonably necessary to permit the client to make
21 informed decisions regarding representation. During the course
22 of representation and afterwards, the counsel may not use or
23 reveal a client's confidence or secrets, except as required or
24 permitted by law.

25 (3) COMMUNICATION. The counsel will keep the client
26 reasonably informed about the status of representation and will

1 promptly respond to reasonable requests for information,
2 including any reasonable request for an estimate respecting
3 future costs of the representation or an appropriate portion of
4 it. The client shall be truthful in all discussions with the
5 counsel and provide all information or documentation required
6 to enable the counsel to provide competent representation.
7 During representation, the client is entitled to receive all
8 pleadings and substantive documents prepared on behalf of the
9 client and every document received from any other counsel of
10 record. At the end of the representation and on written request
11 from the client, the counsel will return to the client all
12 original documents and exhibits. In the event that the counsel
13 withdraws from representation, or is discharged by the client,
14 the counsel will turn over to the substituting counsel (or, if
15 no substitutions, to the client) all original documents and
16 exhibits together with complete copies of all pleadings and
17 discovery within thirty (30) days of the counsel's withdrawal
18 or discharge.

19 (4) ETHICAL CONDUCT. The counsel cannot be required to
20 engage in conduct which is illegal, unethical, or fraudulent.
21 In matters involving minor children, the counsel may refuse to
22 engage in conduct which, in the counsel's professional
23 judgment, would be contrary to the best interest of the
24 client's minor child or children. A counsel who cannot
25 ethically abide by his client's directions shall be allowed to
26 withdraw from representation.

1 (5) FEES. The counsel's fee for services may not be
2 contingent upon the securing of a dissolution of marriage or ~~7~~
3 upon being allocated parental responsibility ~~obtaining~~
4 ~~custody,~~ or be based upon the amount of maintenance, child
5 support, or property settlement received, except as
6 specifically permitted under Supreme Court rules. The counsel
7 may not require a non-refundable retainer fee, but must remit
8 back any overpayment at the end of the representation. The
9 counsel may enter into a consensual security arrangement with
10 the client whereby assets of the client are pledged to secure
11 payment of legal fees or costs, but only if the counsel first
12 obtains approval of the Court. The counsel will prepare and
13 provide the client with an itemized billing statement detailing
14 hourly rates (and/or other criteria), time spent, tasks
15 performed, and costs incurred on a regular basis, at least
16 quarterly. The client should review each billing statement
17 promptly and address any objection or error in a timely manner.
18 The client will not be billed for time spent to explain or
19 correct a billing statement. If an appropriately detailed
20 written estimate is submitted to a client as to future costs
21 for a counsel's representation or a portion of the contemplated
22 services (i.e., relative to specific steps recommended by the
23 counsel in the estimate) and, without objection from the
24 client, the counsel then performs the contemplated services,
25 all such services are presumptively reasonable and necessary,
26 as well as to be deemed pursuant to the client's direction. In

1 an appropriate case, the client may pursue contribution to his
2 or her fees and costs from the other party.

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

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

10 (1) Subdivisions (c) (1) and (c) (2) of this Section 508,
11 as well as provisions of subdivision (c) (3) of this Section
12 508 pertaining to written engagement agreements, apply
13 only to cases filed on or after June 1, 1997.

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

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

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

18 (C) The changes to this Section 508 made by this
19 amendatory Act of 1996 pertaining to the final setting
20 of fees.

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

22 (750 ILCS 5/510) (from Ch. 40, par. 510)

23 Sec. 510. Modification and termination of provisions for
24 maintenance, support, educational expenses, and property
25 disposition.

1 (a) Except as otherwise provided in paragraph (f) of
2 Section 502 and in subsection (b), clause (3) of Section 505.2,
3 the provisions of any judgment respecting maintenance or
4 support may be modified only as to installments accruing
5 subsequent to due notice by the moving party of the filing of
6 the motion for modification. An order for child support may be
7 modified as follows:

8 (1) upon a showing of a substantial change in
9 circumstances; and

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

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

21 (B) upon a showing of a need to provide for the
22 health care needs of the child under the order through
23 health insurance or other means. In no event shall the
24 eligibility for or receipt of medical assistance be
25 considered to meet the need to provide for the child's
26 health care needs.

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

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

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

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

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

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

22 (5) the duration of the maintenance payments
23 previously paid (and remaining to be paid) relative to the
24 length of the marriage;

25 (6) the property, including retirement benefits,
26 awarded to each party under the judgment of dissolution of

1 marriage, judgment of legal separation, or judgment of
2 declaration of invalidity of marriage and the present
3 status of the property;

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

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

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

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

17 (c) Unless otherwise agreed by the parties in a written
18 agreement set forth in the judgment or otherwise approved by
19 the court, the obligation to pay future maintenance is
20 terminated upon the death of either party, ~~or~~ the remarriage of
21 the party receiving maintenance, entry by the party receiving
22 maintenance into a civil union, or if the party receiving
23 maintenance cohabits with another person on a resident,
24 continuing conjugal basis. Any obligation of a payor party for
25 premium payments respecting insurance on such party's life
26 imposed under subsection (f) of Section 504 is also terminated

1 on the occurrence of any of the foregoing events, unless
2 otherwise agreed by the parties. Any termination of an
3 obligation for maintenance as a result of the death of the
4 payor party, however, shall be inapplicable to any right of the
5 other party or such other party's designee to receive a death
6 benefit under such insurance on the payor party's life. A party
7 receiving maintenance must advise the payor of his or her
8 intention to marry or enter into a civil union at least 30 days
9 before the remarriage or entry into the civil union, unless the
10 decision is made within said time period. In that event, he or
11 she must notify the other party within 72 hours of getting
12 married or entering into a civil union. Failure to notify the
13 payor as required by this subsection allows any subsequent
14 petition for termination to be made retroactive, to the date of
15 marriage or civil union, with reimbursement permitted for the
16 amount paid prior to notification.

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

20 (d) Unless otherwise provided in this Act, or as agreed in
21 writing or expressly provided in the judgment, provisions for
22 the support of a child are terminated by emancipation of the
23 child, or if the child has attained the age of 18 and is still
24 attending high school, provisions for the support of the child
25 are terminated upon the date that the child graduates from high
26 school or the date the child attains the age of 19, whichever

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

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

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

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

1 (750 ILCS 5/512) (from Ch. 40, par. 512)

2 Sec. 512. Post-Judgment Venue.) After 30 days from the
3 entry of a judgment of dissolution of marriage or dissolution
4 of a civil union or the last modification thereof, any further
5 proceedings to enforce or modify the judgment shall be as
6 follows:

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

11 (b) If one or both of the parties then resides in the
12 judicial circuit wherein the judgment was entered or last
13 modified, further proceedings shall be had in the judicial
14 circuit that last exercised jurisdiction in the matter;
15 provided, however, that the court may in its discretion,
16 transfer matters involving a change in the allocation of
17 parental responsibility ~~child custody~~ to the judicial circuit
18 where the minor or dependent child resides.

19 (c) If neither party then resides in the judicial circuit
20 wherein the judgment was entered or last modified, further
21 proceedings shall be had in that circuit or in the judicial
22 circuit wherein either party resides ~~or where the respondent is~~
23 ~~actively employed~~; provided, however, that the court may, in
24 its discretion, transfer matters involving a change in the
25 allocation of parental responsibility ~~child custody~~ to the

1 judicial circuit where the minor or dependent child resides.

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

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

7 (750 ILCS 5/513) (from Ch. 40, par. 513)

8 Sec. 513. Educational Expenses Support for a Non-minor
9 Child Children and Educational Expenses.

10 (a) The court may award sums of money out of the property
11 and income of either or both parties or the estate of a
12 deceased parent, as equity may require, for the educational
13 expenses support of any the child or children of the parties.
14 Unless otherwise agreed to by the parties, all educational
15 expenses which are the subject of a petition brought pursuant
16 to this Section shall be incurred no later than the student's
17 23rd birthday.

18 (b) Regardless of whether an award has been made under
19 subsection (a), the court may require both parties and the
20 child to complete the Free Application for Federal Student Aid
21 (FAFSA) and other financial aid forms and to submit any form of
22 that type prior to the designated submission deadline for the
23 form. The court may require either or both parties to provide
24 funds for the child so as to pay for the cost of up to 5 college
25 applications, the cost of 2 standardized college entrance

1 examinations, and the cost of one standardized college entrance
2 examination preparatory course.

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

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

11 (1) except for good cause shown, the actual cost of the
12 child's post-secondary expenses, including tuition and
13 fees, provided that the cost for tuition and fees does not
14 exceed the amount of tuition and fees paid by a student at
15 the University of Illinois at Urbana-Champaign for the same
16 academic year;

17 (2) the actual costs of the child's housing expenses,
18 whether on-campus and off-campus, provided that the
19 housing expenses do not exceed the cost for the same
20 academic year of a double-occupancy student room, with a
21 standard meal plan, in a residence hall operated by the
22 University of Illinois at Urbana-Champaign;

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

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

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

3 (B) if the child is living with one party at that
4 party's home and attending a post-secondary
5 educational program as a non-resident student, in
6 which case the living expenses include an amount that
7 pays for the reasonable cost of the child's food,
8 utilities, and transportation.

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

13 (f) If educational expenses are ordered payable, each party
14 and the child shall sign any consent necessary for the
15 educational institution to provide a supporting party with
16 access to the child's academic transcripts, records, and grade
17 reports. The consent shall not apply to any non-academic
18 records. Failure to execute the required consent may be a basis
19 for a modification or termination of any order entered under
20 this Section. Unless the court specifically finds that the
21 child's safety would be jeopardized, each party is entitled to
22 know the name of the educational institution the child attends.

23 (g) The authority under this Section to make provision for
24 educational expenses terminates when the child: fails to
25 maintain a "C" grade point average, except in the event of
26 illness or other good cause shown; attains the age of 23;

1 receives a baccalaureate degree; or marries or becomes a party
2 to a civil union. A child's enlisting in the armed forces,
3 being incarcerated, or becoming pregnant does not terminate the
4 court's authority to make provisions for the educational
5 expenses for the child under this Section.

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

14 (i) The child is not a third party beneficiary to the
15 settlement agreement or judgment between the parties after
16 trial and is not entitled to file a petition for contribution.
17 If the parties' settlement agreement describes the manner in
18 which a child's educational expenses will be paid, or if the
19 court makes an award pursuant to this Section, then the parties
20 are responsible pursuant to that agreement or award for the
21 child's educational expenses, but in no event shall the court
22 consider the child a third party beneficiary of that provision.
23 In the event of the death of a party who would have the right to
24 file a petition for contribution, the child of the party may
25 file a petition for contribution.

26 ~~who have attained majority in the following instances:~~

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

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

25 ~~If educational expenses are ordered payable, each~~
26 ~~parent and the child shall sign any consents necessary for~~

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

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

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

23 (1) The present and future financial resources of both
24 parties to meet their needs, including, but not limited to,
25 savings for retirement ~~The financial resources of both~~
26 ~~parents.~~

1 (2) The standard of living the child would have enjoyed
2 had the marriage or civil union not been dissolved. The
3 court may consider factors beyond the financial
4 circumstances of the parties.

5 (3) The financial resources of the child.

6 (4) The child's academic performance.

7 (k) Relief under this Section is retroactive only to the
8 date of filing of a petition, and shall not apply to
9 enforcement under this Section by either of the parties.

