



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB0069

Introduced 1/11/2017, by Sen. Michael E. Hastings

SYNOPSIS AS INTRODUCED:

750 ILCS 5/505 from Ch. 40, par. 505
750 ILCS 5/510 from Ch. 40, par. 510

Amends the Illinois Marriage and Dissolution of Marriage Act. Combines the changes made to the Section concerning child support by Public Act 99-90, Public Act 99-763, and Public Act 99-764. Adds provisions concerning the computation of the basic child support obligation. Makes changes concerning the child support guidelines, the duty of support, income calculation, presumptions in favor of the child support guidelines, minimum child support obligations, income greater than the support schedule, child care expenses, shared and split physical care, and health care. Replaces references to "supporting parent" and "payor" with references to "obligor". Makes other changes. Effective July 1, 2017.

LRB100 04736 HEP 15946 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Section 505 of the Illinois Marriage and
5 Dissolution of Marriage Act was amended by Public Act 99-763,
6 effective January 1, 2017, and Public Act 99-764, effective
7 July 1, 2017. One of these Public Acts used a version of
8 Section 505 that had not yet incorporated the changes made by
9 Public Act 99-90, effective January 1, 2016. This bill
10 incorporates the changes made to Section 505 by Public Acts
11 99-90, 99-763, and 99-764, and makes additional changes.

12 Section 5. The Illinois Marriage and Dissolution of
13 Marriage Act is amended by changing Sections 505 and 510 as
14 follows:

15 (750 ILCS 5/505) (from Ch. 40, par. 505)

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

17 (a) In a proceeding for dissolution of marriage, legal
18 separation, declaration of invalidity of marriage, dissolution
19 of a civil union, a proceeding for child support following
20 dissolution of the marriage or civil union by a court that
21 lacked personal jurisdiction over the absent spouse, a
22 proceeding for modification of a previous order for child

1 support under Section 510 of this Act, or any proceeding
2 authorized under Section 501 or 601 of this Act, the court may
3 order either or both parents owing a duty of support to a child
4 of the marriage or civil union to pay an amount reasonable and
5 necessary for support. The duty of support owed to a child
6 includes the obligation to provide for the reasonable and
7 necessary physical, mental and emotional health needs of the
8 child. For purposes of this Section, the term "child" shall
9 include any child under age 18 and any child age 19 or younger
10 who is still attending high school. For purposes of this
11 Section, the term "obligor" ~~"supporting parent"~~ means the
12 parent obligated to pay support to the other parent.

13 (1) Child support guidelines. The Illinois Department
14 of Healthcare and Family Services shall adopt rules
15 establishing child support guidelines which include
16 worksheets to aid in the calculation of the child support
17 obligations ~~award~~ and a schedule of basic child support
18 obligations ~~table~~ that reflects the percentage of combined
19 net income that parents living in the same household in
20 this State ordinarily spend on their child ~~children~~. The
21 child support guidelines have the following purposes:

22 (A) to establish as State policy an adequate
23 standard of support for a child ~~children~~, subject to
24 the ability of parents to pay;

25 (B) to make child support obligations ~~awards~~ more
26 equitable by ensuring more consistent treatment of

1 parents persons in similar circumstances;

2 (C) to improve the efficiency of the court process
3 by promoting settlements and giving courts and the
4 parties guidance in establishing levels of child
5 support awards;

6 (D) to calculate child support based upon the
7 parents' combined ~~adjusted~~ net income estimated to
8 have been allocated ~~for~~ to the support of the child if
9 the parents and child children were living in an intact
10 household;

11 (E) to adjust ~~the~~ child support based upon the
12 needs of the child children; and

13 (F) to allocate the amount of child support to be
14 paid by each parent based upon a parent's net income
15 ~~the child support~~ and the child's physical care
16 arrangements.

17 (1.5) Computation of basic child support obligation.

18 The court shall compute the basic child support obligation
19 by taking the following steps:

20 (A) determine each parent's monthly net income;

21 (B) add the parents' monthly net incomes together
22 to determine the combined monthly net income of the
23 parents;

24 (C) select the corresponding appropriate amount
25 from the schedule of basic child support obligations
26 based on the parties' combined monthly net income and

1 number of children of the parties; and

2 (D) calculate each parent's percentage share of
3 the basic child support obligation.

