



Sen. John G. Mulroe

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LRB099 09535 HEP 48083 a

1 AMENDMENT TO HOUSE BILL 3898

2 AMENDMENT NO. _____. Amend House Bill 3898 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Marriage and Dissolution of
5 Marriage Act is amended by changing Sections 452, 501, 501.1,
6 502, 503, 504, 505, 508, 513, 600, 602.9, 602.10, 602.11,
7 604.10, 606.5, 607.5, and 610.5 and by adding Section 607.6 as
8 follows:

9 (750 ILCS 5/452)

10 Sec. 452. Petition. The parties to a dissolution proceeding
11 may file a joint petition for simplified dissolution if they
12 certify that all of the following conditions exist when the
13 proceeding is commenced:

14 (a) Neither party is dependent on the other party for
15 support or each party is willing to waive the right to
16 support; and the parties understand that consultation with

1 attorneys may help them determine eligibility for spousal
2 support.

3 (b) Either party has met the residency or military
4 presence requirement of Section 401 of this Act.

5 (c) The requirements of Section 401 regarding
6 ~~residence or military presence~~ and proof of irreconcilable
7 differences have been met.

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

11 (e) The duration of the marriage does not exceed 8
12 years.

13 (f) Neither party has any interest in real property or
14 retirement benefits unless the retirement benefits are
15 exclusively held in individual retirement accounts and the
16 combined value of the accounts is less than \$10,000.

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

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

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

26 (j) The parties have executed a written agreement

1 dividing all assets in excess of \$100 in value and
2 allocating responsibility for debts and liabilities
3 between the parties.

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

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

6 Sec. 501. Temporary Relief. In all proceedings under this
7 Act, temporary relief shall be as follows:

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

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

1 If a party intentionally or recklessly files an inaccurate
2 or misleading financial affidavit, the court shall impose
3 significant penalties and sanctions including, but not
4 limited to, costs and attorney's fees;

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

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

24 (ii) enjoining a party from removing a child from
25 the jurisdiction of the court for more than 14 days;

26 (iii) enjoining a party from striking or

1 interfering with the personal liberty of the other
2 party or of any child; or

3 (iv) providing other injunctive relief proper in
4 the circumstances; or

5 (3) other appropriate temporary relief including, in
6 the discretion of the court, ordering the purchase or sale
7 of assets and requiring that a party or parties borrow
8 funds in the appropriate circumstances.

9 Issues concerning temporary maintenance or temporary
10 support of a child entitled to support shall be dealt with on a
11 summary basis based on allocated parenting time, financial
12 affidavits, tax returns, pay stubs, banking statements, and
13 other relevant documentation, except an evidentiary hearing
14 may be held upon a showing of good cause. If a party
15 intentionally or recklessly files an inaccurate or misleading
16 financial affidavit, the court shall impose significant
17 penalties and sanctions including, but not limited to, costs
18 and attorney's fees resulting from the improper
19 representation.

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

25 (c) A response hereunder may be filed within 21 days after
26 service of notice of motion or at the time specified in the

1 temporary restraining order.

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

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

1 factors, as presented, that appear reasonable and
2 necessary, including to the extent applicable:

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

7 (B) the needs of each party;

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

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

12 (E) the standard of living established during the
13 marriage;

14 (F) the degree of complexity of the issues,
15 including allocation of parental responsibility,
16 valuation or division (or both) of closely held
17 businesses, and tax planning, as well as reasonable
18 needs for expert investigations or expert witnesses,
19 or both;

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

21 (H) the amount of the payment or payments made or
22 reasonably expected to be made to the attorney for the
23 other party; and

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

26 (2) Any assessment of an interim award (including one

1 pursuant to an agreed order) shall be without prejudice to
2 any final allocation and without prejudice as to any claim
3 or right of either party or any counsel of record at the
4 time of the award. Any such claim or right may be presented
5 by the appropriate party or counsel at a hearing on
6 contribution under subsection (j) of Section 503 or a
7 hearing on counsel's fees under subsection (c) of Section
8 508. Unless otherwise ordered by the court at the final
9 hearing between the parties or in a hearing under
10 subsection (j) of Section 503 or subsection (c) of Section
11 508, interim awards, as well as the aggregate of all other
12 payments by each party to counsel and related payments to
13 third parties, shall be deemed to have been advances from
14 the parties' marital estate. Any portion of any interim
15 award constituting an overpayment shall be remitted back to
16 the appropriate party or parties, or, alternatively, to
17 successor counsel, as the court determines and directs,
18 after notice in a form designated by the Supreme Court. An
19 order for the award of interim attorney's fees shall be a
20 standardized form order and labeled "Interim Fee Award
21 Order".

22 (3) In any proceeding under this subsection (c-1), the
23 court (or hearing officer) shall assess an interim award
24 against an opposing party in an amount necessary to enable
25 the petitioning party to participate adequately in the
26 litigation, upon findings that the party from whom

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

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

22 (c-2) Allocation of use of marital residence. Where there
23 is on file a verified complaint or verified petition seeking
24 temporary eviction from the marital residence, the court may,
25 during the pendency of the proceeding, only in cases where the
26 physical or mental well-being of either spouse or his or her

1 children is jeopardized by occupancy of the marital residence
2 by both spouses, and only upon due notice and full hearing,
3 unless waived by the court on good cause shown, enter orders
4 granting the exclusive possession of the marital residence to
5 either spouse, by eviction from, or restoration of, the marital
6 residence, until the final determination of the cause pursuant
7 to the factors listed in Section 602.7 of this Act. No such
8 order shall in any manner affect any estate in homestead
9 property of either party. In entering orders under this
10 subsection (c-2), the court shall balance hardships to the
11 parties.

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

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

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

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

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

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

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

2 Sec. 501.1. Dissolution action stay.

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

10 (1) restraining both parties from physically abusing,
11 harassing, intimidating, striking, or interfering with the
12 personal liberty of the other party or the minor children
13 of either party; and

14 (2) restraining both parties from concealing a minor
15 child of either party from the child's other parent
16 ~~removing any minor child of either party from the State of~~
17 ~~Illinois or from concealing any such child from the other~~
18 ~~party, without the consent of the other party or an order~~
19 ~~of the court.~~

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

23 (b) (Blank).

24 (c) (Blank).

25 (d) (Blank).

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

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

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

6 Sec. 502. Agreement.

7 (a) To promote amicable settlement of disputes between
8 parties to a marriage attendant upon the dissolution of their
9 marriage, the parties may enter into an agreement containing
10 provisions for disposition of any property owned by either of
11 them, maintenance of either of them, support, parental
12 responsibility allocation of their children, and support of
13 their children as provided in Sections ~~Section~~ 513 and 513.5
14 after the children attain majority. Any agreement pursuant to
15 this Section must be in writing, except for good cause shown
16 with the approval of the court, before proceeding to an oral
17 prove up.

18 (b) The terms of the agreement, except those providing for
19 the support and parental responsibility allocation of
20 children, are binding upon the court unless it finds, after
21 considering the economic circumstances of the parties and any
22 other relevant evidence produced by the parties, on their own
23 motion or on request of the court, that the agreement is
24 unconscionable. The terms of the agreement incorporated into
25 the judgment are binding if there is any conflict between the

1 terms of the agreement and any testimony made at an uncontested
2 prove-up hearing on the grounds or the substance of the
3 agreement.

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

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

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

18 (f) Child support, support of children as provided in
19 Sections ~~Section~~ 513 and 513.5 after the children attain
20 majority, and parental responsibility allocation of children
21 may be modified upon a showing of a substantial change in
22 circumstances. The parties may provide that maintenance is
23 non-modifiable in amount, duration, or both. If the parties do
24 not provide that maintenance is non-modifiable in amount,
25 duration, or both, then those terms are modifiable upon a
26 substantial change of circumstances. Property provisions of an

1 agreement are never modifiable. The judgment may expressly
2 preclude or limit modification of other terms set forth in the
3 judgment if the agreement so provides. Otherwise, terms of an
4 agreement set forth in the judgment are automatically modified
5 by modification of the judgment.

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

7 (750 ILCS 5/503) (from Ch. 40, par. 503)

8 Sec. 503. Disposition of property and debts.

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

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

15 (2) property acquired in exchange for property
16 acquired before the marriage;

17 (3) property acquired by a spouse after a judgment of
18 legal separation;

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

22 (5) any judgment or property obtained by judgment
23 awarded to a spouse from the other spouse except, however,
24 when a spouse is required to sue the other spouse in order
25 to obtain insurance coverage or otherwise recover from a

1 third party and the recovery is directly related to amounts
2 advanced by the marital estate, the judgment shall be
3 considered marital property;

4 (6) property acquired before the marriage, except as it
5 relates to retirement plans that may have both marital and
6 non-marital characteristics;

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

14 (7) the increase in value of non-marital property,
15 irrespective of whether the increase results from a
16 contribution of marital property, non-marital property,
17 the personal effort of a spouse, or otherwise, subject to
18 the right of reimbursement provided in subsection (c) of
19 this Section; and

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

23 Property acquired prior to a marriage that would otherwise
24 be non-marital property shall not be deemed to be marital
25 property solely because the property was acquired in
26 contemplation of marriage.

1 The court shall make specific factual findings as to its
2 classification of assets as marital or non-marital property,
3 values, and other factual findings supporting its property
4 award.