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

11 (750 ILCS 5/513.5 new)

12 Sec. 513.5. Support for a non-minor child with a
13 disability.

14 (a) The court may award sums of money out of the property
15 and income of either or both parties or the estate of a
16 deceased parent, as equity may require, for the support of a
17 child of the parties who has attained majority when the child
18 is mentally or physically disabled and not otherwise
19 emancipated. The sums awarded may be paid to one of the
20 parents, to a trust created by the parties for the benefit of
21 the non-minor child with a disability, or irrevocably to a
22 special needs trust, established by the parties and for the
23 sole benefit of the non-minor child with a disability, pursuant
24 to subdivisions (d) (4) (A) or (d) (4) (C) of 42 U.S.C. 1396p,
25 Section 15.1 of the Trusts and Trustees Act, and applicable

1 provisions of the Social Security Administration Program
2 Operating Manual System. An application for support for a
3 non-minor disabled child may be made before or after the child
4 has attained majority. Unless an application for educational
5 expenses is made for a mentally or physically disabled child
6 under Section 513, the disability that is the basis for the
7 application for support must have arisen while the child was
8 eligible for support under Section 505 or 513 of this Act.

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

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

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

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

21 (4) any financial or other resource provided to or for
22 the child including, but not limited to, any Supplemental
23 Security Income, any home-based support provided pursuant
24 to the Home-Based Support Services Law for Mentally
25 Disabled Adults, and any other State, federal, or local
26 benefit available to the non-minor disabled child.

1 when the child is sick or injured; being attentive to a
2 child's personal hygiene needs, including washing,
3 grooming, and dressing; playing with a child and arranging
4 for recreation; protecting a child's physical safety; and
5 providing transportation for a child;

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

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

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

17 (5) helping a child develop and maintain appropriate
18 interpersonal relationships with peers, siblings, and
19 other family members;

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

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

24 (8) arranging alternative care for a child by a family
25 member, babysitter, or other child care provider or
26 facility, including investigating such alternatives,

1 communicating with providers, and supervising such care.

2 "Parental responsibilities" means both parenting time and
3 significant decision-making responsibilities with respect to a
4 child.

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

9 "Parenting plan" means a written agreement that allocates
10 significant decision-making responsibilities, parenting time,
11 or both.

12 "Relocation" means a change of residence of more than 25
13 miles for more than 90 days that significantly impairs a
14 parent's ability to exercise the parental responsibilities
15 that the parent has been exercising or is entitled to exercise
16 under a parenting plan or allocation judgment.

17 "Religious upbringing" means the choice of religion or
18 denomination of a religion, religious schooling, religious
19 training, or participation in religious customs or practices.

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

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

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

26 "Step-parent" means a person, other than a biological or

1 adoptive parent, who is or was married to or is or was in a
2 civil union with a legal parent.

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

5 (750 ILCS 5/601.2 new)

6 Sec. 601.2. Jurisdiction; commencement of proceeding.

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

12 (b) A proceeding for allocation of parental
13 responsibilities with respect to a child is commenced in the
14 court:

15 (1) by filing a petition for dissolution of marriage or
16 legal separation or declaration of invalidity of marriage;

17 (2) by filing a petition for allocation of parental
18 responsibilities with respect to the child in the county in
19 which the child resides;

20 (3) by a person other than a parent, by filing a
21 petition for allocation of parental responsibilities in
22 the county in which he or she is permanently resident or
23 found, but only if he or she is not in the physical custody
24 of one of his or her parents;

25 (4) by a step-parent, by filing a petition, if all of

1 the following circumstances are met:

2 (A) the child is at least 12 years old;

3 (B) the parent having the majority of residential
4 responsibility and step-parent were married for at
5 least 5 years during which the child resided with the
6 parent and step-parent;

7 (C) the parent having the majority of residential
8 responsibility is deceased or is disabled and cannot
9 perform the duties of a parent to the child;

10 (D) the step-parent provided for the care,
11 control, and welfare of the child prior to the
12 initiation of proceedings for allocation of parental
13 responsibilities;

14 (E) the child wishes to live with the step-parent;
15 and

16 (F) it is alleged to be in the best interests and
17 welfare of the child to live with the step-parent as
18 provided in Section 602.5 of this Act; or

19 (5) when one of the parents is deceased, by a
20 grandparent who is a parent or step-parent of a deceased
21 parent, by filing a petition, if one or more of the
22 following existed at the time of the parent's death:

23 (A) the surviving parent had been absent from the
24 marital abode for more than one month without the
25 deceased spouse knowing his or her whereabouts;

26 (B) the surviving parent was in State or federal

1 custody; or

2 (C) the surviving parent had: (i) received
3 supervision for or been convicted of any violation of
4 Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
5 11-1.70, 12C-5, 12C-10, 12C-35, 12C-40, 12C-45, 18-6,
6 19-6, or Article 12 of the Criminal Code of 1961 or the
7 Criminal Code of 2012 directed towards the deceased
8 parent or the child; or (ii) received supervision or
9 been convicted of violating an order of protection
10 entered under Section 217, 218, or 219 of the Illinois
11 Domestic Violence Act of 1986 for the protection of the
12 deceased parent or the child.

13 (c) When a proceeding for allocation of parental
14 responsibilities is commenced, the party commencing the action
15 must, at least 30 days before any hearing on the petition,
16 serve a written notice and a copy of the petition on the
17 child's parent and on any party previously appearing in any
18 prior proceeding for allocation of parental responsibilities
19 with respect to the child. Nothing in this Section shall
20 preclude a party in a proceeding for allocation of parental
21 responsibilities from moving for a temporary order under
22 Section 602.5.

23 (750 ILCS 5/602.5 new)

24 Sec. 602.5. Allocation of parental responsibilities:
25 decision-making.

1 (a) Generally. The court shall allocate decision-making
2 responsibilities according to the child's best interests.
3 Nothing in this Act requires that each parent be allocated
4 decision-making responsibilities.

5 (b) Allocation of significant decision-making
6 responsibilities. Unless the parents otherwise agree in
7 writing on an allocation of significant decision-making
8 responsibilities, the court shall make the determination. The
9 court shall allocate to one or both of the parents the
10 significant decision-making responsibility for each
11 significant issue affecting the child. Those significant
12 issues shall include, without limitation, the following:

13 (1) Education, including the choice of schools and
14 tutors.

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

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

19 (A) The court shall allocate parental
20 responsibility for the child's religious upbringing in
21 accordance with any express or implied agreement
22 between the parents.

23 (B) The court shall consider evidence of the
24 parents' past conduct as to the child's religious
25 upbringing in allocating parental responsibilities
26 consistent with demonstrated past conduct in the

1 absence of an express or implied agreement between the
2 parents.

3 (C) The court shall not allocate any aspect of the
4 child's religious upbringing if it determines that the
5 parents do not or did not have an express or implied
6 agreement for such religious upbringing or that there
7 is insufficient evidence to demonstrate a course of
8 conduct regarding the child's religious upbringing
9 that could serve as a basis for any such order.

10 (4) Extracurricular activities.

11 (c) Determination of child's best interests. In
12 determining the child's best interests for purposes of
13 allocating significant decision-making responsibilities, the
14 court shall consider all relevant factors, including, without
15 limitation, the following:

16 (1) the wishes of a child who is sufficiently mature to
17 express reasoned and independent preferences as to
18 significant decisions;

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

21 (3) the mental and physical health of all individuals
22 involved;

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

26 (5) the level of each parent's participation in past

1 significant decision-making with respect to the child;

2 (6) any prior agreement or course of conduct between
3 the parents relating to decision-making with respect to the
4 child;

5 (7) the wishes of the parents;

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

8 (9) the distance between the parents' residences, the
9 cost and difficulty of transporting the child, each
10 parent's and the child's daily schedules, and the ability
11 of the parents to cooperate in the arrangement;

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

14 (11) the willingness and ability of each parent to
15 facilitate and encourage a close and continuing
16 relationship between the other parent and the child; and

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

19 (d) A parent shall have sole responsibility for making
20 routine decisions with respect to the child and for emergency
21 decisions affecting the child's health and safety during that
22 parent's parenting time.

23 (e) In allocating significant decision-making
24 responsibilities, the court shall not consider conduct of a
25 parent that does not affect that parent's relationship to the
26 child.

1 (750 ILCS 5/602.7 new)

2 Sec. 602.7. Parenting time.

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

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

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

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

19 (2) the wishes of a child who is sufficiently mature to
20 express reasoned and independent preferences as to
21 parenting time;

22 (3) the amount of time each parent spent performing
23 caretaking functions with respect to the child in the 24
24 months preceding the filing of any petition for allocation
25 of parental responsibilities or, if the child is under 2

1 years of age, since the child's birth;

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

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

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

11 (7) the mental and physical health of all individuals
12 involved;

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

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

19 (10) whether a restriction on parenting time is
20 appropriate;

21 (11) the physical violence or threat of physical
22 violence by a parent, whether directed against the child or
23 directed against another person;

24 (12) the willingness and ability of each parent to
25 place the needs of the child ahead of his or her own needs;

26 (13) the willingness and ability of each parent to

1 facilitate and encourage a close and continuing
2 relationship between the other parent and the child;

3 (14) the occurrence of abuse, including, but not
4 limited to, abuse as defined in the Illinois Domestic
5 Violence Act of 1986 and the Abused and Neglected Child
6 Reporting Act, whether against the child or another person;

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

13 (16) the terms of a parent's military family-care plan
14 that a parent must complete before deployment if a parent
15 is a member of the United States Armed Forces who is being
16 deployed; and

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

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

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

26 (e) Upon motion, the court may allow a parent who is

1 deployed or who has orders to be deployed as a member of the
2 United States Armed Forces to designate a person known to the
3 child to exercise reasonable substitute parenting time on
4 behalf of the deployed parent, if the court determines that
5 substitute parenting time is in the best interests of the
6 child. In determining whether substitute parenting time is in
7 the best interests of the child, the court shall consider all
8 of the relevant factors listed in subsection (b) of this
9 Section and apply those factors to the person designated as a
10 substitute for the deployed parent for parenting time purposes.

11 (750 ILCS 5/602.8 new)

12 Sec. 602.8. Parenting time by parents not allocated
13 parental responsibilities.

14 (a) A parent who has established parentage under the laws
15 of this State and who is not granted parental responsibilities
16 of a child is entitled to reasonable parenting time with the
17 child, subject to subsections (d) and (e) of Section 603.10 of
18 this Act, unless the court finds, after a hearing, that the
19 parenting time would seriously endanger the child's mental,
20 moral, or physical health or significantly impair the child's
21 emotional development. The order setting forth parenting time
22 shall be in the child's best interests pursuant to the factors
23 set forth in subsection (b) of Section 602.7 of this Section.

24 (b) The court may modify an order granting or denying
25 parenting time pursuant to Section 610.5 of this Act. The court

1 may restrict parenting time, and modify an order restricting
2 parenting time, pursuant to Section 603.10 of this Act.

3 (c) If the street address of the parent allocated parental
4 responsibilities is not identified, pursuant to Section 708 of
5 this Act, the court shall require the parties to identify
6 reasonable alternative arrangements for parenting time by a
7 parent not allocated parental responsibilities, including but
8 not limited to parenting time of the minor child at the
9 residence of another person or at a local public or private
10 facility.

11 (750 ILCS 5/602.9 new)

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

13 (a) As used in this Section:

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

22 (2) "sibling" means a brother or sister either of the
23 whole blood or the half blood, stepbrother, or stepsister
24 of the minor child;

25 (3) "step-parent" is a person married to or in a civil

1 union with a child's parent, including a person married to
2 or in a civil union with the child's parent immediately
3 prior to the parent's death; and

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

9 (b) General provisions.