4 Although a monetary obligation is computed for each
5 parent as child support, the receiving parent's share is
6 not payable to the other parent and is presumed to be spent
7 directly on the child.

8 (2) Duty of support. The court shall determine ~~award~~
9 child support in each case by applying the child support
10 guidelines unless the court makes a finding that
11 application of the guidelines would be inappropriate,
12 after considering the best interests ~~interest~~ of the child
13 and in light of evidence which shows relevant factors
14 including, but not limited to, one or more of the
15 following:

16 (A) the financial resources and needs of the child;

17 (B) the financial resources and needs of the
18 parents ~~custodial parent;~~

19 (C) the standard of living the child would have
20 enjoyed had the marriage or civil union not been
21 dissolved; and

22 (D) the physical and emotional condition of the
23 child and his or her educational needs. ~~;~~ ~~and~~

24 ~~(E) the financial resources and needs of the~~
25 ~~noncustodial parent.~~

26 (3) Income.

1 (A) As used in this Section, "gross income" means
2 the total of all income from all sources, except "gross
3 income" does not include (i) benefits received by the
4 parent from means-tested public assistance programs,
5 including, but not limited to, Temporary Assistance to
6 Needy Families, Supplemental Security Income, and the
7 Supplemental Nutrition Assistance Program or (ii)
8 benefits and income received by the parent for other
9 children in the household, including, but not limited
10 to, child support, survivor benefits, and foster care
11 payments. Social security disability and retirement
12 benefits paid for the benefit of the subject child must
13 be included in the disabled or retired parent's gross
14 income for purposes of calculating the parent's child
15 support obligation, but the parent is entitled to a
16 child support credit for the amount of benefits paid to
17 the other party ~~parent~~ for the child. "Gross income"
18 also includes ~~Spousal support or~~ spousal maintenance
19 received pursuant to a court order in the pending
20 proceedings or any other proceedings that must be
21 included in the recipient's gross income for purposes
22 of calculating the parent's child support obligation.

23 (B) As used in this Section, "net income" means
24 gross income minus either the standardized tax amount
25 calculated pursuant to subparagraph (C) of this
26 paragraph (3) or the individualized tax amount

1 calculated pursuant to subparagraph (D) of this
2 paragraph (3), and minus any adjustments pursuant to
3 subparagraph (F) of this paragraph (3). The
4 standardized tax amount shall be used unless the
5 requirements for an individualized tax amount set
6 forth in subparagraph (E) ~~(F)~~ of this paragraph (3) are
7 met.

8 (C) As used in this Section, "standardized tax
9 amount" means the total of federal and state income
10 taxes for a single person claiming the standard tax
11 deduction, one personal exemption, and the applicable
12 number of dependency exemptions for the minor child or
13 children of the parties, and Social Security ~~tax~~ and
14 Medicare Medicaid tax calculated at the Federal
15 Insurance Contributions Act rate.

16 (I) Unless a court has ~~previously~~ determined
17 otherwise or the parties otherwise agree, the
18 party with the majority of parenting time
19 ~~custodial parent~~ shall be deemed entitled to claim
20 the dependency exemption for the parties' minor
21 child ~~or children~~.

22 (II) The Illinois Department of Healthcare and
23 Family Services shall promulgate a standardized
24 net income conversion table ~~chart~~ that computes
25 net income by deducting the standardized tax
26 amount from gross income.

1 (D) As used in this Section, "individualized tax
2 amount" means the aggregate of the following taxes:

3 (I) federal income tax (properly calculated
4 withholding or estimated payments);

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

7 (III) Social Security or self-employment tax,
8 if applicable (or, if none, mandatory retirement
9 contributions required by law or as a condition of
10 employment) and Medicare tax calculated at the
11 Federal Insurance Contributions Act rate.

12 (E) In lieu of a standardized tax amount, a
13 determination of an individualized tax amount may be
14 made under items (I), (II), or (III) below. If an
15 individualized tax amount determination is made under
16 this subparagraph (E), all relevant tax attributes
17 (including filing status, allocation of dependency
18 exemptions, and whether a party is to claim the
19 standard deduction or itemized deductions for federal
20 income tax purposes) shall be as the parties agree or
21 as the court determines. To determine a party's
22 reported income, the court may order the party to
23 complete an Internal Revenue Service Form 4506-T,
24 Request for Tax Transcript.