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

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

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

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

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

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

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

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

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

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

1 benefits or the right to assign death benefits, and the
2 obligation for premium payments, if any, equitably between the
3 parties at the time of the judgment for dissolution or
4 declaration of invalidity of marriage.

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

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

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

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

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

24 (2) (A) When one estate of property makes a contribution
25 to another estate of property, the contributing estate
26 shall be reimbursed from the estate receiving the

1 contribution notwithstanding any transmutation. No such
2 reimbursement shall be made with respect to a contribution
3 that is not traceable by clear and convincing evidence or
4 that was a gift. The court may provide for reimbursement
5 out of the marital property to be divided or by imposing a
6 lien against the non-marital property that received the
7 contribution.

8 (B) When a spouse contributes personal effort to
9 non-marital property, it shall be deemed a contribution
10 from the marital estate, which shall receive reimbursement
11 for the efforts if the efforts are significant and result
12 in substantial appreciation to the non-marital property
13 except that if the marital estate reasonably has been
14 compensated for his or her efforts, it shall not be deemed
15 a contribution to the marital estate and there shall be no
16 reimbursement to the marital estate. The court may provide
17 for reimbursement out of the marital property to be divided
18 or by imposing a lien against the non-marital property
19 which 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 lacked personal jurisdiction over the absent spouse
24 or lacked jurisdiction to dispose of the property, the court
25 shall assign each spouse's non-marital property to that spouse.
26 It also shall divide the marital property without regard to

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

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

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

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

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

24 (iii) a certificate or service of the notice of
25 intent to claim dissipation shall be filed with the
26 clerk of the court and be served pursuant to applicable

1 rules;

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

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 of the children;

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

16 (7) any prenuptial or postnuptial agreement of the
17 parties;

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

21 (9) the custodial provisions for any children;

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

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

26 (12) the tax consequences of the property division upon

1 the respective economic circumstances of the parties.

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

10 (f) In a proceeding for dissolution of marriage or
11 declaration of invalidity of marriage or in a proceeding for
12 disposition of property following dissolution of marriage by a
13 court that lacked personal jurisdiction over the absent spouse
14 or lacked jurisdiction to dispose of the property, the court,
15 in determining the value of the marital and non-marital
16 property for purposes of dividing the property, has the
17 discretion to use the date of the trial or such other date as
18 agreed upon by the parties, or ordered by the court within its
19 discretion, for purposes of determining the value of assets or
20 property.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 the court's witness. Professional personnel consulted by the
2 court are subject to subpoena for the purposes of discovery,
3 trial, or both. The court shall allocate the costs and fees of
4 those professional personnel between the parties based upon the
5 financial ability of each party and any other criteria the
6 court considers appropriate, and the allocation is subject to
7 reallocation under subsection (a) of Section 508. Upon the
8 request of any party or upon the court's own motion, the court
9 may conduct a hearing as to the reasonableness of those fees
10 and costs.

11 (m) The changes made to this Section by Public Act 97-941
12 apply only to petitions for dissolution of marriage filed on or
13 after January 1, 2013 (the effective date of Public Act
14 97-941).

15 (Source: P.A. 99-78, eff. 7-20-15; 99-90, eff. 1-1-16.)

16 (750 ILCS 5/504) (from Ch. 40, par. 504)

17 Sec. 504. Maintenance.

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

1 income or property of the other spouse. The court shall first
2 determine whether a maintenance award is appropriate, after
3 consideration of all relevant factors, including:

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

9 (2) the needs of each party;

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

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

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

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

26 (7) the standard of living established during the

1 marriage;

2 (8) the duration of the marriage;

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

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

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

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

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

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

17 (b) (Blank).

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

22 (1) Maintenance award in accordance with guidelines.

23 In situations when the combined gross income of the parties
24 is less than \$250,000 and the payor has no obligation to
25 pay child support or maintenance or both from a prior
26 relationship, maintenance payable after the date the

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

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

12 (B) The duration of an award under this paragraph
13 (1) shall be calculated by multiplying the length of
14 the marriage at the time the action was commenced by
15 whichever of the following factors applies: 5 years or
16 less (.20); more than 5 years but less than 10 years
17 (.40); 10 years or more but less than 15 years (.60);
18 or 15 years or more but less than 20 years (.80). For a
19 marriage of 20 or more years, the court, in its
20 discretion, shall order either permanent maintenance
21 or maintenance for a period equal to the length of the
22 marriage.

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

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

4 (1) the court shall state its reasoning for awarding or
5 not awarding maintenance and shall include references to
6 each relevant factor set forth in subsection (a) of this
7 Section; and

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

14 (b-3) Gross income. For purposes of this Section, the term
15 "gross income" means all income from all sources, within the
16 scope of that phrase ~~phase~~ in Section 505 of this Act.

17 (b-4) Unallocated maintenance. Unless the parties
18 otherwise agree, the court may not order unallocated
19 maintenance and child support in any dissolution judgment or in
20 any post-dissolution order. In its discretion, the court may
21 order unallocated maintenance and child support in any
22 pre-dissolution temporary order.

23 (b-4.5) Fixed-term maintenance in marriages of less than 10
24 years. If a court grants maintenance for a fixed period under
25 subsection (a) of this Section at the conclusion of a case
26 commenced before the tenth anniversary of the marriage, the

1 court may also designate the termination of the period during
2 which this maintenance is to be paid as a "permanent
3 termination". The effect of this designation is that
4 maintenance is barred after the ending date of the period
5 during which maintenance is to be paid.

6 (b-5) Interest on maintenance. Any maintenance obligation
7 including any unallocated maintenance and child support
8 obligation, or any portion of any support obligation, that
9 becomes due and remains unpaid shall accrue simple interest as
10 set forth in Section 505 of this Act.

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

1 of law against the real and personal property of the obligor
2 for each installment of overdue support owed by the obligor.

3 (b-8) Upon review of any previously ordered maintenance
4 award, the court may extend maintenance for further review,
5 extend maintenance for a fixed non-modifiable term, extend
6 maintenance for an indefinite term, or permanently terminate
7 maintenance in accordance with subdivision (b-1)(1)(A) of this
8 Section.

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

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

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

26 (f) Maintenance secured by life insurance. An award ordered

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

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

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

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

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

1 the payee's designee being the beneficiary of such life
2 insurance.

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

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

19 (Source: P.A. 98-961, eff. 1-1-15; 99-90, eff. 1-1-16.)

20 (750 ILCS 5/505) (from Ch. 40, par. 505)

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

22 (a) In a proceeding for dissolution of marriage, legal
23 separation, declaration of invalidity of marriage, a
24 proceeding for child support following dissolution of the
25 marriage by a court that lacked personal jurisdiction over the

1 absent spouse, a proceeding for modification of a previous
2 order for child support under Section 510 of this Act, or any
3 proceeding authorized under Section 501 or 601 of this Act, the
4 court may order either or both parents owing a duty of support
5 to a child of the marriage to pay an amount reasonable and
6 necessary for the support of the child, without regard to
7 marital misconduct. The duty of support owed to a child
8 includes the obligation to provide for the reasonable and
9 necessary educational, physical, mental and emotional health
10 needs of the child. For purposes of this Section, the term
11 "child" shall include any child under age 18 and any child
12 under age 19 who is still attending high school. For purposes
13 of this Section, the term "supporting parent" means the parent
14 obligated to pay support to the other parent.

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

17	Number of Children	Percent of Supporting Party's
18		Net Income
19	1	20%
20	2	28%
21	3	32%
22	4	40%
23	5	45%
24	6 or more	50%

25 (2) The above guidelines shall be applied in each case
26 unless the court finds that a deviation from the guidelines

1 is appropriate after considering the best interest of the
2 child in light of the evidence, including, but not limited
3 to, one or more of the following relevant factors:

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

5 (b) the financial resources and needs of the
6 parents;

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

9 (d) the physical, mental, and emotional needs of
10 the child; and

11 (d-5) the educational needs of the child.

12 If the court deviates from the guidelines, the court's
13 finding shall state the amount of support that would have
14 been required under the guidelines, if determinable. The
15 court shall include the reason or reasons for the variance
16 from the guidelines.

17 (2.5) The court, in its discretion, in addition to
18 setting child support pursuant to the guidelines and
19 factors, may order either or both parents owing a duty of
20 support to a child of the marriage to contribute to the
21 following expenses, if determined by the court to be
22 reasonable:

23 (a) health needs not covered by insurance;

24 (b) child care;

25 (c) education; and

26 (d) extracurricular activities.

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

3 (a) Federal income tax (properly calculated
4 withholding or estimated payments);

5 (b) State income tax (properly calculated
6 withholding or estimated payments);

7 (c) Social Security (FICA payments);

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

10 (e) Union dues;

11 (f) Dependent and individual
12 health/hospitalization insurance premiums and premiums
13 for life insurance ordered by the court to reasonably
14 secure payment of ordered child support;

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

17 (g-5) Obligations pursuant to a court order for
18 maintenance in the pending proceeding actually paid or
19 payable under Section 504 to the same party to whom
20 child support is to be payable;

21 (h) Expenditures for repayment of debts that
22 represent reasonable and necessary expenses for the
23 production of income including, but not limited to,
24 student loans, medical expenditures necessary to
25 preserve life or health, reasonable expenditures for
26 the benefit of the child and the other parent,

1 exclusive of gifts. The court shall reduce net income
2 in determining the minimum amount of support to be
3 ordered only for the period that such payments are due
4 and shall enter an order containing provisions for its
5 self-executing modification upon termination of such
6 payment period;

7 (i) Foster care payments paid by the Department of
8 Children and Family Services for providing licensed
9 foster care to a foster child.