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

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

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

26 (B) in whose interests a petition to adopt by an

1 unrelated person is pending under the Adoption Act; or
2 (C) who has been voluntarily surrendered by the
3 parent or parents, except for a surrender to the
4 Department of Children and Family Services or a foster
5 care facility; or

6 (D) who has been previously adopted by an
7 individual or individuals who are not related to the
8 biological parents of the child or who is the subject
9 of a pending adoption petition by an individual or
10 individuals who are not related to the biological
11 parents of the child.

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

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

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

26 (A) the preference of the child if the child is

1 determined to be of sufficient maturity to express a
2 preference;

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

4 (C) the mental and physical health of the
5 grandparent, great-grandparent, sibling, or
6 step-parent;

7 (D) the length and quality of the prior
8 relationship between the child and the grandparent,
9 great-grandparent, sibling, or step-parent;

10 (E) the good faith of the party in filing the
11 petition;

12 (F) the good faith of the person denying
13 visitation;

14 (G) the quantity of the visitation time requested
15 and the potential adverse impact that visitation would
16 have on the child's customary activities;

17 (H) any other fact that establishes that the loss
18 of the relationship between the petitioner and the
19 child is likely to unduly harm the child's mental,
20 physical, or emotional health; and

21 (I) whether visitation can be structured in way to
22 minimize the child's exposure to conflicts between the
23 adults.

24 (6) Any visitation rights granted under this Section
25 before the filing of a petition for adoption of the child
26 shall automatically terminate by operation of law upon the

1 entry of an order terminating parental rights or granting
2 the adoption of the child, whichever is earlier. If the
3 person or persons who adopted the child are related to the
4 child, as defined by Section 1 of the Adoption Act, any
5 person who was related to the child as grandparent,
6 great-grandparent, or sibling prior to the adoption shall
7 have standing to bring an action under this Section
8 requesting visitation with the child.

9 (7) The court may order visitation rights for the
10 grandparent, great-grandparent, sibling, or step-parent
11 that include reasonable access without requiring overnight
12 or possessory visitation.

13 (c) Visitation by grandparents, great-grandparents, and
14 siblings.

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

22 (A) the child's other parent is deceased or has
23 been missing for at least 3 months. For the purposes of
24 this subsection a parent is considered to be missing if
25 the parent's location has not been determined and the
26 parent has been reported as missing to a law

1 enforcement agency; or

2 (B) a parent of the child is incompetent as a
3 matter of law; or

4 (C) a parent has been incarcerated in jail or
5 prison during the 3-month period preceding the filing
6 of the petition; or

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

22 (E) the child is born to parents who are not
23 married to each other, the parents are not living
24 together, and the petitioner is a grandparent,
25 great-grandparent, or sibling of the child, and
26 parentage has been established by a court of competent

1 jurisdiction.

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

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

7 (B) whether the child had frequent and regular
8 contact or visitation with the petitioner for at least
9 12 consecutive months; and

10 (C) whether the grandparent, great-grandparent,
11 sibling, or step-parent was a primary caretaker of the
12 child for a period of not less than 6 consecutive
13 months.

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

19 "If the (grandparent or great-grandparent, whichever
20 is applicable) who has been granted visitation privileges
21 under this order uses the visitation privileges to
22 facilitate contact between the child and the child's parent
23 whose contact with the child has been prohibited or
24 restricted, the visitation privileges granted under this
25 order shall be permanently revoked."

26 (4) A petition for visitation privileges may not be

1 filed pursuant to this subsection (b) by the parents or
2 grandparents of a putative father if the paternity of the
3 putative father has not been legally established.

4 (d) Visitation by step-parents. A step-parent may bring a
5 petition for visitation and electronic communication under
6 this Section if there is an unreasonable denial of visitation
7 by a parent that causes undue mental, physical, or emotional
8 harm to the child.

9 (e) Modification of visitation orders.

10 (1) Unless by stipulation of the parties, no motion to
11 modify a grandparent, great-grandparent, sibling, or
12 step-parent visitation order may be made earlier than 2
13 years after the date the order was filed, unless the court
14 permits it to be made on the basis of affidavits that there
15 is reason to believe the child's present environment may
16 endanger seriously the child's mental, physical, or
17 emotional health.

18 (2) The court shall not modify an order that grants
19 visitation to a grandparent, great-grandparent, sibling,
20 or step-parent unless it finds by clear and convincing
21 evidence, upon the basis of facts that have arisen since
22 the prior visitation order or that were unknown to the
23 court at the time of entry of the prior visitation order,
24 that a change has occurred in the circumstances of the
25 child or his or her custodian, and that the modification is
26 necessary to protect the mental, physical, or emotional

1 health of the child. The court shall state in its decision
2 specific findings of fact in support of its modification or
3 termination of the grandparent, great-grandparent,
4 sibling, or step-parent visitation. A child's parent may
5 always petition to modify visitation upon changed
6 circumstances when necessary to promote the child's best
7 interests.

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

11 (4) Attorney's fees and costs shall be assessed against
12 a party seeking modification of the visitation order if the
13 court finds that the modification action is vexatious and
14 constitutes harassment.

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

19 (A) If an order has been entered granting
20 visitation privileges with the child to a grandparent
21 or great-grandparent who is related to the child
22 through the parent whose contact with the child is
23 prohibited or restricted, the visitation privileges of
24 the grandparent or great-grandparent may be revoked
25 if:

26 (i) a court has entered an order prohibiting

1 the parent from any contact with the child, and the
2 grandparent or great-grandparent is found to have
3 used his or her visitation privileges to
4 facilitate contact between the child and the
5 parent; or

6 (ii) a court has entered an order restricting
7 the parent's contact with the child, and the
8 grandparent or great-grandparent is found to have
9 used his or her visitation privileges to
10 facilitate contact between the child and the
11 parent in a manner that violates the terms of the
12 order restricting the parent's contact with the
13 child.

14 Nothing in this paragraph (5) limits the authority of
15 the court to enforce its orders in any manner permitted by
16 law.

17 (f) No minor child's grandparent, great-grandparent,
18 sibling, or step-parent who was convicted of any offense
19 involving an illegal sex act perpetrated upon a victim less
20 than 18 years of age including, but not limited to, offenses
21 for violations of Section 11-1.20, 11-1.30, 11-1.40, 11-1.50,
22 11-1.60, 11-1.70, or Article 12 of the Criminal Code of 1961 or
23 the Criminal Code of 2012, is entitled to visitation while
24 incarcerated or while on parole, probation, conditional
25 discharge, periodic imprisonment, or mandatory supervised
26 release for that offense, and upon discharge from incarceration

1 for a misdemeanor offense or upon discharge from parole,
2 probation, conditional discharge, periodic imprisonment, or
3 mandatory supervised release for a felony offense. Visitation
4 shall be denied until the person successfully completes a
5 treatment program approved by the court. Upon completion of
6 treatment, the court may deny visitation based on the factors
7 listed in subdivision (b) (5) of Section 607 of this Act.

8 (g) No minor child's grandparent, great-grandparent,
9 sibling, or step-parent may be granted visitation under this
10 Section if he or she has been convicted of first degree murder
11 of a parent, grandparent, great-grandparent, or sibling of the
12 child who is the subject of the visitation request. Pursuant to
13 a motion to modify visitation, the court shall revoke
14 visitation rights previously granted to any person who would
15 otherwise be entitled to petition for visitation rights under
16 this Section, if the person has been convicted of first degree
17 murder of a parent, grandparent, great-grandparent, or sibling
18 of the child who is the subject of the visitation order. Until
19 an order is entered pursuant to this subsection, no person may
20 visit, with the child present, a person who has been convicted
21 of first degree murder of the parent, grandparent,
22 great-grandparent, or sibling of the child without the consent
23 of the child's parent, other than a parent convicted of first
24 degree murder as set forth herein, or legal guardian.

1 Sec. 602.10. Parenting plan.

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

7 (b) No parenting plan filed. In the absence of filing of
8 one or more parenting plans with supporting affidavits, the
9 court must conduct an evidentiary hearing to allocate parental
10 responsibilities.

11 (c) Mediation. The court may order mediation to assist the
12 parents in formulating or modifying a parenting plan or in
13 implementing a parenting plan. Costs under this subsection
14 shall be allocated between the parties pursuant to the
15 applicable statute or Supreme Court Rule.

16 (d) Parents' agreement on parenting plan. The parents may
17 agree on a parenting plan at any time. The parenting plan must
18 be in writing and signed by both parents. The parents must
19 submit the parenting plan to the court for approval within 90
20 days after service of a petition for allocation of parental
21 responsibilities, parenting time, or the filing of an
22 appearance. The parenting plan must be accompanied by a joint
23 affidavit that complies with subsection (g), unless the filing
24 of such an affidavit is excused by the court. If the court does
25 not approve the parenting plan, the court shall make express
26 findings of the reason or reasons for its refusal to approve

1 the plan. The court, on its own motion, may conduct an
2 evidentiary hearing to determine whether the parenting plan is
3 in the child's best interests.

4 (e) Parents cannot agree on parenting plan. When parents
5 fail to submit an agreed parenting plan, each parent must file
6 and submit a written, signed parenting plan to the court within
7 90 days after service of a petition for allocation of parental
8 responsibilities or the filing of an appearance. The
9 determination of residential parenting time should be based on
10 the child's best interests. The plan must be accompanied by a
11 separate affidavit that complies with subsection (g). The
12 filing of the plan and affidavit may be excused by the court
13 if:

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

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

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

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

22 (1) an allocation of significant decision-making
23 responsibilities;

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

26 (A) a schedule that designates in which parent's

1 home the minor child will reside on given days; or

2 (B) a formula or method for determining such a
3 schedule in sufficient detail to be enforced in a
4 subsequent proceeding;

5 (3) a mediation provision addressing any proposed
6 revisions or disputes, except that this provision is not
7 required if one parent is allocated all significant
8 decision-making responsibilities;

9 (4) each parent's right of access to medical, dental,
10 and psychological records (subject to the Mental Health and
11 Developmental Disabilities Confidentiality Act), child
12 care records, and school and extracurricular records,
13 reports, and schedules, unless expressly denied by a court
14 order or denied under subsection (g) of Section 602.5;

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

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

20 (7) each parent's residence address and phone number,
21 and each parent's place of employment and employment
22 address and phone number;

23 (8) a requirement that a parent changing his or her
24 residence provide at least 60 days prior written notice of
25 the change to any other parent under the parenting plan or
26 allocation judgment, unless such notice is impracticable

1 or unless otherwise ordered by the court. If such notice is
2 impracticable, written notice shall be given at the
3 earliest date practicable. At a minimum, the notice shall
4 set forth the following:

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

6 and

7 (B) the address of the new residence;

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

11 (10) transportation arrangements between the parents;

12 (11) provisions for communications with the child
13 during the other parent's parenting time;

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

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

18 (14) any other provision that addresses the child's
19 best interests or that will otherwise facilitate
20 cooperation between the parents.

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

26 (g) Affidavit. The affidavit supporting a proposed

1 parenting plan must contain, to the best of the affiant's
2 knowledge, all of the following:

3 (1) the name and address of the child and the name and
4 address of every parent and any other person previously
5 appearing in any prior allocation proceeding;

6 (2) the name and address of every person with whom the
7 child has lived for one year or more, and the period of
8 time during which the child and each such person lived
9 together. If the child is less than one year old, the
10 affidavit must contain the name and address of any person
11 with whom the child lived for more than 60 days;

12 (3) a summary of the caretaking functions performed by
13 each person identified under paragraph (2), including such
14 functions performed during at least the 24 months preceding
15 the filing of the action for allocation of parental
16 responsibilities;

17 (4) a schedule of each parent's current hours of
18 employment, availability to perform caretaking functions
19 with respect to the child, existing child care
20 arrangements, and any anticipated changes;

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

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

26 (7) a summary of the known areas of agreement and

1 disagreement between the parents concerning a proposed
2 parenting plan.