25 (I) Agreement. Irrespective of whether the
26 parties agree on any other issue before the court,

1 if they jointly stipulate for the record their
2 concurrence on a computation method for the
3 individualized tax amount that is different from
4 the method set forth under subparagraph (D), the
5 stipulated method shall be used by the court unless
6 the court rejects the proposed stipulated method
7 for good cause.

8 (II) Summary hearing. If the court determines
9 child support in a summary hearing under Section
10 501 and an eligible party opts in to the
11 individualized tax amount computation method under
12 this item (II), the individualized tax amount
13 shall be determined by the court on the basis of
14 information contained in one or both parties'
15 Supreme Court approved Financial Affidavit (Family
16 & Divorce Cases) ~~financial disclosure statement,~~
17 ~~financial affidavit, or similar instrument~~ and
18 relevant supporting documents under applicable
19 court rules. No party, however, is eligible to opt
20 in unless the party, under applicable court rules,
21 has served the other party with the required
22 Supreme Court approved Financial Affidavit (Family
23 & Divorce Cases) and has substantially produced
24 supporting documents required by the applicable
25 court rules ~~statement, affidavit, or other~~
26 ~~instrument and has also substantially turned over~~

1 ~~supporting documents to the extent required by the~~
2 ~~applicable rule at the time of service of the~~
3 ~~statement, affidavit, or other instrument.~~

4 (III) Evidentiary hearing. If the court
5 determines child support in an evidentiary
6 hearing, whether for purposes of a temporary order
7 or at the conclusion of a proceeding, item (II) of
8 this subparagraph (E) does not apply. In each such
9 case (unless item (I) governs), the individualized
10 tax amount shall be as determined by the court on
11 the basis of the record established.

12 (F) Adjustments to ~~gross~~ income.

13 (I) Multi-family adjustment. If a parent ~~also~~
14 is also legally responsible for support of a child
15 ~~children~~ not shared with the other parent and not
16 subject to the present proceeding, there shall be
17 an adjustment to net ~~gross~~ income as follows:

18 (i) Multi-family adjustment with court
19 order. The court shall deduct from the parent's
20 net income the ~~The~~ amount of child support
21 actually paid by the parent pursuant to a
22 support order unless the court makes a finding
23 that it would cause economic hardship to the
24 child shall be deducted from the parent's gross
25 income.

26 (ii) Multi-family adjustment without court

1 order. Upon the request or application of a
2 parent having a presumed, acknowledged, or
3 adjudicated child living in or outside of that
4 parent's household, there shall be an
5 adjustment to child support. The court shall
6 deduct from the parent's net income the ~~The~~
7 amount of financial support actually paid by
8 the parent for the child ~~children living in or~~
9 ~~outside of that parent's household~~ or 75% of
10 the support the parent should pay ~~would pay~~
11 under the child support guidelines (before
12 this adjustment), whichever is less, unless
13 the court makes a finding that it would cause
14 economic hardship to the child. The adjustment
15 shall be calculated using that parent's income
16 alone ~~shall be deducted from that parent's~~
17 ~~gross income.~~

18 (II) Spousal Maintenance adjustment.

19 Obligations pursuant to a court order for spousal
20 maintenance in the pending proceeding actually
21 paid or payable ~~under Section 504~~ to the same party
22 to whom child support is to be payable or actually
23 paid to a former spouse pursuant to a court order
24 shall be deducted from the parent's gross income.

25 (3.1) Business income. For purposes of calculating
26 child support, net business income from the operation of a

1 business means gross receipts minus ordinary and necessary
2 expenses required to carry on the trade or business. As
3 used in this paragraph, "business" includes, but is not
4 limited to, sole proprietorships, closely held
5 corporations, partnerships, other flow-through business
6 entities, and self-employment. The court shall apply the
7 following:

8 (A) The accelerated component of depreciation and
9 any business expenses determined either judicially or
10 administratively to be inappropriate or excessive
11 shall be excluded from the total of ordinary and
12 necessary business expenses to be deducted in the
13 determination of net business income from gross
14 business income.