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

19 (4.5) In a proceeding for child support following
20 dissolution of the marriage by a court that lacked personal
21 jurisdiction over the absent spouse, and in which the court
22 is requiring payment of support for the period before the
23 date an order for current support is entered, there is a
24 rebuttable presumption that the supporting party's net
25 income for the prior period was the same as his or her net
26 income at the time the order for current support is

1 entered.

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

15 (6) If (i) the supporting parent was properly served
16 with a request for discovery of financial information
17 relating to the supporting parent's ability to provide
18 child support, (ii) the supporting parent failed to comply
19 with the request, despite having been ordered to do so by
20 the court, and (iii) the supporting parent is not present
21 at the hearing to determine support despite having received
22 proper notice, then any relevant financial information
23 concerning the supporting parent's ability to provide
24 child support that was obtained pursuant to subpoena and
25 proper notice shall be admitted into evidence without the
26 need to establish any further foundation for its admission.

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

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

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

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

23 (A) work; or

24 (B) conduct a business or other self-employed
25 occupation.

26 The Court may further order any part or all of the earnings

1 of a parent during a sentence of periodic imprisonment paid to
2 the Clerk of the Circuit Court or to the parent receiving the
3 support or to the guardian receiving the support of the
4 children of the sentenced parent for the support of said
5 children until further order of the Court.

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

18 If there is a unity of interest and ownership sufficient to
19 render no financial separation between a supporting parent and
20 another person or persons or business entity, the court may
21 pierce the ownership veil of the person, persons, or business
22 entity to discover assets of the supporting parent held in the
23 name of that person, those persons, or that business entity.
24 The following circumstances are sufficient to authorize a court
25 to order discovery of the assets of a person, persons, or
26 business entity and to compel the application of any discovered

1 assets toward payment on the judgment for support:

2 (1) the supporting parent and the person, persons, or
3 business entity maintain records together.

4 (2) the supporting parent and the person, persons, or
5 business entity fail to maintain an arm's length
6 relationship between themselves with regard to any assets.

7 (3) the supporting parent transfers assets to the
8 person, persons, or business entity with the intent to
9 perpetrate a fraud on the parent receiving the support.

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

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

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

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

24 A support obligation, or any portion of a support
25 obligation, which becomes due and remains unpaid as of the end
26 of each month, excluding the child support that was due for

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

14 (c) A one-time charge of 20% is imposable upon the amount
15 of past-due child support owed on July 1, 1988 which has
16 accrued under a support order entered by the court. The charge
17 shall be imposed in accordance with the provisions of Section
18 10-21 of the Illinois Public Aid Code and shall be enforced by
19 the court upon petition.

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

1 judgment shall have the full force, effect and attributes of
2 any other judgment of this State, including the ability to be
3 enforced. Notwithstanding any other State or local law to the
4 contrary, a lien arises by operation of law against the real
5 and personal property of the supporting parent for each
6 installment of overdue support owed by the supporting parent.

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

16 (f) All orders for support, when entered or modified, shall
17 include a provision requiring the supporting parent to notify
18 the court and, in cases in which a party is receiving child and
19 spouse services under Article X of the Illinois Public Aid
20 Code, the Department of Healthcare and Family Services, within
21 7 days, (i) of the name and address of any new employer of the
22 obligor, (ii) whether the supporting parent has access to
23 health insurance coverage through the employer or other group
24 coverage and, if so, the policy name and number and the names
25 of persons covered under the policy, except only the initials
26 of any covered minors shall be included, and (iii) of any new

1 residential or mailing address or telephone number of the
2 supporting parent. In any subsequent action to enforce a
3 support order, upon a sufficient showing that a diligent effort
4 has been made to ascertain the location of the supporting
5 parent, service of process or provision of notice necessary in
6 the case may be made at the last known address of the
7 supporting parent in any manner expressly provided by the Code
8 of Civil Procedure or this Act, which service shall be
9 sufficient for purposes of due process.

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

23 (g-5) If there is an unpaid arrearage or delinquency (as
24 those terms are defined in the Income Withholding for Support
25 Act) equal to at least one month's support obligation on the
26 termination date stated in the order for support or, if there

1 is no termination date stated in the order, on the date the
2 child attains the age of majority or is otherwise emancipated,
3 the periodic amount required to be paid for current support of
4 that child immediately prior to that date shall automatically
5 continue to be an obligation, not as current support but as
6 periodic payment toward satisfaction of the unpaid arrearage or
7 delinquency. That periodic payment shall be in addition to any
8 periodic payment previously required for satisfaction of the
9 arrearage or delinquency. The total periodic amount to be paid
10 toward satisfaction of the arrearage or delinquency may be
11 enforced and collected by any method provided by law for
12 enforcement and collection of child support, including but not
13 limited to income withholding under the Income Withholding for
14 Support Act. Each order for support entered or modified on or
15 after the effective date of this amendatory Act of the 93rd
16 General Assembly must contain a statement notifying the parties
17 of the requirements of this subsection. Failure to include the
18 statement in the order for support does not affect the validity
19 of the order or the operation of the provisions of this
20 subsection with regard to the order. This subsection shall not
21 be construed to prevent or affect the establishment or
22 modification of an order for support of a minor child or the
23 establishment or modification of an order for support of a
24 non-minor child or educational expenses under Section 513 of
25 this Act.

26 (h) An order entered under this Section shall include a

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

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

24 (Source: P.A. 98-463, eff. 8-16-13; 98-961, eff. 1-1-15; 99-90,
25 eff. 1-1-16.)

1 (750 ILCS 5/508) (from Ch. 40, par. 508)

2 Sec. 508. Attorney's Fees; Client's Rights and
3 Responsibilities Respecting Fees and Costs.

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

19 (1) The maintenance or defense of any proceeding under
20 this Act.

21 (2) The enforcement or modification of any order or
22 judgment under this Act.

23 (3) The defense of an appeal of any order or judgment
24 under this Act, including the defense of appeals of
25 post-judgment orders.

26 (3.1) The prosecution of any claim on appeal (if the

1 prosecuting party has substantially prevailed).

2 (4) The maintenance or defense of a petition brought
3 under Section 2-1401 of the Code of Civil Procedure seeking
4 relief from a final order or judgment under this Act. Fees
5 incurred with respect to motions under Section 2-1401 of
6 the Code of Civil Procedure may be granted only to the
7 party who substantially prevails.

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

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

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

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

23 The court may order that the award of attorney's fees and
24 costs (including an interim or contribution award) shall be
25 paid directly to the attorney, who may enforce the order in his
26 or her name, or that it shall be paid to the appropriate party.

1 Judgment may be entered and enforcement had accordingly. Except
2 as otherwise provided in subdivision (e)(1) of this Section,
3 subsection (c) of this Section is exclusive as to the right of
4 any counsel (or former counsel) of record to petition a court
5 for an award and judgment for final fees and costs during the
6 pendency of a proceeding under this Act.

7 (a-5) A petition for temporary attorney's fees in a
8 post-judgment case may be heard on a non-evidentiary, summary
9 basis.

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

26 (c) Final hearings for attorney's fees and costs against an

1 attorney's own client, pursuant to a Petition for Setting Final
2 Fees and Costs of either a counsel or a client, shall be
3 governed by the following:

4 (1) No petition of a counsel of record may be filed
5 against a client unless the filing counsel previously has
6 been granted leave to withdraw as counsel of record or has
7 filed a motion for leave to withdraw as counsel. On receipt
8 of a petition of a client under this subsection (c), the
9 counsel of record shall promptly file a motion for leave to
10 withdraw as counsel. If the client and the counsel of
11 record agree, however, a hearing on the motion for leave to
12 withdraw as counsel filed pursuant to this subdivision
13 (c)(1) may be deferred until completion of any alternative
14 dispute resolution procedure under subdivision (c)(4). As
15 to any Petition for Setting Final Fees and Costs against a
16 client or counsel over whom the court has not obtained
17 jurisdiction, a separate summons shall issue. Whenever a
18 separate summons is not required, original notice as to a
19 Petition for Setting Final Fees and Costs may be given, and
20 documents served, in accordance with Illinois Supreme
21 Court Rules 11 and 12.

22 (2) No final hearing under this subsection (c) is
23 permitted unless: (i) the counsel and the client had
24 entered into a written engagement agreement at the time the
25 client retained the counsel (or reasonably soon
26 thereafter) and the agreement meets the requirements of

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

18 (3) The determination of reasonable attorney's fees
19 and costs either under this subsection (c), whether
20 initiated by a counsel or a client, or in an independent
21 proceeding for services within the scope of subdivisions
22 (1) through (5) of subsection (a), is within the sound
23 discretion of the trial court. The court shall first
24 consider the written engagement agreement and, if the court
25 finds that the former client and the filing counsel,
26 pursuant to their written engagement agreement, entered

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

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

23 (A) In any circuit court for a single county with a
24 population in excess of 1,000,000, the requirement of
25 the controversy being submitted to an alternative
26 dispute resolution procedure is mandatory unless the

1 client and the counsel both affirmatively opt out of
2 such procedures; or

3 (B) In any other circuit court, the requirement of
4 the controversy being submitted to an alternative
5 dispute resolution procedure is mandatory only if
6 neither the client nor the counsel affirmatively opts
7 out of such procedures.