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

8 (h) The court shall conduct a trial or hearing to determine
9 a plan which it finds to be in the best interests of the child
10 and maximizes the child's relationship and access to both
11 parents. The court shall take the parenting plans into
12 consideration when determining parenting time and
13 responsibilities at trial or hearing.

14 (750 ILCS 5/603.5 new)

15 Sec. 603.5. Temporary orders.

16 (a) A court may order a temporary allocation of parental
17 responsibilities in the child's best interests before the entry
18 of a final allocation judgment. Any temporary allocation shall
19 be made in accordance with the standards set forth in Sections
20 602.5 and 602.7: (i) after a hearing; or (ii) if there is no
21 objection, on the basis of affidavits that, at a minimum,
22 comply with subsection (e) of Section 602.10.

23 (b) A temporary order allocating parental responsibilities
24 shall be deemed vacated when the action in which it was granted
25 is dismissed, unless a parent moves to continue the action for

1 allocation of parental responsibilities filed under Section
2 601.5.

3 (c) A temporary order allocating parental responsibilities
4 does not preclude access to the child by a parent who has been
5 exercising a reasonable share of caretaking functions with
6 respect to the child, unless a denial of such access is in the
7 child's best interests as determined in accordance with Section
8 602.5.

9 (750 ILCS 5/603.10 new)

10 Sec. 603.10. Restriction of parental responsibilities.

11 (a) After hearing, if the court finds by a preponderance of
12 the evidence that a parent engaged in any conduct that
13 seriously endangered the child's mental, moral, or physical
14 health or that significantly impaired the child's emotional
15 development, the court shall enter orders as necessary to
16 protect the child. Such orders may include, but are not limited
17 to, orders for one or more of the following:

18 (1) a reduction, elimination, or other adjustment of
19 the parent's decision-making responsibilities or parenting
20 time, or both decision-making responsibilities and
21 parenting time;

22 (2) supervision, including ordering the Department of
23 Children and Family Services to exercise continuing
24 supervision under Section 5 of the Children and Family
25 Services Act to ensure compliance with the allocation

1 judgment;

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

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

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

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

12 (7) requiring a parent to post a bond to secure the
13 return of the child following the parent's exercise of
14 parenting time or to secure other performance required by
15 the court;

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

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

23 (b) The court may modify an order restricting parental
24 responsibilities if, after hearing, the court finds by a
25 preponderance of the evidence that a modification is in the
26 child's best interests based on (i) a change of circumstances

1 that occurred after the entry of an order restricting parental
2 responsibilities; or (ii) conduct of which the court was
3 previously unaware that seriously endangers the child. In
4 determining whether to modify an order under this subsection,
5 the court must consider factors that include, but need not be
6 limited to, the following:

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

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

13 (3) use of drugs, alcohol, or any other substance in a
14 way that interferes with the parent's ability to perform
15 caretaking functions with respect to the child; and

16 (4) persistent continuing interference with the other
17 parent's access to the child, except for actions taken with
18 a reasonable, good-faith belief that they are necessary to
19 protect the child's safety pending adjudication of the
20 facts underlying that belief, provided that the
21 interfering parent initiates a proceeding to determine
22 those facts as soon as practicable.

23 (c) An order granting parenting time to a parent may be
24 revoked by the court if that parent is found to have knowingly
25 used his or her parenting time to facilitate contact between
26 the child and a parent who has been barred from contact with

1 the child or to have knowingly used his or her parenting time
2 to facilitate contact with the child that violates any
3 restrictions imposed on the parent's parenting time by a court
4 of competent jurisdiction. Nothing in this subsection limits a
5 court's authority to enforce its orders in any other manner
6 authorized by law.

7 (d) An order granting parenting time with a child whose
8 parent is prohibited from contact with the child, or whose
9 parenting time is restricted, shall contain the following
10 provision:

11 "If a parent granted parenting time under this order
12 uses that time to facilitate contact between the child and
13 a parent whose parenting time is restricted, or if such a
14 parent violates any restrictions placed on his or her
15 parenting time by the court, the parenting time granted
16 under this order shall be revoked until further order of
17 court."

18 (e) A parent who, after an evidentiary hearing, is
19 determined by the court to have been convicted of any offense
20 involving an illegal sex act perpetrated upon a victim less
21 than 18 years of age, including but not limited to an offense
22 under Article 11 of the Criminal Code of 2012, is not entitled
23 to parenting time while incarcerated or while on parole,
24 probation, conditional discharge, periodic imprisonment, or
25 mandatory supervised release for a felony offense, until the
26 parent complies with such terms and conditions as the court

1 determines are in the child's best interests, taking into
2 account the exact nature of the offense and what, if any,
3 treatment in which the parent successfully participated.

4 (f) A parent may not, while the child is present, visit any
5 other parent of the child who has been convicted of first
6 degree murder, unless the court finds, after considering all
7 relevant factors, including those set forth in subsection (c)
8 of Section 602.5, that it would be in the child's best
9 interests to allow the child to be present during such a visit.

10 (750 ILCS 5/604.10 new)

11 Sec. 604.10. Interviews; evaluations; investigation.

12 (a) Court's interview of child. The court may interview the
13 child in chambers to ascertain the child's wishes as to the
14 allocation of parental responsibilities. Counsel shall be
15 present at the interview unless otherwise agreed upon by the
16 parties. The entire interview shall be recorded by a court
17 reporter. The transcript of the interview shall be filed under
18 seal and released only upon order of the court. The cost of the
19 court reporter and transcript shall be paid by the court.

20 (b) Court's professional. The court may seek the advice of
21 any professional, whether or not regularly employed by the
22 court, to assist the court in determining the child's best
23 interests. The advice to the court shall be in writing and sent
24 by the professional to counsel for the parties and to the
25 court, under seal. The writing may be admitted into evidence

1 without testimony from its author, unless a party objects. A
2 professional consulted by the court shall testify as the
3 court's witness and be subject to cross-examination. The court
4 shall order all costs and fees of the professional to be paid
5 by one or more of the parties, subject to reallocation in
6 accordance with subsection (a) of Section 508.

7 The professional's report must, at a minimum, set forth the
8 following:

9 (1) a description of the procedures employed during the
10 evaluation;

11 (2) a report of the data collected;

12 (3) all test results;

13 (4) any conclusions of the professional relating to the
14 allocation of parental responsibilities under Sections
15 602.5 and 602.7;

16 (5) any recommendations of the professional concerning
17 the allocation of parental responsibilities or the child's
18 relocation; and

19 (6) an explanation of any limitations in the evaluation
20 or any reservations of the professional regarding the
21 resulting recommendations.

22 (c) Evaluation by a party's retained professional. In a
23 proceeding to allocate parental responsibilities or to
24 relocate a child, upon notice and motion made by a parent or
25 any party to the litigation within a reasonable time before
26 trial, the court shall order an evaluation to assist the court

1 in determining the child's best interests unless the court
2 finds that an evaluation under this Section is untimely or not
3 in the best interests of the child. The evaluation may be in
4 place of or in addition to any advice given to the court by a
5 professional under subsection (b). A motion for an evaluation
6 under this subsection must, at a minimum, identify the proposed
7 evaluator and the evaluator's specialty or discipline. An order
8 for an evaluation under this subsection must set forth the
9 evaluator's name, address, and telephone number and the time,
10 place, conditions, and scope of the evaluation. No person shall
11 be required to travel an unreasonable distance for the
12 evaluation. The party requesting the evaluation shall pay the
13 evaluator's fees and costs unless otherwise ordered by the
14 court.

15 The evaluator's report must, at a minimum, set forth the
16 following:

17 (1) a description of the procedures employed during the
18 evaluation;

19 (2) a report of the data collected;

20 (3) all test results;

21 (4) any conclusions of the evaluator relating to the
22 allocation of parental responsibilities under Sections
23 602.5 and 602.7;

24 (5) any recommendations of the evaluator concerning
25 the allocation of parental responsibilities or the child's
26 relocation; and

1 (6) an explanation of any limitations in the evaluation
2 or any reservations of the evaluator regarding the
3 resulting recommendations.

4 A party who retains a professional to conduct an evaluation
5 under this subsection shall cause the evaluator's written
6 report to be sent to the attorneys of record no less than 60
7 days before the hearing on the allocation of parental
8 responsibilities, unless otherwise ordered by the court; if a
9 party fails to comply with this provision, the court may not
10 admit the evaluator's report into evidence and may not allow
11 the evaluator to testify.

12 The party calling an evaluator to testify at trial shall
13 disclose the evaluator as a controlled expert witness in
14 accordance with the Supreme Court Rules.

15 Any party to the litigation may call the evaluator as a
16 witness. That party shall pay the evaluator's fees and costs
17 for testifying, unless otherwise ordered by the court.

18 (d) Investigation. Upon notice and a motion by a parent or
19 any party to the litigation, or upon the court's own motion,
20 the court may order an investigation and report to assist the
21 court in allocating parental responsibilities. The
22 investigation may be made by any agency, private entity, or
23 individual deemed appropriate by the court. The court shall
24 specify the purpose and scope of the investigation.

25 The investigator's report must, at a minimum, set forth the
26 following:

1 (1) a description of the procedures employed during the
2 investigation;

3 (2) a report of the data collected;

4 (3) all test results;

5 (4) any conclusions of the investigator relating to the
6 allocation of parental responsibilities under Sections
7 602.5 and 602.7;

8 (5) any recommendations of the investigator concerning
9 the allocation of parental responsibilities or the child's
10 relocation; and

11 (6) an explanation of any limitations in the
12 investigation or any reservations of the investigator
13 regarding the resulting recommendations.

14 The investigator shall send his or her report to all
15 attorneys of record, and to any party not represented, at least
16 60 days before the hearing on the allocation of parental
17 responsibilities. The court shall examine and consider the
18 investigator's report only after it has been admitted into
19 evidence or after the parties have waived their right to
20 cross-examine the investigator.

21 The investigator shall make available to all attorneys of
22 record, and to any party not represented, the investigator's
23 file, and the names and addresses of all persons whom the
24 investigator has consulted. Any party to the proceeding may
25 call the investigator, or any person consulted by the
26 investigator as a court's witness, for cross-examination. No

1 fees shall be paid for any investigation by a governmental
2 agency. The fees incurred by any other investigator shall be
3 allocated in accordance with Section 508.

4 (750 ILCS 5/606.5 new)

5 Sec. 606.5. Hearings.

6 (a) Proceedings to allocate parental responsibilities
7 shall receive priority in being set for hearing.

8 (b) The court, without a jury, shall determine questions of
9 law and fact.

10 (c) Previous statements made by the child relating to any
11 allegations that the child is an abused or neglected child
12 within the meaning of the Abused and Neglected Child Reporting
13 Act, or an abused or neglected minor within the meaning of the
14 Juvenile Court Act of 1987, shall be admissible in evidence in
15 a hearing concerning allocation of parental responsibilities.
16 No such statement, however, if uncorroborated and not subject
17 to cross examination, shall be sufficient in itself to support
18 a finding of abuse or neglect.