15 (B) Any item of reimbursement or in-kind payment
16 received by a parent from a ~~the~~ business, including,
17 but not limited to, a company car, reimbursed meals,
18 free housing, or a housing allowance, ~~or reimbursed~~
19 ~~meals,~~ shall be counted as income if not otherwise
20 included in the recipient's gross income, if the item
21 is significant in amount and reduces personal
22 expenses.

23 (3.2) Unemployment or underemployment. If a parent is
24 voluntarily unemployed or underemployed, child support
25 shall be calculated based on a determination of potential
26 income. A determination of potential income shall be made

1 by determining employment potential and probable earnings
2 level based on the obligor's work history, occupational
3 qualifications, prevailing job opportunities, the
4 ownership by a parent of a substantial non-income producing
5 asset, and earnings levels in the community. If there is
6 insufficient work history to determine employment
7 potential and probable earnings level, there shall be a
8 rebuttable presumption that the parent's potential income
9 is 75% of the most recent United States Department of
10 Health and Human Services Federal Poverty Guidelines for a
11 family of one person.

12 (3.3) Rebuttable presumption in favor of guidelines
13 ~~Minimum orders~~. There is a rebuttable presumption in any
14 judicial or administrative proceeding for child support
15 that the amount of the child support obligation that award
16 ~~which~~ would result from the application of the child
17 support guidelines is the correct amount of child support
18 ~~to be awarded~~.

19 (3.3a) Minimum child support obligation. There is a
20 rebuttable presumption that a minimum child support
21 obligation of \$40 per month, per child, will be entered for
22 an obligor ~~a payor parent~~ who has actual or imputed gross
23 income at or less than 75% of the most recent United States
24 Department of Health and Human Services Federal Poverty
25 Guidelines for a family of one person, with a maximum total
26 child support obligation for that obligor ~~payor~~ of \$120 per

1 month to be divided equally among all of the obligor's
2 ~~payor parent's~~ children.

3 (3.3b) Zero dollar child support order. For parents
4 with no gross income, ~~including those~~ who receive only
5 means-tested assistance, or who cannot work due to a
6 medically proven disability, incarceration, or
7 institutionalization, there is a rebuttable presumption
8 that the \$40 per month minimum support order is
9 inapplicable ~~inappropriate~~ and a zero dollar order shall be
10 entered.

11 (3.4) Deviation factors. In any action to establish or
12 modify child support, whether pursuant to a temporary or
13 final administrative or court order ~~permanent~~, the child
14 support guidelines shall be used as a rebuttable
15 presumption for the establishment or modification of the
16 amount of child support. The court may deviate from the
17 child support guidelines if the application would be
18 inequitable, unjust, or inappropriate. Any deviation from
19 the guidelines shall be accompanied by written findings by
20 the court specifying the reasons for the deviation and the
21 presumed amount under the child support guidelines without
22 a deviation. These reasons may include:

23 (A) extraordinary medical expenditures necessary
24 to preserve the life or health of a party or a child of
25 either or both of the parties;

26 (B) additional expenses incurred for a child

1 subject to the child support order who has special
2 medical, physical, or developmental needs; and

3 (C) any other factor the court determines should be
4 applied upon a finding that the application of the
5 child support guidelines would be inappropriate, after
6 considering the best interest of the child.

7 (3.5) Income in excess of the schedule of basic child
8 support obligation table. A court may use its discretion to
9 determine child support if the combined adjusted net ~~gross~~
10 income of the parties exceeds the highest level ~~uppermost~~
11 ~~levels~~ of the schedule of basic child support obligation
12 ~~obligations~~, except that the ~~presumptive~~ basic child
13 support obligation shall not be less than ~~it would be based~~
14 ~~on~~ the highest level of combined net ~~adjusted gross~~ income
15 set forth in the schedule of basic child support obligation
16 ~~obligations~~.

17 (3.6) Extracurricular activities and school expenses.
18 The court, in its discretion, in addition to the basic
19 child support obligation, may order either or both parents
20 owing a duty of support to the child to contribute to the
21 reasonable school and extracurricular activity expenses
22 incurred which are intended to enhance the educational,
23 athletic, social, or cultural development of the child.

24 (3.7) Child care expenses. The court, in its
25 discretion, in addition to the basic child support
26 obligation, may order either or both parents owing a duty

1 of support to the child to contribute to the reasonable
2 child care expenses of the child. The child care expenses
3 shall be made payable directly to a party or directly to
4 the child care provider at the time of child care services.