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

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

1 for the filing of a praecipe or a petition shall be:

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

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

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

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

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

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

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

24 (2) After the close of the period during which a
25 petition (or praecipe) may be filed under subdivision
26 (c) (5), if no such petition (or praecipe) for the counsel

1 remains pending, any counsel or former counsel may pursue
2 such an award and judgment in an independent proceeding.

3 In an independent proceeding, the prior applicability of this
4 Section shall in no way be deemed to have diminished any other
5 right of any counsel (or former counsel) to pursue an award and
6 judgment for legal fees and costs on the basis of remedies that
7 may otherwise exist under applicable law; and the limitations
8 period for breach of contract shall apply. In an independent
9 proceeding under subdivision (e) (1) in which the former counsel
10 had represented a former client in a dissolution case that is
11 still pending, the former client may bring in his or her spouse
12 as a third-party defendant, provided on or before the final
13 date for filing a petition (or praecipe) under subsection (c),
14 the party files an appropriate third-party complaint under
15 Section 2-406 of the Code of Civil Procedure. In any such case,
16 any judgment later obtained by the former counsel shall be
17 against both spouses or ex-spouses, jointly and severally
18 (except that, if a hearing under subsection (j) of Section 503
19 has already been concluded and the court hearing the
20 contribution issue has imposed a percentage allocation between
21 the parties as to fees and costs otherwise being adjudicated in
22 the independent proceeding, the allocation shall be applied
23 without deviation by the court in the independent proceeding
24 and a separate judgment shall be entered against each spouse
25 for the appropriate amount). After the period for the
26 commencement of a proceeding under subsection (c), the

1 provisions of this Section (other than the standard set forth
2 in subdivision (c) (3) and the terms respecting consent security
3 arrangements in subsection (d) of this Section 508) shall be
4 inapplicable.

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

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

11 "STATEMENT OF CLIENT'S RIGHTS AND RESPONSIBILITIES

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

23 (2) REPRESENTATION. Representation will commence upon the
24 signing of the written engagement agreement. The counsel will
25 provide competent representation, which requires legal

1 knowledge, skill, thoroughness and preparation to handle those
2 matters set forth in the written engagement agreement. Once
3 employed, the counsel will act with reasonable diligence and
4 promptness, as well as use his best efforts on behalf of the
5 client, but he cannot guarantee results. The counsel will abide
6 by the client's decision concerning the objectives of
7 representation, including whether or not to accept an offer of
8 settlement, and will endeavor to explain any matter to the
9 extent reasonably necessary to permit the client to make
10 informed decisions regarding representation. During the course
11 of representation and afterwards, the counsel may not use or
12 reveal a client's confidence or secrets, except as required or
13 permitted by law.

14 (3) COMMUNICATION. The counsel will keep the client
15 reasonably informed about the status of representation and will
16 promptly respond to reasonable requests for information,
17 including any reasonable request for an estimate respecting
18 future costs of the representation or an appropriate portion of
19 it. The client shall be truthful in all discussions with the
20 counsel and provide all information or documentation required
21 to enable the counsel to provide competent representation.
22 During representation, the client is entitled to receive all
23 pleadings and substantive documents prepared on behalf of the
24 client and every document received from any other counsel of
25 record. At the end of the representation and on written request
26 from the client, the counsel will return to the client all

1 original documents and exhibits. In the event that the counsel
2 withdraws from representation, or is discharged by the client,
3 the counsel will turn over to the substituting counsel (or, if
4 no substitutions, to the client) all original documents and
5 exhibits together with complete copies of all pleadings and
6 discovery within thirty (30) days of the counsel's withdrawal
7 or discharge.

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

16 (5) FEES. The counsel's fee for services may not be
17 contingent upon the securing of a dissolution of marriage or
18 upon being allocated parental responsibility or be based upon
19 the amount of maintenance, child support, or property
20 settlement received, except as specifically permitted under
21 Supreme Court rules. The counsel may not require a
22 non-refundable retainer fee, but must remit back any
23 overpayment at the end of the representation. The counsel may
24 enter into a consensual security arrangement with the client
25 whereby assets of the client are pledged to secure payment of
26 legal fees or costs, but only if the counsel first obtains

1 approval of the Court. The counsel will prepare and provide the
2 client with an itemized billing statement detailing hourly
3 rates (and/or other criteria), time spent, tasks performed, and
4 costs incurred on a regular basis, at least quarterly. The
5 client should review each billing statement promptly and
6 address any objection or error in a timely manner. The client
7 will not be billed for time spent to explain or correct a
8 billing statement. If an appropriately detailed written
9 estimate is submitted to a client as to future costs for a
10 counsel's representation or a portion of the contemplated
11 services (i.e., relative to specific steps recommended by the
12 counsel in the estimate) and, without objection from the
13 client, the counsel then performs the contemplated services,
14 all such services are presumptively reasonable and necessary,
15 as well as to be deemed pursuant to the client's direction. In
16 an appropriate case, the client may pursue contribution to his
17 or her fees and costs from the other party.

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

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

25 (1) Subdivisions (c) (1) and (c) (2) of this Section 508,
26 as well as provisions of subdivision (c) (3) of this Section

1 508 pertaining to written engagement agreements, apply
2 only to cases filed on or after June 1, 1997.

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

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

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

7 (C) The changes to this Section 508 made by this
8 amendatory Act of 1996 pertaining to the final setting
9 of fees.

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

11 (750 ILCS 5/513) (from Ch. 40, par. 513)

12 Sec. 513. Educational Expenses for a Non-minor Child.

13 (a) The court may award sums of money out of the property
14 and income of either or both parties or the estate of a
15 deceased parent, as equity may require, for the educational
16 expenses of any child of the parties. Unless otherwise agreed
17 to by the parties, all educational expenses which are the
18 subject of a petition brought pursuant to this Section shall be
19 incurred no later than the student's 23rd birthday, except for
20 good cause shown, but in no event later than the child's 25th
21 birthday.

22 (b) Regardless of whether an award has been made under
23 subsection (a), the court may require both parties and the
24 child to complete the Free Application for Federal Student Aid
25 (FAFSA) and other financial aid forms and to submit any form of

1 that type prior to the designated submission deadline for the
2 form. The court may require either or both parties to provide
3 funds for the child so as to pay for the cost of up to 5 college
4 applications, the cost of 2 standardized college entrance
5 examinations, and the cost of one standardized college entrance
6 examination preparatory course.

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

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

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

21 (2) except for good cause shown, the actual costs of
22 the child's housing expenses, whether on-campus or
23 off-campus, provided that the housing expenses do not
24 exceed the cost for the same academic year of a
25 double-occupancy student room, with a standard meal plan,
26 in a residence hall operated by the University of Illinois

1 at Urbana-Champaign;

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

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

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

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

14 (5) the cost of books and other supplies necessary to
15 attend college.

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

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

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

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

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

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

1 are responsible pursuant to that agreement or award for the
2 child's educational expenses, but in no event shall the court
3 consider the child a third party beneficiary of that provision.
4 In the event of the death or legal disability of a party who
5 would have the right to file a petition for contribution, the
6 child of the party may file a petition for contribution. ~~a~~
7 ~~person with a mental or physical disability a person with a~~
8 ~~mental or physical disability~~

9 (j) 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 not been dissolved.

18 (3) The financial resources of the child.

19 (4) The child's academic performance.

20 (k) The establishment of an obligation to pay under this
21 Section is retroactive only to the date of filing a petition.
22 The right to enforce a prior obligation to pay may be enforced
23 either before or after the obligation is incurred.

24 (Source: P.A. 99-90, eff. 1-1-16; 99-143, eff. 7-27-15; revised
25 10-22-15.)

1 (750 ILCS 5/600)

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

3 (a) "Abuse" has the meaning ascribed to that term in
4 Section 103 of the Illinois Domestic Violence Act of 1986.

5 (b) "Allocation judgment" means a judgment allocating
6 parental responsibilities.

7 (c) "Caretaking functions" means tasks that involve
8 interaction with a child or that direct, arrange, and supervise
9 the interaction with and care of a child provided by others, or
10 for obtaining the resources allowing for the provision of these
11 functions. The term includes, but is not limited to, the
12 following:

13 (1) satisfying a child's nutritional needs; managing a
14 child's bedtime and wake-up routines; caring for a child
15 when the child is sick or injured; being attentive to a
16 child's personal hygiene needs, including washing,
17 grooming, and dressing; playing with a child and ensuring
18 the child attends scheduled extracurricular activities;
19 protecting a child's physical safety; and providing
20 transportation for a child;

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

24 (3) providing discipline, giving instruction in
25 manners, assigning and supervising chores, and performing
26 other tasks that attend to a child's needs for behavioral

1 control and self-restraint;

2 (4) ensuring the child attends school, including
3 remedial and special services appropriate to the child's
4 needs and interests, communicating with teachers and
5 counselors, and supervising homework;

6 (5) helping a child develop and maintain appropriate
7 interpersonal relationships with peers, siblings, and
8 other family members;

9 (6) ensuring the child attends medical appointments
10 and is available for medical follow-up and meeting the
11 medical needs of the child in the home;

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

14 (8) arranging alternative care for a child by a family
15 member, babysitter, or other child care provider or
16 facility, including investigating such alternatives,
17 communicating with providers, and supervising such care.

18 (d) "Parental responsibilities" means both parenting time
19 and significant decision-making responsibilities with respect
20 to a child.

21 (e) "Parenting time" means the time during which a parent
22 is responsible for exercising caretaking functions and
23 non-significant decision-making responsibilities with respect
24 to the child.