19 (d) If the court finds that a public hearing may be
20 detrimental to the child's best interests, the court shall
21 exclude the public from the hearing, but the court may admit
22 any person having:

23 (1) a direct and legitimate interest in the case; or

24 (2) a legitimate educational or research interest in
25 the work of the court, but only with the permission of both

1 parties and subject to court approval.

2 (e) The court may make an appropriate order sealing the
3 records of any interview, report, investigation, or testimony.

4 (750 ILCS 5/606.10 new)

5 Sec. 606.10. Designation of custodian for purposes of other
6 statutes. Solely for the purposes of all State and federal
7 statutes that require a designation or determination of custody
8 or a custodian, a parenting plan shall designate the parent who
9 is allocated the majority of residential responsibility. This
10 designation shall not affect parents' rights and
11 responsibilities under the parenting plan.

12 (750 ILCS 5/607.5 new)

13 Sec. 607.5. Abuse of allocated parenting time.

14 (a) The court shall provide an expedited procedure for the
15 enforcement of allocated parenting time.

16 (b) An action for the enforcement of allocated parenting
17 time may be commenced by a parent or a person appointed under
18 Section 506 by filing a petition setting forth: (i) the
19 petitioner's name and residence address or mailing address,
20 except that if the petition states that disclosure of
21 petitioner's address would risk abuse of petitioner or any
22 member of petitioner's family or household or reveal the
23 confidential address of a shelter for domestic violence
24 victims, that address may be omitted from the petition; (ii)

1 the respondent's name and place of residence, place of
2 employment, or mailing address; (iii) the terms of the
3 parenting plan or allocation judgment then in effect; (iv) the
4 nature of the violation of the allocation of parenting time,
5 giving dates and other relevant information; and (v) that a
6 reasonable attempt was made to resolve the dispute.

7 (c) If the court finds by a preponderance of the evidence
8 that a parent has not complied with allocated parenting time
9 according to an approved parenting plan or a court order, the
10 court, in the child's best interests, shall issue an order that
11 may include one or more of the following:

12 (1) an imposition of additional terms and conditions
13 consistent with the court's previous allocation of
14 parenting time or other order;

15 (2) a requirement that either or both of the parties
16 attend a parental education program at the expense of the
17 non-complying parent;

18 (3) a requirement that the parties participate in
19 family counseling at the expense of the non-complying
20 parent;

21 (4) a requirement that the non-complying parent post a
22 cash bond or other security to ensure future compliance,
23 including a provision that the bond or other security may
24 be forfeited to the other parent for payment of expenses on
25 behalf of the child as the court shall direct;

26 (5) a requirement that makeup parenting time be

1 provided for the aggrieved parent or child under the
2 following conditions:

3 (A) that the parenting time is of the same type and
4 duration as the parenting time that was denied,
5 including but not limited to parenting time during
6 weekends, on holidays, and on weekdays and during times
7 when the child is not in school;

8 (B) that the parenting time is made up within 6
9 months after the noncompliance occurs, unless the
10 period of time or holiday cannot be made up within 6
11 months, in which case the parenting time shall be made
12 up within one year after the noncompliance occurs;

13 (6) a finding that the non-complying parent is in
14 contempt of court;

15 (7) an imposition on the non-complying parent of an
16 appropriate civil fine per incident of denied parenting
17 time;

18 (8) a requirement that the non-complying parent
19 reimburse the other parent for all reasonable expenses
20 incurred as a result of the violation of the parenting plan
21 or court order; and

22 (9) any other provision that may promote the child's
23 best interests.

24 (d) In addition to any other order entered under subsection
25 (c), except for good cause shown, the court shall order a
26 parent who has failed to provide allocated parenting time or to

1 exercise allocated parenting time to pay the aggrieved party
2 his or her reasonable attorney's fees, court costs, and
3 expenses associated with an action brought under this Section.
4 If the court finds that the respondent in an action brought
5 under this Section has not violated the allocated parenting
6 time, the court may order the petitioner to pay the
7 respondent's reasonable attorney's fees, court costs, and
8 expenses incurred in the action.

9 (e) Nothing in this Section precludes a party from
10 maintaining any other action as provided by law.

11 (750 ILCS 5/609.2 new)

12 Sec. 609.2. Parent's relocation.

13 (a) A parent's relocation constitutes a substantial change
14 in circumstances for purposes of Section 610.5.

15 (b) Only a parent who has been allocated a majority of
16 parenting time may seek to relocate with a child, except that
17 when parents have equal parenting time, either parent may seek
18 to relocate with a child.

19 (c) A parent intending to relocate must provide at least 60
20 days' prior written notice to any other parent under the
21 parenting plan or allocation judgment unless such notice is
22 impracticable (in which case written notice shall be given at
23 the earliest date practicable) or unless otherwise ordered by
24 the court. A copy of the notice required under this Section
25 shall be filed with the clerk of the circuit court. At a

1 minimum, the notice must set forth the following:

2 (1) the intended date of the parent's relocation;

3 (2) the address of the parent's intended new residence,
4 if known;

5 (3) the specific reasons for the parent's intended
6 relocation;

7 (4) a proposal modifying the parents' parental
8 responsibilities, if necessary, in light of the
9 relocation; and

10 (5) if the parent's intended relocation requires a
11 change in the child's school, a statement of how the
12 relocating parent intends to meet the child's educational
13 needs.

14 The court may consider a parent's failure to comply with
15 the notice requirements of this Section without good cause (i)
16 as a factor in determining whether the parent's relocation is
17 in good faith; and (ii) as a basis for awarding reasonable
18 attorney's fees and costs resulting from the parent's failure
19 to comply with these provisions.

20 (d) If the parent who is not seeking to relocate signs the
21 notice that was filed pursuant to subsection (c) and files it
22 with the court, relocation shall be allowed without any further
23 court action.

24 (e) The court shall modify the parenting plan or allocation
25 judgment to accommodate a parent's relocation as agreed by the
26 parents, as long as the agreed modification is in the child's

1 best interests.

2 (f) The court shall modify the parenting plan or allocation
3 judgment to accommodate the relocation without changing the
4 proportion of parental responsibilities between the parties,
5 if practicable, as long as such a modification is in the
6 child's best interests.

7 (g) If a parent's relocation makes it impracticable to
8 maintain the same proportion of parental responsibilities
9 between the parties, the court shall modify the parenting plan
10 or allocation judgment in accordance with the child's best
11 interests. The court shall consider the following factors:

12 (1) the factors set forth in subsection (c) of this
13 Section;

14 (2) the reasons, if any, why a parent is objecting to
15 the intended relocation;

16 (3) the history and quality of each parent's
17 relationship with the child since the implementation of any
18 previous parenting plan or allocation judgment;

19 (4) the educational opportunities for the child at the
20 existing location and at the proposed new location;

21 (5) the presence or absence of extended family at the
22 existing location and at the proposed new location;

23 (6) the anticipated impact of the relocation on the
24 child;

25 (7) whether the court will be able to fashion a
26 reasonable allocation of parental responsibilities between

1 all parents if the relocation occurs;

2 (8) the wishes of the child after taking into
3 consideration the child's age and maturity;

4 (9) whether the intended relocation is valid, in good
5 faith, and to a location that is reasonable in light of the
6 purpose;

7 (10) possible arrangements for the exercise of
8 parental responsibilities appropriate to the parents'
9 resources and circumstances and the developmental level of
10 the child;

11 (11) minimization of the impairment to a parent-child
12 relationship caused by a parent's relocation; and

13 (12) any other relevant factors bearing on the child's
14 best interests.

15 (h) Unless the non-relocating parent demonstrates that a
16 reallocation of parental responsibilities is necessary to
17 prevent harm to the child, the court shall deny the
18 non-relocating parent's request for a reallocation of parental
19 responsibilities based on relocation if the non-relocating
20 parent either:

21 (1) failed to object to the relocation within the time
22 allowed; or

23 (2) has substantially failed or refused to exercise the
24 parental responsibilities allocated to him or her under the
25 parenting plan or allocation judgment.

1 (750 ILCS 5/610.5 new)

2 Sec. 610.5. Modification.

3 (a) Unless by stipulation of the parties or except as
4 provided in subsection (b) of this Section, no motion to modify
5 an order allocating parental responsibilities may be made
6 earlier than 2 years after its date, unless the court permits
7 it to be made on the basis of affidavits that there is reason
8 to believe the child's present environment may endanger
9 seriously his or her mental, moral, or physical health or
10 significantly impair the child's emotional development.

11 (b) A motion to modify an order allocating parental
12 responsibilities may be made at any time by a party who has
13 been informed of the existence of facts requiring notice to be
14 given under Section 607.5 of this Act.

15 (c) Except in a case concerning the modification of any
16 restriction of parental responsibilities under Section 603.10,
17 the court shall modify a parenting plan or allocation judgment
18 when necessary to serve the child's best interests if the court
19 finds, by a preponderance of the evidence, that on the basis of
20 facts that have arisen since the entry of the existing
21 parenting plan or allocation judgment or were not anticipated
22 therein, a substantial change has occurred in the circumstances
23 of the child or of either parent and that a modification is
24 necessary to serve the child's best interests.

25 (d) The court shall modify a parenting plan or allocation
26 judgment in accordance with a parental agreement, unless it

1 finds that the modification is not in the child's best
2 interests.

3 (e) The court may modify a parenting plan or allocation
4 judgment without a showing of changed circumstances if (i) the
5 modification is in the child's best interests; and (ii) any of
6 the following are proven as to the modification:

7 (1) the modification reflects the actual arrangement
8 under which the child has been receiving care, without
9 parental objection, for the 6 months preceding the filing
10 of the petition for modification, provided that the
11 arrangement is not the result of a parent's acquiescence
12 resulting from circumstances that negated the parent's
13 ability to give meaningful consent;

14 (2) the modification constitutes a minor modification
15 in the parenting plan or allocation judgment; and

16 (3) the modification is necessary to modify an agreed
17 parenting plan or allocation judgment that the court would
18 not have ordered or approved under Section 602.5 or 602.7
19 had the court been aware of the circumstances at the time
20 of the order or approval.

21 (f) Attorney's fees and costs shall be assessed against a
22 party seeking modification if the court finds that the
23 modification action is vexatious or constitutes harassment. If
24 the court finds that a parent has repeatedly filed frivolous
25 motions for modification, the court may bar the parent from
26 filing a motion for modification for a period of time.

1 (750 ILCS 5/612 new)

2 Sec. 612. Application of provisions concerning allocation
3 of parental responsibilities.

4 (a) The changes made by this amendatory Act of the 98th
5 General Assembly apply to all proceedings commenced on or after
6 the effective date of this amendatory Act of the 98th General
7 Assembly.

8 (b) The changes made by this amendatory Act of the 98th
9 General Assembly apply to all actions pending on the effective
10 date of this amendatory Act of the 98th General Assembly and to
11 all proceedings commenced no more than 6 months before that
12 effective date with respect to issues on which a judgment has
13 not been entered. Evidence adduced after the effective date of
14 this amendatory Act of the 98th General Assembly shall comply
15 with the changes made by this amendatory Act of the 98th
16 General Assembly.

17 (c) The changes made by this amendatory Act of the 98th
18 General Assembly apply to all proceedings commenced on or after
19 the effective date of this amendatory Act of the 98th General
20 Assembly for the modification of a judgment or order entered
21 before that effective date.

22 (d) In any action or proceeding in which an appeal was
23 pending or a new trial was ordered before the effective date of
24 this amendatory Act of the 98th General Assembly, the law in
25 effect at the time of the order sustaining the appeal or the

1 new trial governs the appeal, the new trial, and any subsequent
2 trial or appeal.

3 (750 ILCS 5/406 rep.)