5 (A) ~~"Child As used in this paragraph (3.7), "child~~
6 ~~care expenses"~~ means actual ~~annualized monthly child~~
7 ~~care~~ expenses reasonably necessary to enable a parent
8 or non-parent custodian to be employed, to attend
9 educational or vocational education and training
10 programs to improve employment opportunities, or to
11 search for employment. "Child care expenses" also
12 ~~activities, or job search, and includes after school~~
13 ~~care and all work-related child care expenses incurred~~
14 ~~while receiving education or training to improve~~
15 ~~employment opportunities. "Child care expenses"~~
16 includes deposits for ~~the retention of~~ securing
17 placement in a child care program, the cost of before
18 and after school care, and programs. "Child care
19 ~~expenses" may include~~ camps when school is not in
20 session. A Parties may agree on additional day camps.
21 ~~Child care expenses due to a~~ child's special needs
22 shall be a consideration in determining reasonable
23 child care expenses ~~for a child with special needs.~~

24 (B) ~~Child care expenses shall be calculated as set~~
25 ~~forth in this paragraph.~~ Child care expenses shall be
26 prorated in proportion to each parent's percentage

1 share of combined ~~parental~~ net income, and may be added
2 to the basic child support obligation if not paid
3 directly by each parent to the provider of child care
4 services. The obligor's and obligee's portion of
5 actual child care expenses shall appear in the support
6 order. If allowed, the value of the federal income tax
7 credit for child care shall be subtracted from the
8 actual cost to determine the net child care costs. ~~The~~
9 ~~obligee's share of child care expenses shall be paid by~~
10 ~~the obligee directly to the child care provider.~~

11 (C) The amount of child care expenses shall be
12 adequate to obtain reasonable and necessary child
13 care. The ~~family's~~ actual child care expenses shall be
14 used to calculate the child care expenses ~~expense~~
15 ~~contributions~~, if available. When actual child care
16 expenses vary, the actual child care expenses may ~~shall~~
17 be averaged over the most recent 12-month period. When
18 a ~~the~~ parent is temporarily unemployed or temporarily
19 not attending educational or vocational training
20 programs, future ~~school, then~~ child care expenses
21 shall be based upon prospective expenses to be incurred
22 upon return to employment or educational or vocational
23 training programs.

24 (D) An order for child care expenses may be
25 modified upon a showing of a substantial change in
26 circumstances. The party ~~Persons~~ incurring child care

1 expenses shall notify the other party obligor within 14
2 days of any change in the amount of child care expenses
3 that would affect the annualized child care amount as
4 determined in the support order.

5 (3.8) Shared physical care parenting. If each parent
6 exercises 146 or more overnights per year with the child,
7 the basic child support obligation is multiplied by 1.5 to
8 calculate the shared care child support obligation. The
9 court shall determine each parent's share of the shared
10 care child support obligation based on the parent's
11 percentage share of combined net income. The child support
12 obligation is then computed for each parent by multiplying
13 that parent's portion of the shared care support obligation
14 by the percentage of time the child spends with the other
15 parent. The respective child support obligations are then
16 offset, with the parent owing more child support paying the
17 difference between the child support ~~2~~ amounts. The
18 Illinois Child support for cases with shared physical care
19 are calculated using a child support worksheet promulgated
20 by the Department of Healthcare and Family Services shall
21 promulgate a worksheet to calculate child support in cases
22 in which the parents have shared physical care and use the
23 standardized tax amount to determine net income. ~~An~~
24 ~~adjustment for shared physical care is made only when each~~
25 ~~parent has the child for 146 or more overnights per year.~~

26 (3.9) Split physical care. When Split care refers to a

1 ~~situation in which~~ there is more than one child and each
2 parent has physical care of at least one but not all of the
3 children. ~~In a split care situation,~~ the support is
4 calculated by using 2 child support worksheets to determine
5 the support each parent owes the other. ~~The resulting~~
6 ~~obligations are then offset, with one parent owing the~~
7 ~~other the difference as a child support order.~~ The support
8 shall be calculated as follows:

9 (A) compute the support the first parent would owe
10 to other parent as if the child in his or her care was
11 the only child of the parties; then

12 (B) compute the support the other parent would owe
13 to the first parent as if the child in his or her care
14 were the only child of the parties; then

15 (C) subtract the lesser support obligation from
16 the greater.