25 (f) "Parenting plan" means a written agreement that
26 allocates significant decision-making responsibilities,

1 parenting time, or both.

2 (g) "Relocation" means:

3 (1) a change of residence from the child's current
4 primary residence located in the county of Cook, DuPage,
5 Kane, Lake, McHenry, or Will to a new residence within this
6 State that is more than 25 miles from the child's current
7 residence, as measured by an Internet mapping service;

8 (2) a change of residence from the child's current
9 primary residence located in a county not listed in
10 paragraph (1) to a new residence within this State that is
11 more than 50 miles from the child's current primary
12 residence, as measured by an Internet mapping service; or

13 (3) a change of residence from the child's current
14 primary residence to a residence outside the borders of
15 this State that is more than 25 miles from the current
16 primary residence, as measured by an Internet mapping
17 service.

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

21 (i) "Restriction of parenting time" means any limitation or
22 condition placed on parenting time, including supervision.

23 (j) "Right of first refusal" has the meaning provided in
24 subsection (b) of Section 602.3 of this Act.

25 (k) "Significant decision-making" means deciding issues of
26 long-term importance in the life of a child.

1 (1) "Step-parent" means a person married to a child's
2 parent, including a person married to the child's parent
3 immediately prior to the parent's death.

4 (m) "Supervision" means the presence of a third party
5 during a parent's exercise of parenting time.

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

7 (750 ILCS 5/602.9)

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

9 (a) As used in this Section:

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

18 (2) "sibling" means a brother or sister either of the
19 whole blood or the half blood, stepbrother, or stepsister
20 of the minor child;

21 (3) "step-parent" means a person married to a child's
22 parent, including a person married to the child's parent
23 immediately prior to the parent's death; and

24 (4) "visitation" means in-person time spent between a
25 child and the child's grandparent, great-grandparent,

1 sibling, step-parent, or any person designated under
2 subsection (d) of Section 602.7. In appropriate
3 circumstances, visitation may include electronic
4 communication under conditions and at times determined by
5 the court.

6 (b) General provisions.

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

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

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

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

24 (C) who has been voluntarily surrendered by the
25 parent or parents, except for a surrender to the
26 Department of Children and Family Services or a foster

1 care facility; or

2 (D) who has been previously adopted by an
3 individual or individuals who are not related to the
4 biological parents of the child or who is the subject
5 of a pending adoption petition by an individual or
6 individuals who are not related to the biological
7 parents of the child; or

8 (E) who has been relinquished pursuant to the
9 Abandoned Newborn Infant Protection Act.

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

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

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

24 (A) the wishes of the child, taking into account
25 the child's maturity and ability to express reasoned
26 and independent preferences as to visitation;

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

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

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

8 (E) the good faith of the party in filing the
9 petition;

10 (F) the good faith of the person denying
11 visitation;

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

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

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

22 (6) Any visitation rights granted under this Section
23 before the filing of a petition for adoption of the child
24 shall automatically terminate by operation of law upon the
25 entry of an order terminating parental rights or granting
26 the adoption of the child, whichever is earlier. If the

1 person or persons who adopted the child are related to the
2 child, as defined by Section 1 of the Adoption Act, any
3 person who was related to the child as grandparent,
4 great-grandparent, or sibling prior to the adoption shall
5 have standing to bring an action under this Section
6 requesting visitation with the child.

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

11 (c) Visitation by grandparents, great-grandparents,
12 step-parents, and siblings.

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

20 (A) the child's other parent is deceased or has
21 been missing for at least 90 days. For the purposes of
22 this subsection a parent is considered to be missing if
23 the parent's location has not been determined and the
24 parent has been reported as missing to a law
25 enforcement agency; or

26 (B) a parent of the child is incompetent as a

1 matter of law; or

2 (C) a parent has been incarcerated in jail or
3 prison for a period in excess of 90 days immediately
4 prior to the filing of the petition; or

5 (D) the child's parents have been granted a
6 dissolution of marriage or have been legally separated
7 from each other or there is pending a dissolution
8 proceeding involving a parent of the child or another
9 court proceeding involving parental responsibilities
10 or visitation of the child (other than an adoption
11 proceeding of an unrelated child, a proceeding under
12 Article II of the Juvenile Court Act of 1987, or an
13 action for an order of protection under the Illinois
14 Domestic Violence Act of 1986 or Article 112A of the
15 Code of Criminal Procedure of 1963) and at least one
16 parent does not object to the grandparent,
17 great-grandparent, step-parent, or sibling having
18 visitation with the child. The visitation of the
19 grandparent, great-grandparent, step-parent, or
20 sibling must not diminish the parenting time of the
21 parent who is not related to the grandparent,
22 great-grandparent, step-parent, or sibling seeking
23 visitation; or

24 (E) the child is born to parents who are not
25 married to each other, the parents are not living
26 together, and the petitioner is a grandparent,

1 great-grandparent, step-parent, or sibling of the
2 child, and parentage has been established by a court of
3 competent jurisdiction.

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

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

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

12 (C) whether the grandparent, great-grandparent,
13 sibling, or step-parent was a primary caretaker of the
14 child for a period of not less than 6 consecutive
15 months within the 24-month period immediately
16 preceding the commencement of the proceeding.

17 (3) An order granting visitation privileges under this
18 Section is subject to subsections (c) and (d) of Section
19 603.10.

20 (4) A petition for visitation privileges may not be
21 filed pursuant to this subsection (c) by the parents or
22 grandparents of a parent of the child if parentage between
23 the child and the related parent has not been legally
24 established.

25 (d) Modification of visitation orders.

26 (1) Unless by stipulation of the parties, no motion to

1 modify a grandparent, great-grandparent, sibling, or
2 step-parent visitation order may be made earlier than 2
3 years after the date the order was filed, unless the court
4 permits it to be made on the basis of affidavits that there
5 is reason to believe the child's present environment may
6 endanger seriously the child's mental, physical, or
7 emotional health.

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

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

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

5 (e) No child's grandparent, great-grandparent, sibling, or
6 step-parent, or any person to whom the court is considering
7 granting visitation privileges pursuant to subsection (d) of
8 Section 602.7, who was convicted of any offense involving an
9 illegal sex act perpetrated upon a victim less than 18 years of
10 age including, but not limited to, offenses for violations of
11 Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-1.70,
12 or Article 12 of the Criminal Code of 1961 or the Criminal Code
13 of 2012, is entitled to visitation while incarcerated or while
14 on parole, probation, conditional discharge, periodic
15 imprisonment, or mandatory supervised release for that
16 offense, and upon discharge from incarceration for a
17 misdemeanor offense or upon discharge from parole, probation,
18 conditional discharge, periodic imprisonment, or mandatory
19 supervised release for a felony offense. Visitation shall be
20 denied until the person successfully completes a treatment
21 program approved by the court. Upon completion of treatment,
22 the court may deny visitation based on the factors listed in
23 subdivision (b) (5) of this Section ~~607 of this Act~~.

24 (f) No child's grandparent, great-grandparent, sibling, or
25 step-parent, or any person to whom the court is considering
26 granting visitation privileges pursuant to subsection (d) of

1 Section 602.7, may be granted visitation if he or she has been
2 convicted of first degree murder of a parent, grandparent,
3 great-grandparent, or sibling of the child who is the subject
4 of the visitation request. Pursuant to a motion to modify
5 visitation, the court shall revoke visitation rights
6 previously granted to any person who would otherwise be
7 entitled to petition for visitation rights under this Section
8 or granted visitation under subsection (d) of Section 602.7, if
9 the person has been convicted of first degree murder of a
10 parent, grandparent, great-grandparent, or sibling of the
11 child who is the subject of the visitation order. Until an
12 order is entered pursuant to this subsection, no person may
13 visit, with the child present, a person who has been convicted
14 of first degree murder of the parent, grandparent,
15 great-grandparent, or sibling of the child without the consent
16 of the child's parent, other than a parent convicted of first
17 degree murder as set forth herein, or legal guardian.

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

19 (750 ILCS 5/602.10)

20 Sec. 602.10. Parenting plan.

21 (a) Filing of parenting plan. All parents, within 120 days
22 after service or filing of any petition for allocation of
23 parental responsibilities, must file with the court, either
24 jointly or separately, a proposed parenting plan. The time
25 period for filing a parenting plan may be extended by the court

1 for good cause shown. If no appearance has been filed by the
2 respondent, no parenting plan is required unless ordered by the
3 court.

4 (b) No parenting plan filed. In the absence of filing of
5 one or more parenting plans, the court must conduct an
6 evidentiary hearing to allocate parental responsibilities.

7 (c) Mediation. The court shall order mediation to assist
8 the parents in formulating or modifying a parenting plan or in
9 implementing a parenting plan unless the court determines that
10 impediments to mediation exist. Costs under this subsection
11 shall be allocated between the parties pursuant to the
12 applicable statute or Supreme Court Rule.

13 (d) Parents' agreement on parenting plan. The parenting
14 plan must be in writing and signed by both parents. The parents
15 must submit the parenting plan to the court for approval within
16 120 days after service of a petition for allocation of parental
17 responsibilities or the filing of an appearance, except for
18 good cause shown. Notwithstanding the provisions above, the
19 parents may agree upon and submit a parenting plan at any time
20 after the commencement of a proceeding until prior to the entry
21 of a judgment of dissolution of marriage. The agreement is
22 binding upon the court unless it finds, after considering the
23 circumstances of the parties and any other relevant evidence
24 produced by the parties, that the agreement is not in the best
25 interests of the child ~~unconscionable~~. If the court does not
26 approve the parenting plan, the court shall make express

1 findings of the reason or reasons for its refusal to approve
2 the plan. The court, on its own motion, may conduct an
3 evidentiary hearing to determine whether the parenting plan is
4 in the child's best interests.