4 (750 ILCS 5/407 rep.)

5 (750 ILCS 5/408 rep.)

6 (750 ILCS 5/412 rep.)

7 (750 ILCS 5/514 rep.)

8 (750 ILCS 5/515 rep.)

9 (750 ILCS 5/516 rep.)

10 (750 ILCS 5/517 rep.)

11 (750 ILCS 5/601 rep.)

12 (750 ILCS 5/601.5 rep.)

13 (750 ILCS 5/602 rep.)

14 (750 ILCS 5/602.1 rep.)

15 (750 ILCS 5/603 rep.)

16 (750 ILCS 5/604 rep.)

17 (750 ILCS 5/604.5 rep.)

18 (750 ILCS 5/605 rep.)

19 (750 ILCS 5/606 rep.)

20 (750 ILCS 5/607 rep.)

21 (750 ILCS 5/607.1 rep.)

22 (750 ILCS 5/608 rep.)

23 (750 ILCS 5/609 rep.)

24 (750 ILCS 5/610 rep.)

25 (750 ILCS 5/611 rep.)

1 (750 ILCS 5/701 rep.)

2 (750 ILCS 5/703 rep.)

3 Section 5-20. The Illinois Marriage and Dissolution of
4 Marriage Act is amended by repealing Sections 406, 407, 408,
5 412, 514, 515, 516, 517, 601, 601.5, 602, 602.1, 603, 604,
6 604.5, 605, 606, 607, 607.1, 608, 609, 610, 611, 701, and 703.

7 Section 5-25. The Illinois Domestic Violence Act of 1986 is
8 amended by changing Sections 214 and 223 as follows:

9 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

10 Sec. 214. Order of protection; remedies.

11 (a) Issuance of order. If the court finds that petitioner
12 has been abused by a family or household member or that
13 petitioner is a high-risk adult who has been abused, neglected,
14 or exploited, as defined in this Act, an order of protection
15 prohibiting the abuse, neglect, or exploitation shall issue;
16 provided that petitioner must also satisfy the requirements of
17 one of the following Sections, as appropriate: Section 217 on
18 emergency orders, Section 218 on interim orders, or Section 219
19 on plenary orders. Petitioner shall not be denied an order of
20 protection because petitioner or respondent is a minor. The
21 court, when determining whether or not to issue an order of
22 protection, shall not require physical manifestations of abuse
23 on the person of the victim. Modification and extension of
24 prior orders of protection shall be in accordance with this

1 Act.

2 (b) Remedies and standards. The remedies to be included in
3 an order of protection shall be determined in accordance with
4 this Section and one of the following Sections, as appropriate:
5 Section 217 on emergency orders, Section 218 on interim orders,
6 and Section 219 on plenary orders. The remedies listed in this
7 subsection shall be in addition to other civil or criminal
8 remedies available to petitioner.

9 (1) Prohibition of abuse, neglect, or exploitation.
10 Prohibit respondent's harassment, interference with
11 personal liberty, intimidation of a dependent, physical
12 abuse, or willful deprivation, neglect or exploitation, as
13 defined in this Act, or stalking of the petitioner, as
14 defined in Section 12-7.3 of the Criminal Code of 2012, if
15 such abuse, neglect, exploitation, or stalking has
16 occurred or otherwise appears likely to occur if not
17 prohibited.

18 (2) Grant of exclusive possession of residence.
19 Prohibit respondent from entering or remaining in any
20 residence, household, or premises of the petitioner,
21 including one owned or leased by respondent, if petitioner
22 has a right to occupancy thereof. The grant of exclusive
23 possession of the residence, household, or premises shall
24 not affect title to real property, nor shall the court be
25 limited by the standard set forth in Section 701 of the
26 Illinois Marriage and Dissolution of Marriage Act.

1 (A) Right to occupancy. A party has a right to
2 occupancy of a residence or household if it is solely
3 or jointly owned or leased by that party, that party's
4 spouse, a person with a legal duty to support that
5 party or a minor child in that party's care, or by any
6 person or entity other than the opposing party that
7 authorizes that party's occupancy (e.g., a domestic
8 violence shelter). Standards set forth in subparagraph
9 (B) shall not preclude equitable relief.

10 (B) Presumption of hardships. If petitioner and
11 respondent each has the right to occupancy of a
12 residence or household, the court shall balance (i) the
13 hardships to respondent and any minor child or
14 dependent adult in respondent's care resulting from
15 entry of this remedy with (ii) the hardships to
16 petitioner and any minor child or dependent adult in
17 petitioner's care resulting from continued exposure to
18 the risk of abuse (should petitioner remain at the
19 residence or household) or from loss of possession of
20 the residence or household (should petitioner leave to
21 avoid the risk of abuse). When determining the balance
22 of hardships, the court shall also take into account
23 the accessibility of the residence or household.
24 Hardships need not be balanced if respondent does not
25 have a right to occupancy.

26 The balance of hardships is presumed to favor

1 possession by petitioner unless the presumption is
2 rebutted by a preponderance of the evidence, showing
3 that the hardships to respondent substantially
4 outweigh the hardships to petitioner and any minor
5 child or dependent adult in petitioner's care. The
6 court, on the request of petitioner or on its own
7 motion, may order respondent to provide suitable,
8 accessible, alternate housing for petitioner instead
9 of excluding respondent from a mutual residence or
10 household.

11 (3) Stay away order and additional prohibitions. Order
12 respondent to stay away from petitioner or any other person
13 protected by the order of protection, or prohibit
14 respondent from entering or remaining present at
15 petitioner's school, place of employment, or other
16 specified places at times when petitioner is present, or
17 both, if reasonable, given the balance of hardships.
18 Hardships need not be balanced for the court to enter a
19 stay away order or prohibit entry if respondent has no
20 right to enter the premises.

21 (A) If an order of protection grants petitioner
22 exclusive possession of the residence, or prohibits
23 respondent from entering the residence, or orders
24 respondent to stay away from petitioner or other
25 protected persons, then the court may allow respondent
26 access to the residence to remove items of clothing and

1 personal adornment used exclusively by respondent,
2 medications, and other items as the court directs. The
3 right to access shall be exercised on only one occasion
4 as the court directs and in the presence of an
5 agreed-upon adult third party or law enforcement
6 officer.

7 (B) When the petitioner and the respondent attend
8 the same public, private, or non-public elementary,
9 middle, or high school, the court when issuing an order
10 of protection and providing relief shall consider the
11 severity of the act, any continuing physical danger or
12 emotional distress to the petitioner, the educational
13 rights guaranteed to the petitioner and respondent
14 under federal and State law, the availability of a
15 transfer of the respondent to another school, a change
16 of placement or a change of program of the respondent,
17 the expense, difficulty, and educational disruption
18 that would be caused by a transfer of the respondent to
19 another school, and any other relevant facts of the
20 case. The court may order that the respondent not
21 attend the public, private, or non-public elementary,
22 middle, or high school attended by the petitioner,
23 order that the respondent accept a change of placement
24 or change of program, as determined by the school
25 district or private or non-public school, or place
26 restrictions on the respondent's movements within the

1 school attended by the petitioner. The respondent
2 bears the burden of proving by a preponderance of the
3 evidence that a transfer, change of placement, or
4 change of program of the respondent is not available.
5 The respondent also bears the burden of production with
6 respect to the expense, difficulty, and educational
7 disruption that would be caused by a transfer of the
8 respondent to another school. A transfer, change of
9 placement, or change of program is not unavailable to
10 the respondent solely on the ground that the respondent
11 does not agree with the school district's or private or
12 non-public school's transfer, change of placement, or
13 change of program or solely on the ground that the
14 respondent fails or refuses to consent or otherwise
15 does not take an action required to effectuate a
16 transfer, change of placement, or change of program.
17 When a court orders a respondent to stay away from the
18 public, private, or non-public school attended by the
19 petitioner and the respondent requests a transfer to
20 another attendance center within the respondent's
21 school district or private or non-public school, the
22 school district or private or non-public school shall
23 have sole discretion to determine the attendance
24 center to which the respondent is transferred. In the
25 event the court order results in a transfer of the
26 minor respondent to another attendance center, a

1 change in the respondent's placement, or a change of
2 the respondent's program, the parents, guardian, or
3 legal custodian of the respondent is responsible for
4 transportation and other costs associated with the
5 transfer or change.

6 (C) The court may order the parents, guardian, or
7 legal custodian of a minor respondent to take certain
8 actions or to refrain from taking certain actions to
9 ensure that the respondent complies with the order. In
10 the event the court orders a transfer of the respondent
11 to another school, the parents, guardian, or legal
12 custodian of the respondent is responsible for
13 transportation and other costs associated with the
14 change of school by the respondent.

15 (4) Counseling. Require or recommend the respondent to
16 undergo counseling for a specified duration with a social
17 worker, psychologist, clinical psychologist, psychiatrist,
18 family service agency, alcohol or substance abuse program,
19 mental health center guidance counselor, agency providing
20 services to elders, program designed for domestic violence
21 abusers or any other guidance service the court deems
22 appropriate. The Court may order the respondent in any
23 intimate partner relationship to report to an Illinois
24 Department of Human Services protocol approved partner
25 abuse intervention program for an assessment and to follow
26 all recommended treatment.

1 (5) Physical care and possession of the minor child. In
2 order to protect the minor child from abuse, neglect, or
3 unwarranted separation from the person who has been the
4 minor child's primary caretaker, or to otherwise protect
5 the well-being of the minor child, the court may do either
6 or both of the following: (i) grant petitioner physical
7 care or possession of the minor child, or both, or (ii)
8 order respondent to return a minor child to, or not remove
9 a minor child from, the physical care of a parent or person
10 in loco parentis.

11 If a court finds, after a hearing, that respondent has
12 committed abuse (as defined in Section 103) of a minor
13 child, there shall be a rebuttable presumption that
14 awarding physical care to respondent would not be in the
15 minor child's best interest.

16 (6) Temporary allocation of parental responsibilities
17 ~~legal custody~~. Award temporary parental responsibility
18 ~~legal custody~~ to petitioner in accordance with this
19 Section, the Illinois Marriage and Dissolution of Marriage
20 Act, the Illinois Parentage Act of 1984, and this State's
21 Uniform Child-Custody Jurisdiction and Enforcement Act.

22 If a court finds, after a hearing, that respondent has
23 committed abuse (as defined in Section 103) of a minor
24 child, there shall be a rebuttable presumption that
25 awarding temporary parental responsibility ~~legal custody~~
26 to respondent would not be in the child's best interest.

1 (7) Parenting time Visitation. Determine the parenting
2 time visitation rights, if any, of respondent in any case
3 in which the court awards physical care or allocates
4 temporary parental responsibility ~~legal custody~~ of a minor
5 child to petitioner. The court shall restrict or deny
6 respondent's parenting time visitation with a minor child
7 if the court finds that respondent has done or is likely to
8 do any of the following: (i) abuse or endanger the minor
9 child during parenting time visitation; (ii) use the
10 parenting time visitation as an opportunity to abuse or
11 harass petitioner or petitioner's family or household
12 members; (iii) improperly conceal or detain the minor
13 child; or (iv) otherwise act in a manner that is not in the
14 best interests of the minor child. The court shall not be
15 limited by the standards set forth in Section 603.10 ~~607.1~~
16 of the Illinois Marriage and Dissolution of Marriage Act.
17 If the court grants parenting time visitation, the order
18 shall specify dates and times for the parenting time
19 ~~visitation~~ to take place or other specific parameters or
20 conditions that are appropriate. No order for parenting
21 time visitation shall refer merely to the term "reasonable
22 parenting time visitation".