17 The parent who owes the greater obligation shall be
18 ordered to pay the difference in support to the other
19 parent, unless the court determines, pursuant to other
20 provisions of this Section, that it should deviate from the
21 guidelines.

22 (4) Health care.

23 (A) A portion of the basic child support obligation
24 is intended to cover basic ordinary out-of-pocket
25 medical expenses. The court, in its discretion, in
26 addition to the basic child support obligation, shall

1 also provide for the child's current and future medical
2 needs by ordering either or both parents to initiate
3 health insurance ~~or medical~~ coverage for the child
4 through currently effective health ~~or medical~~
5 insurance policies held by the parent or parents,
6 purchase one or more ~~either~~ or all ~~of~~ health, ~~or~~
7 ~~medical~~, dental, or vision insurance policies for the
8 child, or provide for the child's current and future
9 medical needs through some other manner.

10 (B) The court, in its discretion, may ~~also~~ order
11 either or both parents to contribute to the reasonable
12 health care needs of the child not covered by
13 insurance, including, but not limited to, unreimbursed
14 medical, dental, orthodontic, or vision expenses and
15 any prescription medication for the child not covered
16 under the child's health ~~or medical~~ insurance.

17 (C) If neither parent has access to appropriate
18 private health insurance ~~care~~ coverage, the court may
19 order:

20 (I) one or both parents to provide health
21 insurance ~~care~~ coverage at any time it becomes
22 available at a reasonable cost; or

23 (II) the parent or non-parent custodian with
24 primary physical responsibility for the child to
25 apply for public health insurance ~~care~~ coverage
26 for the child and require either or both parents

1 ~~the other parent~~ to pay a reasonable amount of the
2 cost of health insurance for the child ~~for medical~~
3 ~~support~~.

4 The ~~If cash medical support is ordered,~~ the order
5 may also provide that any time private health insurance
6 ~~care~~ coverage is available at a reasonable cost to that
7 party it will be provided instead of cash medical
8 support. As used in this Section, "cash medical
9 support" means an amount ordered to be paid toward the
10 cost of health insurance provided by a public entity or
11 by another person through employment or otherwise or
12 for other medical costs not covered by insurance.

13 (D) The amount to be added to the basic child
14 support obligation shall be the actual amount of the
15 total health insurance premium that is attributable to
16 the child who is the subject of the order. If this
17 amount is not available or cannot be verified, the
18 total cost of the health insurance premium shall be
19 divided by the total number of persons covered by the
20 policy. The cost per person derived from this
21 calculation shall be multiplied by the number of
22 children who are the subject of the order and who are
23 covered under the health insurance policy. This amount
24 shall be added to the basic child support obligation
25 and shall be allocated ~~divided~~ between the parents in
26 proportion to their respective net ~~adjusted gross~~

1 incomes.

2 (E) After the health insurance premium for the
3 child is added to the basic child support obligation
4 and allocated ~~divided~~ between the parents in
5 proportion to their respective incomes for child
6 support purposes, if the obligor is paying the premium,
7 the amount calculated for the obligee's share of the
8 health insurance premium for the child shall be
9 deducted from the obligor's share of the total child
10 support obligation. If the obligee is paying for
11 private health insurance for the child, the child
12 support obligation shall be increased by the obligor's
13 share of the premium payment. The obligor's and
14 obligee's portion of health insurance costs shall
15 appear in the support order ~~the premium, no further~~
16 ~~adjustment is necessary.~~

17 (F) Prior to allowing the health insurance
18 adjustment, the parent requesting the adjustment must
19 submit proof that the child has been enrolled in a
20 health insurance plan and must submit proof of the cost
21 of the premium. The court shall require the parent
22 receiving the adjustment to annually submit proof of
23 continued coverage of the child ~~to the child support~~
24 ~~enforcement unit and~~ to the other parent, or as
25 designated by the court.

26 (G) A reasonable cost for providing health

1 insurance ~~care~~ coverage for the child ~~or children~~ may
2 not exceed 5% of the providing parent's gross income.
3 Parents with a net income below 133% of the most recent
4 United States Department of Health and Human Services
5 Federal Poverty Guidelines or whose child is covered by
6 Medicaid based on that parent's income may not be
7 ordered to contribute toward or provide private
8 coverage, unless private coverage is obtainable
9 without any financial contribution by that parent.