5 (e) Parents cannot agree on parenting plan. When parents
6 fail to submit an agreed parenting plan, each parent must file
7 and submit a written, signed parenting plan to the court within
8 120 days after the filing of an appearance, except for good
9 cause shown. The court's determination of parenting time should
10 be based on the child's best interests. The filing of the plan
11 may be excused by the court if:

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

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

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

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

20 (1) an allocation of significant decision-making
21 responsibilities;

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

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

26 (B) a formula or method for determining such a

1 schedule in sufficient detail to be enforced in a
2 subsequent proceeding;

3 (3) a mediation provision addressing any proposed
4 reallocation of parenting time or regarding the terms of
5 allocation of parental responsibilities, except that this
6 provision is not required if one parent is allocated all
7 significant decision-making responsibilities;

8 (4) each parent's right of access to medical, dental,
9 and psychological records (subject to the Mental Health and
10 Developmental Disabilities Confidentiality Act), child
11 care records, and school and extracurricular records,
12 reports, and schedules, unless expressly denied by a court
13 order or denied under Section 602.11 ~~subsection (g) of~~
14 ~~Section 602.5~~;

15 (5) a designation of the parent who will be denominated
16 as the parent with the majority of parenting time for
17 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, including
13 electronic communications, with the child during the other
14 parent's parenting time;

15 (12) provisions for resolving issues arising from a
16 parent's future relocation, if applicable;

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

19 (14) provisions for the exercise of the right of first
20 refusal, if so desired, that are consistent with the best
21 interests of the minor child; provisions in the plan for
22 the exercise of the right of first refusal must include:

23 (i) the length and kind of child-care requirements
24 invoking the right of first refusal;

25 (ii) notification to the other parent and for his
26 or her response;

1 (iii) transportation requirements; and
2 (iv) any other provision related to the exercise of
3 the right of first refusal necessary to protect and
4 promote the best interests of the minor child; and
5 (15) any other provision that addresses the child's
6 best interests or that will otherwise facilitate
7 cooperation between the parents.

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

13 (g) The court shall conduct a trial or hearing to determine
14 a plan which maximizes the child's relationship and access to
15 both parents and shall ensure that the access and the overall
16 plan are in the best interests of the child. The court shall
17 take the parenting plans into consideration when determining
18 parenting time and responsibilities at trial or hearing.

19 (h) The court may consider, consistent with the best
20 interests of the child as defined in Section 602.7 of this Act,
21 whether to award to one or both of the parties the right of
22 first refusal in accordance with Section 602.3 of this Act.

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

24 (750 ILCS 5/602.11)

25 Sec. 602.11. Access to health care, child care, and school

1 records by parents.

2 (a) Notwithstanding any other provision of law, access to
3 records and information pertaining to a child including, but
4 not limited to, medical, dental, child care, and school records
5 shall not be denied to a parent for the reason that such parent
6 has not been allocated parental responsibility; however, no
7 parent shall have access to the school records of a child if
8 the parent is prohibited by an order of protection from
9 inspecting or obtaining such records pursuant to the Domestic
10 Violence Act of 1986 or the Code of Criminal Procedure of 1963.
11 ~~A parent who is not allocated parenting time (not denied~~
12 ~~parental responsibility) is not entitled to access to the~~
13 ~~child's school or health care records unless a court finds that~~
14 ~~it is in the child's best interests to provide those records to~~
15 ~~the parent.~~

16 (b) Health care professionals and health care providers
17 shall grant access to health care records and information
18 pertaining to a child to both parents, unless the health care
19 professional or health care provider receives a court order or
20 judgment that denies access to a specific individual. Except as
21 may be provided by court order, no parent who is a named
22 respondent in an order of protection issued pursuant to the
23 Illinois Domestic Violence Act of 1986 or the Code of Criminal
24 Procedure of 1963 shall have access to the health care records
25 of a child who is a protected person under the order of
26 protection provided the health care professional or health care

1 provider has received a copy of the order of protection. Access
2 to health care records is denied under this Section for as long
3 as the order of protection remains in effect as specified in
4 the order of protection or as otherwise determined by court
5 order.

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

7 (750 ILCS 5/604.10)

8 Sec. 604.10. Interviews; evaluations; investigation.

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

17 (b) Court's professional. The court may seek the advice of
18 any professional, whether or not regularly employed by the
19 court, to assist the court in determining the child's best
20 interests. The advice to the court shall be in writing and sent
21 by the professional to counsel for the parties and to the court
22 not later than 60 days before the date on which the trial court
23 reasonably anticipates the hearing on the allocation of
24 parental responsibilities will commence. The court may review
25 the writing upon receipt, ~~under seal~~. The writing may be

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

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

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

12 (2) a report of the data collected;

13 (3) all test results;

14 (4) any conclusions of the professional relating to the
15 allocation of parental responsibilities under Sections
16 602.5 and 602.7;

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

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

23 ~~The professional shall send his or her report to all~~
24 ~~attorneys of record, and to any party not represented, at least~~
25 ~~60 days before the hearing on the allocation of parental~~
26 ~~responsibilities. The court shall examine and consider the~~

1 ~~professional's report only after it has been admitted into~~
2 ~~evidence or after the parties have waived their right to~~
3 ~~cross-examine the professional.~~

4 (c) Evaluation by a party's retained professional. In a
5 proceeding to allocate parental responsibilities or to
6 relocate a child, upon notice and motion made by a parent or
7 any party to the litigation within a reasonable time before
8 trial, the court shall order an evaluation to assist the court
9 in determining the child's best interests unless the court
10 finds that an evaluation under this Section is untimely or not
11 in the best interests of the child. The evaluation may be in
12 place of or in addition to any advice given to the court by a
13 professional under subsection (b). A motion for an evaluation
14 under this subsection must, at a minimum, identify the proposed
15 evaluator and the evaluator's specialty or discipline. An order
16 for an evaluation under this subsection must set forth the
17 evaluator's name, address, and telephone number and the time,
18 place, conditions, and scope of the evaluation. No person shall
19 be required to travel an unreasonable distance for the
20 evaluation. The party requesting the evaluation shall pay the
21 evaluator's fees and costs unless otherwise ordered by the
22 court.

23 The evaluator's report must, at a minimum, set forth the
24 following:

- 25 (1) a description of the procedures employed during the
26 evaluation;

- 1 (2) a report of the data collected;
- 2 (3) all test results;
- 3 (4) any conclusions of the evaluator relating to the
- 4 allocation of parental responsibilities under Sections
- 5 602.5 and 602.7;
- 6 (5) any recommendations of the evaluator concerning
- 7 the allocation of parental responsibilities or the child's
- 8 relocation; and
- 9 (6) an explanation of any limitations in the evaluation
- 10 or any reservations of the evaluator regarding the
- 11 resulting recommendations.

12 A party who retains a professional to conduct an evaluation
13 under this subsection shall cause the evaluator's written
14 report to be sent to the attorneys of record no less than 60
15 days before the hearing on the allocation of parental
16 responsibilities, unless otherwise ordered by the court; if a
17 party fails to comply with this provision, the court may not
18 admit the evaluator's report into evidence and may not allow
19 the evaluator to testify.

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

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

26 (d) Investigation. Upon notice and a motion by a parent or

1 any party to the litigation, or upon the court's own motion,
2 the court may order an investigation and report to assist the
3 court in allocating parental responsibilities. The
4 investigation may be made by any agency, private entity, or
5 individual deemed appropriate by the court. The agency, private
6 entity, or individual appointed by the court must have
7 expertise in the area of allocation of parental
8 responsibilities. The court shall specify the purpose and scope
9 of the investigation.

10 The investigator's report must, at a minimum, set forth the
11 following:

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

14 (2) a report of the data collected;

15 (3) all test results;

16 (4) any conclusions of the investigator relating to the
17 allocation of parental responsibilities under Sections
18 602.5 and 602.7;

19 (5) any recommendations of the investigator concerning
20 the allocation of parental responsibilities or the child's
21 relocation; and

22 (6) an explanation of any limitations in the
23 investigation or any reservations of the investigator
24 regarding the resulting recommendations.

25 The investigator shall send his or her report to all
26 attorneys of record, and to any party not represented, at least

1 60 days before the hearing on the allocation of parental
2 responsibilities. The court shall examine and consider the
3 investigator's report only after it has been admitted into
4 evidence or after the parties have waived their right to
5 cross-examine the investigator.

6 The investigator shall make available to all attorneys of
7 record, and to any party not represented, the investigator's
8 file, and the names and addresses of all persons whom the
9 investigator has consulted, except that if such disclosure
10 would risk abuse to the party or any member of the party's
11 immediate family or household or reveal the confidential
12 address of a shelter for domestic violence victims, that
13 address may be omitted from the report. Any party to the
14 proceeding may call the investigator, or any person consulted
15 by the investigator as a court's witness, for
16 cross-examination. No fees shall be paid for any investigation
17 by a governmental agency. The fees incurred by any other
18 investigator shall be allocated in accordance with Section 508.