23 Petitioner may deny respondent access to the minor
24 child if, when respondent arrives for parenting time
25 ~~visitation~~, respondent is under the influence of drugs or
26 alcohol and constitutes a threat to the safety and

1 well-being of petitioner or petitioner's minor children or
2 is behaving in a violent or abusive manner.

3 If necessary to protect any member of petitioner's
4 family or household from future abuse, respondent shall be
5 prohibited from coming to petitioner's residence to meet
6 the minor child for parenting time ~~visitation~~, and the
7 parties shall submit to the court their recommendations for
8 reasonable alternative arrangements for parenting time
9 ~~visitation~~. A person may be approved to supervise parenting
10 time ~~visitation~~ only after filing an affidavit accepting
11 that responsibility and acknowledging accountability to
12 the court.

13 (8) Removal or concealment of minor child. Prohibit
14 respondent from removing a minor child from the State or
15 concealing the child within the State.

16 (9) Order to appear. Order the respondent to appear in
17 court, alone or with a minor child, to prevent abuse,
18 neglect, removal or concealment of the child, to return the
19 child to the custody or care of the petitioner or to permit
20 any court-ordered interview or examination of the child or
21 the respondent.

22 (10) Possession of personal property. Grant petitioner
23 exclusive possession of personal property and, if
24 respondent has possession or control, direct respondent to
25 promptly make it available to petitioner, if:

26 (i) petitioner, but not respondent, owns the

1 property; or

2 (ii) the parties own the property jointly; sharing
3 it would risk abuse of petitioner by respondent or is
4 impracticable; and the balance of hardships favors
5 temporary possession by petitioner.

6 If petitioner's sole claim to ownership of the property
7 is that it is marital property, the court may award
8 petitioner temporary possession thereof under the
9 standards of subparagraph (ii) of this paragraph only if a
10 proper proceeding has been filed under the Illinois
11 Marriage and Dissolution of Marriage Act, as now or
12 hereafter amended.

13 No order under this provision shall affect title to
14 property.

15 (11) Protection of property. Forbid the respondent
16 from taking, transferring, encumbering, concealing,
17 damaging or otherwise disposing of any real or personal
18 property, except as explicitly authorized by the court, if:

19 (i) petitioner, but not respondent, owns the
20 property; or

21 (ii) the parties own the property jointly, and the
22 balance of hardships favors granting this remedy.

23 If petitioner's sole claim to ownership of the property
24 is that it is marital property, the court may grant
25 petitioner relief under subparagraph (ii) of this
26 paragraph only if a proper proceeding has been filed under

1 the Illinois Marriage and Dissolution of Marriage Act, as
2 now or hereafter amended.

3 The court may further prohibit respondent from
4 improperly using the financial or other resources of an
5 aged member of the family or household for the profit or
6 advantage of respondent or of any other person.

7 (11.5) Protection of animals. Grant the petitioner the
8 exclusive care, custody, or control of any animal owned,
9 possessed, leased, kept, or held by either the petitioner
10 or the respondent or a minor child residing in the
11 residence or household of either the petitioner or the
12 respondent and order the respondent to stay away from the
13 animal and forbid the respondent from taking,
14 transferring, encumbering, concealing, harming, or
15 otherwise disposing of the animal.

16 (12) Order for payment of support. Order respondent to
17 pay temporary support for the petitioner or any child in
18 the petitioner's care or over whom the petitioner has been
19 allocated parental responsibility ~~custody~~, when the
20 respondent has a legal obligation to support that person,
21 in accordance with the Illinois Marriage and Dissolution of
22 Marriage Act, which shall govern, among other matters, the
23 amount of support, payment through the clerk and
24 withholding of income to secure payment. An order for child
25 support may be granted to a petitioner with lawful physical
26 care ~~or custody~~ of a child, or an order or agreement for

1 physical care of a child ~~or custody~~, prior to entry of an
2 order allocating parental responsibility ~~for legal~~
3 ~~custody~~. Such a support order shall expire upon entry of a
4 valid order allocating parental responsibility differently
5 ~~granting legal custody to another~~, unless otherwise
6 provided in the ~~custody~~ order.

7 (13) Order for payment of losses. Order respondent to
8 pay petitioner for losses suffered as a direct result of
9 the abuse, neglect, or exploitation. Such losses shall
10 include, but not be limited to, medical expenses, lost
11 earnings or other support, repair or replacement of
12 property damaged or taken, reasonable attorney's fees,
13 court costs and moving or other travel expenses, including
14 additional reasonable expenses for temporary shelter and
15 restaurant meals.

16 (i) Losses affecting family needs. If a party is
17 entitled to seek maintenance, child support or
18 property distribution from the other party under the
19 Illinois Marriage and Dissolution of Marriage Act, as
20 now or hereafter amended, the court may order
21 respondent to reimburse petitioner's actual losses, to
22 the extent that such reimbursement would be
23 "appropriate temporary relief", as authorized by
24 subsection (a) (3) of Section 501 of that Act.

25 (ii) Recovery of expenses. In the case of an
26 improper concealment or removal of a minor child, the

1 court may order respondent to pay the reasonable
2 expenses incurred or to be incurred in the search for
3 and recovery of the minor child, including but not
4 limited to legal fees, court costs, private
5 investigator fees, and travel costs.

6 (14) Prohibition of entry. Prohibit the respondent
7 from entering or remaining in the residence or household
8 while the respondent is under the influence of alcohol or
9 drugs and constitutes a threat to the safety and well-being
10 of the petitioner or the petitioner's children.

11 (14.5) Prohibition of firearm possession.

12 (a) Prohibit a respondent against whom an order of
13 protection was issued from possessing any firearms
14 during the duration of the order if the order:

15 (1) was issued after a hearing of which such
16 person received actual notice, and at which such
17 person had an opportunity to participate;

18 (2) restrains such person from harassing,
19 stalking, or threatening an intimate partner of
20 such person or child of such intimate partner or
21 person, or engaging in other conduct that would
22 place an intimate partner in reasonable fear of
23 bodily injury to the partner or child; and

24 (3) (i) includes a finding that such person
25 represents a credible threat to the physical
26 safety of such intimate partner or child; or (ii)

1 by its terms explicitly prohibits the use,
2 attempted use, or threatened use of physical force
3 against such intimate partner or child that would
4 reasonably be expected to cause bodily injury.

5 Any Firearm Owner's Identification Card in the
6 possession of the respondent, except as provided in
7 subsection (b), shall be ordered by the court to be
8 turned over to the local law enforcement agency. The
9 local law enforcement agency shall immediately mail
10 the card to the Department of State Police Firearm
11 Owner's Identification Card Office for safekeeping.
12 The court shall issue a warrant for seizure of any
13 firearm in the possession of the respondent, to be kept
14 by the local law enforcement agency for safekeeping,
15 except as provided in subsection (b). The period of
16 safekeeping shall be for the duration of the order of
17 protection. The firearm or firearms and Firearm
18 Owner's Identification Card, if unexpired, shall at
19 the respondent's request, be returned to the
20 respondent at the end of the order of protection. It is
21 the respondent's responsibility to notify the
22 Department of State Police Firearm Owner's
23 Identification Card Office.

24 (b) If the respondent is a peace officer as defined
25 in Section 2-13 of the Criminal Code of 2012, the court
26 shall order that any firearms used by the respondent in

1 the performance of his or her duties as a peace officer
2 be surrendered to the chief law enforcement executive
3 of the agency in which the respondent is employed, who
4 shall retain the firearms for safekeeping for the
5 duration of the order of protection.

6 (c) Upon expiration of the period of safekeeping,
7 if the firearms or Firearm Owner's Identification Card
8 cannot be returned to respondent because respondent
9 cannot be located, fails to respond to requests to
10 retrieve the firearms, or is not lawfully eligible to
11 possess a firearm, upon petition from the local law
12 enforcement agency, the court may order the local law
13 enforcement agency to destroy the firearms, use the
14 firearms for training purposes, or for any other
15 application as deemed appropriate by the local law
16 enforcement agency; or that the firearms be turned over
17 to a third party who is lawfully eligible to possess
18 firearms, and who does not reside with respondent.

19 (15) Prohibition of access to records. If an order of
20 protection prohibits respondent from having contact with
21 the minor child, or if petitioner's address is omitted
22 under subsection (b) of Section 203, or if necessary to
23 prevent abuse or wrongful removal or concealment of a minor
24 child, the order shall deny respondent access to, and
25 prohibit respondent from inspecting, obtaining, or
26 attempting to inspect or obtain, school or any other

1 records of the minor child who is in the care of
2 petitioner.

3 (16) Order for payment of shelter services. Order
4 respondent to reimburse a shelter providing temporary
5 housing and counseling services to the petitioner for the
6 cost of the services, as certified by the shelter and
7 deemed reasonable by the court.

8 (17) Order for injunctive relief. Enter injunctive
9 relief necessary or appropriate to prevent further abuse of
10 a family or household member or further abuse, neglect, or
11 exploitation of a high-risk adult with disabilities or to
12 effectuate one of the granted remedies, if supported by the
13 balance of hardships. If the harm to be prevented by the
14 injunction is abuse or any other harm that one of the
15 remedies listed in paragraphs (1) through (16) of this
16 subsection is designed to prevent, no further evidence is
17 necessary that the harm is an irreparable injury.

18 (c) Relevant factors; findings.

19 (1) In determining whether to grant a specific remedy,
20 other than payment of support, the court shall consider
21 relevant factors, including but not limited to the
22 following:

23 (i) the nature, frequency, severity, pattern and
24 consequences of the respondent's past abuse, neglect
25 or exploitation of the petitioner or any family or
26 household member, including the concealment of his or

1 her location in order to evade service of process or
2 notice, and the likelihood of danger of future abuse,
3 neglect, or exploitation to petitioner or any member of
4 petitioner's or respondent's family or household; and

5 (ii) the danger that any minor child will be abused
6 or neglected or improperly relocated ~~removed~~ from the
7 jurisdiction, improperly concealed within the State or
8 improperly separated from the child's primary
9 caretaker.

10 (2) In comparing relative hardships resulting to the
11 parties from loss of possession of the family home, the
12 court shall consider relevant factors, including but not
13 limited to the following:

14 (i) availability, accessibility, cost, safety,
15 adequacy, location and other characteristics of
16 alternate housing for each party and any minor child or
17 dependent adult in the party's care;

18 (ii) the effect on the party's employment; and

19 (iii) the effect on the relationship of the party,
20 and any minor child or dependent adult in the party's
21 care, to family, school, church and community.

22 (3) Subject to the exceptions set forth in paragraph
23 (4) of this subsection, the court shall make its findings
24 in an official record or in writing, and shall at a minimum
25 set forth the following:

26 (i) That the court has considered the applicable

1 relevant factors described in paragraphs (1) and (2) of
2 this subsection.

3 (ii) Whether the conduct or actions of respondent,
4 unless prohibited, will likely cause irreparable harm
5 or continued abuse.

6 (iii) Whether it is necessary to grant the
7 requested relief in order to protect petitioner or
8 other alleged abused persons.

9 (4) For purposes of issuing an ex parte emergency order
10 of protection, the court, as an alternative to or as a
11 supplement to making the findings described in paragraphs
12 (c) (3) (i) through (c) (3) (iii) of this subsection, may use
13 the following procedure:

14 When a verified petition for an emergency order of
15 protection in accordance with the requirements of Sections
16 203 and 217 is presented to the court, the court shall
17 examine petitioner on oath or affirmation. An emergency
18 order of protection shall be issued by the court if it
19 appears from the contents of the petition and the
20 examination of petitioner that the averments are
21 sufficient to indicate abuse by respondent and to support
22 the granting of relief under the issuance of the emergency
23 order of protection.