10 (H) If dental or vision insurance is included as
11 part of the employer's medical plan, the coverage shall
12 be maintained for the child. If not included in the
13 employer's medical plan, adding the dental or vision
14 insurance for the child is at the discretion of the
15 court.

16 (I) If a parent has been directed to provide health
17 insurance pursuant to this paragraph and that parent's
18 spouse or legally recognized partner provides the
19 insurance for the benefit of the child either directly
20 or through employment, a credit on the child support
21 worksheet shall be given to that parent in the same
22 manner as if the premium were paid by that parent.
23 ~~parents and . including, but not limited to, student~~
24 ~~loans~~

25 (4.5) In a proceeding for child support following
26 dissolution of the marriage or civil union by a court that

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

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

21 (6) If (i) the obligor ~~supporting parent~~ was properly
22 served with a request for discovery of financial
23 information relating to the obligor's ~~supporting parent's~~
24 ability to provide child support, (ii) the obligor
25 ~~supporting parent~~ failed to comply with the request,
26 despite having been ordered to do so by the court, and

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

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

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

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

1 (2) sentenced to periodic imprisonment for a period not
2 to exceed 6 months; provided, however, that the court may
3 permit the parent to be released for periods of time during
4 the day or night to:

5 (A) work; or

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

8 The court may further order any part or all of the earnings
9 of a parent during a sentence of periodic imprisonment paid to
10 the Clerk of the Circuit Court or to the parent having physical
11 possession of the child ~~receiving the support~~ or to the
12 non-parent custodian having custody ~~guardian receiving the~~
13 ~~support~~ of the child ~~children~~ of the sentenced parent for the
14 support of the child ~~said children~~ until further order of the
15 court.

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

1 withholding for child support.

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

13 (1) the obligor ~~supporting parent~~ and the person,
14 persons, or business entity maintain records together.

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

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

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

1 the time a notice of lis pendens pursuant to the Code of Civil
2 Procedure or a copy of the order is placed of record in the
3 office of the recorder of deeds for the county in which the
4 real property is located.

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

25 In addition to the penalties or punishment that may be
26 imposed under this Section, any person whose conduct

1 constitutes a violation of Section 15 of the Non-Support
2 Punishment Act may be prosecuted under that Act, and a person
3 convicted under that Act may be sentenced in accordance with
4 that Act. The sentence may include but need not be limited to a
5 requirement that the person perform community service under
6 Section 50 of that Act or participate in a work alternative
7 program under Section 50 of that Act. A person may not be
8 required to participate in a work alternative program under
9 Section 50 of that Act if the person is currently participating
10 in a work program pursuant to Section 505.1 of this Act.

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

1 (c) A one-time charge of 20% is imposable upon the amount
2 of past-due child support owed on July 1, 1988 which has
3 accrued under a support order entered by the court. The charge
4 shall be imposed in accordance with the provisions of Section
5 10-21 of the Illinois Public Aid Code and shall be enforced by
6 the court upon petition.

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

21 (e) When child support is to be paid through the Clerk of
22 the Court in a county of 1,000,000 inhabitants or less, the
23 order shall direct the obligor ~~supporting parent~~ to pay to the
24 Clerk, in addition to the child support payments, all fees
25 imposed by the county board under paragraph (3) of subsection
26 (u) of Section 27.1 of the Clerks of Courts Act. Unless paid ~~in~~

1 ~~cash or~~ pursuant to an Income Withholding Order/Notice for
2 Support ~~order for withholding~~, the payment of the fee shall be
3 by payment acceptable to the clerk ~~a separate instrument from~~
4 ~~the support payment~~ and shall be made to the order of the
5 Clerk.

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

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

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

1 toward satisfaction of the arrearage or delinquency may be
2 enforced and collected by any method provided by law for
3 enforcement and collection of child support, including but not
4 limited to income withholding under the Income Withholding for
5 Support Act. Each order for support entered or modified on or
6 after the effective date of this amendatory Act of the 93rd
7 General Assembly must contain a statement notifying the parties
8 of the requirements of this subsection. Failure to include the
9 statement in the order for support does not affect the validity
10 of the order or the operation of the provisions of this
11 subsection with regard to the order. This subsection shall not
12 be construed to prevent or affect the establishment or
13 modification of an order for support of a minor child or the
14 establishment or modification of an order for support of a
15 non-minor child or educational expenses under Section 513 of
16 this Act.