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

20 (750 ILCS 5/606.5)

21 Sec. 606.5. Hearings.

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

24 (a-5) The court may tax as costs the payment of necessary
25 travel and other expenses incurred by any person whose presence

1 at the hearing the court deems necessary to determine the best
2 interest of the child.

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

5 (c) Previous statements made by the child relating to any
6 allegations that the child is an abused or neglected child
7 within the meaning of the Abused and Neglected Child Reporting
8 Act, or an abused or neglected minor within the meaning of the
9 Juvenile Court Act of 1987, shall be admissible in evidence in
10 a hearing concerning allocation of parental responsibilities
11 in accordance with Section 11.1 of the Abused and Neglected
12 Child Reporting Act. No such statement, however, if
13 uncorroborated and not subject to cross-examination, shall be
14 sufficient in itself to support a finding of abuse or neglect.

15 (d) If the court finds that a public hearing may be
16 detrimental to the child's best interests, the court shall
17 exclude the public from the hearing, but the court may admit
18 any person having:

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

20 (2) a legitimate educational or research interest in
21 the work of the court, but only with the permission of both
22 parties and subject to court approval.

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

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

1 (750 ILCS 5/607.5)

2 Sec. 607.5. Abuse of allocated parenting time.

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

5 (b) An action for the enforcement of allocated parenting
6 time may be commenced by a parent or a person appointed under
7 Section 506 by filing a petition setting forth: (i) the
8 petitioner's name and residence address or mailing address,
9 except that if the petition states that disclosure of
10 petitioner's address would risk abuse of petitioner or any
11 member of petitioner's family or household or reveal the
12 confidential address of a shelter for domestic violence
13 victims, that address may be omitted from the petition; (ii)
14 the respondent's name and place of residence, place of
15 employment, or mailing address; (iii) the terms of the
16 parenting plan or allocation judgment then in effect; (iv) the
17 nature of the violation of the allocation of parenting time,
18 giving dates and other relevant information; and (v) that a
19 reasonable attempt was made to resolve the dispute.

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

25 (1) an imposition of additional terms and conditions
26 consistent with the court's previous allocation of

1 parenting time or other order;

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

5 (3) upon consideration of all relevant factors,
6 particularly a history or possibility of domestic
7 violence, a requirement that the parties participate in
8 family or individual counseling, the expense of which shall
9 be allocated by the court; if counseling is ordered, all
10 counseling sessions shall be confidential, and the
11 communications in counseling shall not be used in any
12 manner in litigation nor relied upon by an expert appointed
13 by the court or retained by any party;

14 (4) a requirement that the non-complying parent post a
15 cash bond or other security to ensure future compliance,
16 including a provision that the bond or other security may
17 be forfeited to the other parent for payment of expenses on
18 behalf of the child as the court shall direct;

19 (5) a requirement that makeup parenting time be
20 provided for the aggrieved parent or child under the
21 following conditions:

22 (A) that the parenting time is of the same type and
23 duration as the parenting time that was denied,
24 including but not limited to parenting time during
25 weekends, on holidays, and on weekdays and during times
26 when the child is not in school;

1 (B) that the parenting time is made up within 6
2 months after the noncompliance occurs, unless the
3 period of time or holiday cannot be made up within 6
4 months, in which case the parenting time shall be made
5 up within one year after the noncompliance occurs;

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

8 (7) an imposition on the non-complying parent of an
9 appropriate civil fine per incident of denied parenting
10 time;

11 (8) a requirement that the non-complying parent
12 reimburse the other parent for all reasonable expenses
13 incurred as a result of the violation of the parenting plan
14 or court order; and

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

17 (d) In addition to any other order entered under subsection
18 (c), except for good cause shown, the court shall order a
19 parent who has failed to provide allocated parenting time or to
20 exercise allocated parenting time to pay the aggrieved party
21 his or her reasonable attorney's fees, court costs, and
22 expenses associated with an action brought under this Section.
23 If the court finds that the respondent in an action brought
24 under this Section has not violated the allocated parenting
25 time, the court may order the petitioner to pay the
26 respondent's reasonable attorney's fees, court costs, and

1 expenses incurred in the action.

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

4 (f) When the court issues an order holding a party in
5 contempt for violation of a parenting time order and finds that
6 the party engaged in parenting time abuse, the court may order
7 one or more of the following:

8 (1) Suspension of a party's Illinois driving
9 privileges pursuant to Section 7-703 of the Illinois
10 Vehicle Code until the court determines that the party is
11 in compliance with the parenting time order. The court may
12 also order that a party be issued a family financial
13 responsibility driving permit that would allow limited
14 driving privileges for employment, for medical purposes,
15 and to transport a child to or from scheduled parenting
16 time in order to comply with a parenting time order in
17 accordance with subsection (a-1) of Section 7-702.1 of the
18 Illinois Vehicle Code.

19 (2) Placement of a party on probation with such
20 conditions of probation as the court deems advisable.

21 (3) Sentencing of a party to periodic imprisonment for
22 a period not to exceed 6 months; provided, that the court
23 may permit the party to be released for periods of time
24 during the day or night to:

25 (A) work; or

26 (B) conduct a business or other self-employed

1 occupation.

2 (4) Find that a party in engaging in parenting time
3 abuse is guilty of a petty offense and should be fined an
4 amount of no more than \$500 for each finding of parenting
5 time abuse.

6 (g) When the court issues an order holding a party in
7 contempt of court for violation of a parenting order, the clerk
8 shall transmit a copy of the contempt order to the sheriff of
9 the county. The sheriff shall furnish a copy of each contempt
10 order to the Department of State Police on a daily basis in the
11 form and manner required by the Department. The Department
12 shall maintain a complete record and index of the contempt
13 orders and make this data available to all local law
14 enforcement agencies.

15 (h) Nothing contained in this Section shall be construed to
16 limit the court's contempt power.

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

18 (750 ILCS 5/607.6 new)

19 Sec. 607.6. Counseling.

20 (a) The court may order individual counseling for the
21 child, family counseling for one or more of the parties and the
22 child, or parental education for one or more of the parties, if
23 it finds one or more of the following:

24 (1) both parents or all parties agree to the order;

25 (2) the child's physical health is endangered or that

1 the child's emotional development is impaired;

2 (3) abuse of allocated parenting time under Section
3 607.5 has occurred; or

4 (4) one or both of the parties have violated the
5 allocation judgment with regard to conduct affecting or in
6 the presence of the child.

7 (b) The court may apportion the costs of counseling between
8 the parties as appropriate.

9 (c) The remedies provided in this Section are in addition
10 to, and do not diminish or abridge in any way, the court's
11 power to exercise its authority through contempt or other
12 proceedings.

13 (d) All counseling sessions shall be confidential. The
14 communications in counseling shall not be used in any manner in
15 litigation nor relied upon by any expert appointed by the court
16 or retained by any party.

17 (750 ILCS 5/610.5)

18 Sec. 610.5. Modification.

19 (a) Unless by stipulation of the parties or except as
20 provided in ~~subsection (b) of this Section or~~ Section 603.10 of
21 this Act, no motion to modify an order allocating parental
22 decision-making responsibilities, not including parenting
23 time, may be made earlier than 2 years after its date, unless
24 the court permits it to be made on the basis of affidavits that
25 there is reason to believe the child's present environment may

1 endanger seriously his or her mental, moral, or physical health
2 or significantly impair the child's emotional development.
3 Parenting time may be modified at any time, without a showing
4 of serious endangerment, upon a showing of changed
5 circumstances that necessitates modification to serve the best
6 interests of the child.

7 (b) (Blank). ~~A motion to modify an order allocating~~
8 ~~parental responsibilities may be made at any time by a party~~
9 ~~who has been informed of the existence of facts requiring~~
10 ~~notice to be given under Section 609.5 of this Act.~~

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

21 (d) The court shall modify a parenting plan or allocation
22 judgment in accordance with a parental agreement, unless it
23 finds that the modification is not in the child's best
24 interests.

25 (e) The court may modify a parenting plan or allocation
26 judgment without a showing of changed circumstances if (i) the

1 modification is in the child's best interests; and (ii) any of
2 the following are proven as to the modification:

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

10 (2) the modification constitutes a minor modification
11 in the parenting plan or allocation judgment;

12 (3) the modification is necessary to modify an agreed
13 parenting plan or allocation judgment that the court would
14 not have ordered or approved under Section 602.5 or 602.7
15 had the court been aware of the circumstances at the time
16 of the order or approval; or

17 (4) the parties agree to the modification.

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

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

25 Section 10. The Illinois Parentage Act of 2015 is amended

1 by changing Section 103 and the heading of Article 7 and by
2 adding Sections 701, 702, 703, 704, 705, 706, 707, 708, and 709
3 as follows:

4 (750 ILCS 46/103)

5 Sec. 103. Definitions. In this Act:

6 (a) "Acknowledged father" means a man who has established a
7 father-child relationship under Article 3.

8 (b) "Adjudicated father" means a man who has been
9 adjudicated by a court of competent jurisdiction, or as
10 authorized under Article X of the Illinois Public Aid Code, to
11 be the father of a child.

12 (c) "Alleged father" means a man who alleges himself to be,
13 or is alleged to be, the biological father or a possible
14 biological father of a child, but whose paternity has not been
15 established. The term does not include:

16 (1) a presumed parent or acknowledged father; or

17 (2) a man whose parental rights have been terminated or
18 declared not to exist.