24 (5) Never married parties. No rights or
25 responsibilities for a minor child born outside of marriage
26 attach to a putative father until a father and child

1 relationship has been established under the Illinois
2 Parentage Act of 1984, the Illinois Public Aid Code,
3 Section 12 of the Vital Records Act, the Juvenile Court Act
4 of 1987, the Probate Act of 1985, the Revised Uniform
5 Reciprocal Enforcement of Support Act, the Uniform
6 Interstate Family Support Act, the Expedited Child Support
7 Act of 1990, any judicial, administrative, or other act of
8 another state or territory, any other Illinois statute, or
9 by any foreign nation establishing the father and child
10 relationship, any other proceeding substantially in
11 conformity with the Personal Responsibility and Work
12 Opportunity Reconciliation Act of 1996 (Pub. L. 104-193),
13 or where both parties appeared in open court or at an
14 administrative hearing acknowledging under oath or
15 admitting by affirmation the existence of a father and
16 child relationship. Absent such an adjudication, finding,
17 or acknowledgement, no putative father shall be granted
18 temporary allocation of parental responsibilities,
19 including parenting time ~~custody of the minor child,~~
20 ~~visitation~~ with the minor child, or physical care and
21 possession of the minor child, nor shall an order of
22 payment for support of the minor child be entered.

23 (d) Balance of hardships; findings. If the court finds that
24 the balance of hardships does not support the granting of a
25 remedy governed by paragraph (2), (3), (10), (11), or (16) of
26 subsection (b) of this Section, which may require such

1 balancing, the court's findings shall so indicate and shall
2 include a finding as to whether granting the remedy will result
3 in hardship to respondent that would substantially outweigh the
4 hardship to petitioner from denial of the remedy. The findings
5 shall be an official record or in writing.

6 (e) Denial of remedies. Denial of any remedy shall not be
7 based, in whole or in part, on evidence that:

8 (1) Respondent has cause for any use of force, unless
9 that cause satisfies the standards for justifiable use of
10 force provided by Article 7 of the Criminal Code of 2012;

11 (2) Respondent was voluntarily intoxicated;

12 (3) Petitioner acted in self-defense or defense of
13 another, provided that, if petitioner utilized force, such
14 force was justifiable under Article 7 of the Criminal Code
15 of 2012;

16 (4) Petitioner did not act in self-defense or defense
17 of another;

18 (5) Petitioner left the residence or household to avoid
19 further abuse, neglect, or exploitation by respondent;

20 (6) Petitioner did not leave the residence or household
21 to avoid further abuse, neglect, or exploitation by
22 respondent;

23 (7) Conduct by any family or household member excused
24 the abuse, neglect, or exploitation by respondent, unless
25 that same conduct would have excused such abuse, neglect,
26 or exploitation if the parties had not been family or

1 household members.

2 (Source: P.A. 96-701, eff. 1-1-10; 96-1239, eff. 1-1-11;
3 97-158, eff. 1-1-12; 97-294, eff. 1-1-12; 97-813, eff. 7-13-12;
4 97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13.)

5 (750 ILCS 60/223) (from Ch. 40, par. 2312-23)

6 Sec. 223. Enforcement of orders of protection.

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

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

14 (i) remedies described in paragraphs (1), (2),
15 (3), (14), or (14.5) of subsection (b) of Section 214
16 of this Act; or

17 (ii) a remedy, which is substantially similar to
18 the remedies authorized under paragraphs (1), (2),
19 (3), (14), and (14.5) of subsection (b) of Section 214
20 of this Act, in a valid order of protection which is
21 authorized under the laws of another state, tribe, or
22 United States territory; or

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

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

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

8 (i) remedies described in paragraphs (5), (6) or
9 (8) of subsection (b) of Section 214 of this Act; or

10 (ii) a remedy, which is substantially similar to
11 the remedies authorized under paragraphs (5), (6), or
12 (8) of subsection (b) of Section 214 of this Act, in a
13 valid order of protection which is authorized under the
14 laws of another state, tribe, or United States
15 territory.

16 (b) When violation is contempt of court. A violation of any
17 valid Illinois order of protection, whether issued in a civil
18 or criminal proceeding, may be enforced through civil or
19 criminal contempt procedures, as appropriate, by any court with
20 jurisdiction, regardless where the act or acts which violated
21 the order of protection were committed, to the extent
22 consistent with the venue provisions of this Act. Nothing in
23 this Act shall preclude any Illinois court from enforcing any
24 valid order of protection issued in another state. Illinois
25 courts may enforce orders of protection through both criminal
26 prosecution and contempt proceedings, unless the action which

1 is second in time is barred by collateral estoppel or the
2 constitutional prohibition against double jeopardy.

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

12 (2) A petition for a rule to show cause for violation
13 of an order of protection shall be treated as an expedited
14 proceeding.

15 (b-1) The court shall not hold a school district or private
16 or non-public school or any of its employees in civil or
17 criminal contempt unless the school district or private or
18 non-public school has been allowed to intervene.

19 (b-2) The court may hold the parents, guardian, or legal
20 custodian of a minor respondent in civil or criminal contempt
21 for a violation of any provision of any order entered under
22 this Act for conduct of the minor respondent in violation of
23 this Act if the parents, guardian, or legal custodian directed,
24 encouraged, or assisted the respondent minor in such conduct.

25 (c) Violation of custody or support orders or temporary or
26 final judgments allocating parental responsibilities. A

1 violation of remedies described in paragraphs (5), (6), (8), or
2 (9) of subsection (b) of Section 214 of this Act may be
3 enforced by any remedy provided by Section 607.5 ~~611~~ of the
4 Illinois Marriage and Dissolution of Marriage Act. The court
5 may enforce any order for support issued under paragraph (12)
6 of subsection (b) of Section 214 in the manner provided for
7 under Parts V and VII of the Illinois Marriage and Dissolution
8 of Marriage Act.

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

13 (1) By service, delivery, or notice under Section 210.

14 (2) By notice under Section 210.1 or 211.

15 (3) By service of an order of protection under Section
16 222.

17 (4) By other means demonstrating actual knowledge of
18 the contents of the order.

19 (e) The enforcement of an order of protection in civil or
20 criminal court shall not be affected by either of the
21 following:

22 (1) The existence of a separate, correlative order,
23 entered under Section 215.

24 (2) Any finding or order entered in a conjoined
25 criminal proceeding.

26 (f) Circumstances. The court, when determining whether or

1 not a violation of an order of protection has occurred, shall
2 not require physical manifestations of abuse on the person of
3 the victim.

4 (g) Penalties.

5 (1) Except as provided in paragraph (3) of this
6 subsection, where the court finds the commission of a crime
7 or contempt of court under subsections (a) or (b) of this
8 Section, the penalty shall be the penalty that generally
9 applies in such criminal or contempt proceedings, and may
10 include one or more of the following: incarceration,
11 payment of restitution, a fine, payment of attorneys' fees
12 and costs, or community service.

13 (2) The court shall hear and take into account evidence
14 of any factors in aggravation or mitigation before deciding
15 an appropriate penalty under paragraph (1) of this
16 subsection.

17 (3) To the extent permitted by law, the court is
18 encouraged to:

19 (i) increase the penalty for the knowing violation
20 of any order of protection over any penalty previously
21 imposed by any court for respondent's violation of any
22 order of protection or penal statute involving
23 petitioner as victim and respondent as defendant;

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

1 (iii) impose a minimum penalty of 48 hours
2 imprisonment for respondent's second or subsequent
3 violation of an order of protection
4 unless the court explicitly finds that an increased penalty
5 or that period of imprisonment would be manifestly unjust.

6 (4) In addition to any other penalties imposed for a
7 violation of an order of protection, a criminal court may
8 consider evidence of any violations of an order of
9 protection:

10 (i) to increase, revoke or modify the bail bond on
11 an underlying criminal charge pursuant to Section
12 110-6 of the Code of Criminal Procedure of 1963;

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

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

19 (5) In addition to any other penalties, the court shall
20 impose an additional fine of \$20 as authorized by Section
21 5-9-1.11 of the Unified Code of Corrections upon any person
22 convicted of or placed on supervision for a violation of an
23 order of protection. The additional fine shall be imposed
24 for each violation of this Section.

25 (Source: P.A. 96-1551, eff. 7-1-11; 97-294, eff. 1-1-12;
26 97-1150, eff. 1-25-13.)

1 Section 5-30. The Probate Act of 1975 is amended by
2 changing Section 11-7.1 as follows:

3 (755 ILCS 5/11-7.1) (from Ch. 110 1/2, par. 11-7.1)

4 Sec. 11-7.1. Parenting time ~~Visitation rights~~.

5 (a) Whenever both natural or adoptive parents of a minor
6 are deceased, an allocation of parenting time ~~visitation rights~~
7 shall be granted to the grandparents of the minor who are the
8 parents of the minor's legal parents unless it is shown that
9 such parenting time ~~visitation~~ would be detrimental to the best
10 interests and welfare of the minor. In the discretion of the
11 court, reasonable parenting time ~~visitation rights~~ may be
12 granted to any other relative of the minor or other person
13 having an interest in the welfare of the child. However, the
14 court shall not grant parenting time ~~visitation privileges~~ to
15 any person who otherwise might have parenting time ~~visitation~~
16 ~~privileges~~ under this Section where the minor has been adopted
17 subsequent to the death of both his legal parents except where
18 such adoption is by a close relative. For the purpose of this
19 Section, "close relative" shall include, but not be limited to,
20 a grandparent, aunt, uncle, first cousin, or adult brother or
21 sister.

22 Where such adoption is by a close relative, the court shall
23 not grant parenting time ~~visitation privileges~~ under this
24 Section unless the petitioner alleges and proves that he or she

1 has been unreasonably denied parenting time ~~visitation~~ with the
2 child. The court may grant reasonable parenting time ~~visitation~~
3 ~~privileges~~ upon finding that such parenting time ~~visitation~~
4 would be in the best interest of the child.

5 An order denying parenting time ~~visitation rights~~ to
6 grandparents of the minor shall be in writing and shall state
7 the reasons for denial. An order denying parenting time
8 ~~visitation rights~~ is a final order for purposes of appeal.

9 (b) Unless the court determines, after considering all
10 relevant factors, including but not limited to those set forth
11 in Section 602.7 ~~602(a)~~ of the Illinois Marriage and
12 Dissolution of Marriage Act, that it would be in the best
13 interests of the child to allow parenting time ~~visitation~~, the
14 court shall not enter an order providing parenting time
15 ~~visitation rights~~ and pursuant to a motion to modify parenting
16 time ~~visitation~~ brought under Section 610.5 ~~607(f)~~ of the
17 Illinois Marriage and Dissolution of Marriage Act shall revoke
18 parenting time ~~visitation rights~~ previously granted to any
19 person who would otherwise be entitled to petition for
20 parenting time ~~visitation rights~~ under this Section who has
21 been convicted of first degree murder of the parent,
22 grandparent, great-grandparent, or sibling of the child who is
23 the subject of the order. Until an order is entered pursuant to
24 this subsection, no person shall visit, with the child present,
25 a person who has been convicted of first degree murder of the
26 parent, grandparent, great-grandparent, or sibling of the

1 child without the consent of the child's parent, other than a
2 parent convicted of first degree murder as set forth herein, or
3 legal guardian.

4 (Source: P.A. 90-801, eff. 6-1-99.)".