19 (d) "Assisted reproduction" means a method of achieving a
20 pregnancy through an artificial insemination or an embryo
21 transfer and includes gamete and embryo donation. "Assisted
22 reproduction" does not include any pregnancy achieved through
23 sexual intercourse ~~(Reserved)~~.

24 (e) "Child" means an individual of any age whose parentage
25 may be established under this Act.

1 (f) "Combined paternity index" means the likelihood of
2 paternity calculated by computing the ratio between:

3 (1) the likelihood that the tested man is the father,
4 based on the genetic markers of the tested man, mother, and
5 child, conditioned on the hypothesis that the tested man is
6 the father of the child; and

7 (2) the likelihood that the tested man is not the
8 father, based on the genetic markers of the tested man,
9 mother, and child, conditioned on the hypothesis that the
10 tested man is not the father of the child and that the
11 father is of the same ethnic or racial group as the tested
12 man.

13 (g) "Commence" means to file the initial pleading seeking
14 an adjudication of parentage in the circuit court of this
15 State.

16 (h) "Determination of parentage" means the establishment
17 of the parent-child relationship by the signing of a voluntary
18 acknowledgment under Article 3 of this Act or adjudication by
19 the court or as authorized under Article X of the Illinois
20 Public Aid Code.

21 (i) "Donor" means an individual who participates in an
22 assisted reproductive technology arrangement by providing
23 gametes and relinquishes all rights and responsibilities to the
24 gametes so that another individual or individuals may become
25 the legal parent or parents of any resulting child. "Donor"
26 does not include a spouse in any assisted reproductive

1 technology arrangement in which his or her spouse will parent
2 any resulting child ~~(Reserved)~~.

3 (j) "Ethnic or racial group" means, for purposes of genetic
4 testing, a recognized group that an individual identifies as
5 all or part of the individual's ancestry or that is so
6 identified by other information.

7 (k) "Gamete" means either a sperm or an egg.

8 (l) "Genetic testing" means an analysis of genetic markers
9 to exclude or identify a man as the father or a woman as the
10 mother of a child as provided in Article 4 of this Act.

11 (m) "Gestational mother" means an adult woman who gives
12 birth to a child pursuant to the terms of a valid gestational
13 surrogacy contract.

14 (n) "Parent" means an individual who has established a
15 parent-child relationship under Section 201 of this Act.

16 (o) "Parent-child relationship" means the legal
17 relationship between a child and a parent of the child.

18 (p) "Presumed parent" means an individual who, by operation
19 of law under Section 204 of this Act, is recognized as the
20 parent of a child until that status is rebutted or confirmed in
21 a judicial or administrative proceeding.

22 (q) "Probability of paternity" means the measure, for the
23 ethnic or racial group to which the alleged father belongs, of
24 the probability that the man in question is the father of the
25 child, compared with a random, unrelated man of the same ethnic
26 or racial group, expressed as a percentage incorporating the

1 combined paternity index and a prior probability.

2 (r) "Record" means information that is inscribed on a
3 tangible medium or that is stored in an electronic or other
4 medium and is retrievable in perceivable form.

5 (s) "Signatory" means an individual who authenticates a
6 record and is bound by its terms.

7 (t) "State" means a state of the United States, the
8 District of Columbia, Puerto Rico, the United States Virgin
9 Islands, or any territory or insular possession subject to the
10 jurisdiction of the United States.

11 (u) "Substantially similar legal relationship" means a
12 relationship recognized in this State under Section 60 of the
13 Illinois Religious Freedom Protection and Civil Union Act.

14 (v) "Support-enforcement agency" means a public official
15 or agency authorized to seek:

16 (1) enforcement of support orders or laws relating to
17 the duty of support;

18 (2) establishment or modification of child support;

19 (3) determination of parentage; or

20 (4) location of child-support obligors and their
21 income and assets.

22 (Source: P.A. 99-85, eff. 1-1-16.)

23 (750 ILCS 46/Art. 7 heading)

24 ARTICLE 7. CHILD OF ASSISTED REPRODUCTION ~~(RESERVED)~~

25 (Source: P.A. 99-85, eff. 1-1-16.)

1 (750 ILCS 46/701 new)

2 Sec. 701. Scope of Article. Except as described in this
3 Article, this Article does not apply to the birth of a child
4 conceived by means of sexual intercourse or a child born as a
5 result of a valid gestational surrogacy arrangement meeting the
6 requirements of the Gestational Surrogacy Act.

7 (750 ILCS 46/702 new)

8 Sec. 702. Parental status of donor. Except as provided in
9 this Act, a donor is not a parent of a child conceived by means
10 of assisted reproduction.

11 (750 ILCS 46/703 new)

12 Sec. 703. Parentage of child of assisted reproduction.
13 (a) Any individual who is an intended parent as defined by
14 this Act is the legal parent of any resulting child. If the
15 donor and the intended parent have been represented by
16 independent counsel and entered into a written legal agreement
17 in which the donor relinquishes all rights and responsibilities
18 to any resulting child, the intended parent is the parent of
19 the child. An agreement under this subsection shall be entered
20 into prior to any insemination or embryo transfer.

21 (b) If a person makes an anonymous gamete donation without
22 a designated intended parent at the time of the gamete
23 donation, the intended parent is the parent of any resulting

1 child if the anonymous donor relinquished his or her parental
2 rights in writing at the time of donation. The written
3 relinquishment shall be directed to the entity to which the
4 donor donated his or her gametes.

5 (c) An intended parent may seek a court order confirming
6 the existence of a parent-child relationship prior to or after
7 the birth of a child based on compliance with subsection (a) or
8 (b) of this Section.

9 (d) If the requirements of subsection (a) of this Section
10 are not met, or subsection (b) of this Section is found by a
11 court to be inapplicable, a court of competent jurisdiction
12 shall determine parentage based on evidence of the parties'
13 intent at the time of donation.

14 (750 ILCS 46/704 new)

15 Sec. 704. Withdrawal of consent of intended parent or
16 donor. An intended parent or donor may withdraw consent to use
17 his or her gametes in a writing or legal pleading with notice
18 to the other participants. An intended parent who withdraws
19 consent under this Section prior to the insemination or embryo
20 transfer is not a parent of any resulting child. If a donor
21 withdraws consent to his or her donation prior to the
22 insemination or the combination of gametes, the intended parent
23 is not the parent of any resulting child.

24 (750 ILCS 46/705 new)

1 Sec. 705. Parental status of deceased individual. If an
2 individual consents in a writing to be a parent of any child
3 born of his or her gametes posthumously, and dies before the
4 insemination of the individual's gametes or embryo transfer,
5 the deceased individual is a parent of any resulting child born
6 within 36 months of the death of the deceased individual.

7 (750 ILCS 46/706 new)

8 Sec. 706. Inheritance rights of posthumous child.
9 Notwithstanding Section 705, the rights of a posthumous child
10 to an inheritance or to property under an instrument shall be
11 governed by the provisions of the Probate Act of 1975.

12 (750 ILCS 46/707 new)

13 Sec. 707. Burden of proof. Parentage established under
14 Section 703, a withdrawal of consent under Section 704, or a
15 proceeding to declare the non-existence of the parent-child
16 relationship under Section 708 of this Act must be proven by
17 clear and convincing evidence.

18 (750 ILCS 46/708 new)

19 Sec. 708. Limitation on proceedings to declare the
20 non-existence of the parent-child relationship. An action to
21 declare the non-existence of the parent-child relationship
22 under this Article shall be barred if brought more than 2 years
23 following the birth of the child.

1 (750 ILCS 46/709 new)

2 Sec. 709. Establishment of parentage; requirements of
3 Gestational Surrogacy Act.

4 (a) In the event of gestational surrogacy, in addition to
5 the requirements of the Gestational Surrogacy Act, a
6 parent-child relationship is established between a person and a
7 child if all of the following conditions are met prior to the
8 birth of the child:

9 (1) The gestational surrogate certifies that she did
10 not provide a gamete for the child, and that she is
11 carrying the child for the intended parents.

12 (2) The spouse, if any, of the gestational surrogate
13 certifies that he or she did not provide a gamete for the
14 child.

15 (3) Each intended parent certifies that the child being
16 carried by the gestational surrogate was conceived using at
17 least one of the intended parents' gametes.

18 (4) A physician certifies that the child being carried
19 by the gestational surrogate was conceived using the gamete
20 or gametes of at least one of the intended parents, and
21 that neither the gestational surrogate nor the gestational
22 surrogate's spouse, if any, provided gametes for the child
23 being carried by the gestational surrogate.

24 (5) The attorneys for the intended parents and the
25 gestational surrogate each certify that the parties

1 entered into a gestational surrogacy agreement intended to
2 satisfy the requirements of the Gestational Surrogacy Act.

3 (b) All certifications under this Section shall be in
4 writing and witnessed by 2 competent adults who are not the
5 gestational surrogate, gestational surrogate's spouse, if any,
6 or an intended parent. Certifications shall be on forms
7 prescribed by the Illinois Department of Public Health and
8 shall be executed prior to the birth of the child. All
9 certifications shall be provided, prior to the birth of the
10 child, to both the hospital where the gestational surrogate
11 anticipates the delivery will occur and to the Illinois
12 Department of Public Health.

13 (c) Parentage established in accordance with this Section
14 has the full force and effect of a judgment entered under this
15 Act.

16 (d) The Illinois Department of Public Health shall adopt
17 rules to implement this Section.

18 (750 ILCS 40/Act rep.)

19 Section 15. The Illinois Parentage Act is repealed."