17 (h) An order entered under this Section shall include a
18 provision requiring either parent to report to the other parent
19 and to the Clerk of Court ~~clerk of court~~ within 10 days each
20 time either parent obtains new employment, and each time either
21 parent's employment is terminated for any reason ~~Clerk of~~
22 ~~Court~~. The report shall be in writing and shall, in the case of
23 new employment, include the name and address of the new
24 employer. Failure to report new employment or the termination
25 of current employment, if coupled with nonpayment of support
26 for a period in excess of 60 days, is indirect criminal

1 contempt. For either parent arrested for failure to report new
2 employment bond shall be set in the amount of the child support
3 that should have been paid during the period of unreported
4 employment. An order entered under this Section shall also
5 include a provision requiring either obligor and obligee parent
6 to advise the other of a change in residence within 5 days of
7 the change except when the court finds that the physical,
8 mental, or emotional health of a party or that of a child, or
9 both, would be seriously endangered by disclosure of the
10 party's address.

11 (i) The court does not lose the powers of contempt,
12 driver's license suspension, or other child support
13 enforcement mechanisms, including, but not limited to,
14 criminal prosecution as set forth in this Act, upon the
15 emancipation of the minor child ~~or children~~.

16 (Source: P.A. 98-463, eff. 8-16-13; 98-961, eff. 1-1-15; 99-90,
17 eff. 1-1-16; 99-763, eff. 1-1-17; 99-764, eff. 7-1-17.)

18 (750 ILCS 5/510) (from Ch. 40, par. 510)

19 (Text of Section before amendment by P.A. 99-764)

20 Sec. 510. Modification and termination of provisions for
21 maintenance, support, educational expenses, and property
22 disposition.

23 (a) Except as otherwise provided in paragraph (f) of
24 Section 502 and in subsection (b), clause (3) of Section 505.2,
25 the provisions of any judgment respecting maintenance or

1 support may be modified only as to installments accruing
2 subsequent to due notice by the moving party of the filing of
3 the motion for modification. An order for child support may be
4 modified as follows:

5 (1) upon a showing of a substantial change in
6 circumstances; and

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

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

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

24 The provisions of subparagraph (a) (2) (A) shall apply only
25 in cases in which a party is receiving child support
26 enforcement services from the Department of Healthcare and

1 Family Services under Article X of the Illinois Public Aid
2 Code, and only when at least 36 months have elapsed since the
3 order for child support was entered or last modified.

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

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

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

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

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

19 (5) the duration of the maintenance payments
20 previously paid (and remaining to be paid) relative to the
21 length of the marriage;

22 (6) the property, including retirement benefits,
23 awarded to each party under the judgment of dissolution of
24 marriage, judgment of legal separation, or judgment of
25 declaration of invalidity of marriage and the present
26 status of the property;

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

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

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

10 (a-6) In a review under subsection (b-4.5) of Section 504
11 of this Act, the court may enter a fixed-term maintenance award
12 that bars future maintenance only if, at the time of the entry
13 of the award, the marriage had lasted 10 years or less at the
14 time the original action was commenced.

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

19 (c) Unless otherwise agreed by the parties in a written
20 agreement set forth in the judgment or otherwise approved by
21 the court, the obligation to pay future maintenance is
22 terminated upon the death of either party, or the remarriage of
23 the party receiving maintenance, or if the party receiving
24 maintenance cohabits with another person on a resident,
25 continuing conjugal basis. A payor's obligation to pay
26 maintenance or unallocated maintenance terminates by operation

1 of law on the date the recipient remarries or the date the
2 court finds cohabitation began. The payor is entitled to
3 reimbursement for all maintenance paid from that date forward.
4 Any termination of an obligation for maintenance as a result of
5 the death of the payor party, however, shall be inapplicable to
6 any right of the other party or such other party's designee to
7 receive a death benefit under such insurance on the payor
8 party's life. A party receiving maintenance must advise the
9 payor of his or her intention to marry at least 30 days before
10 the remarriage, unless the decision is made within this time
11 period. In that event, he or she must notify the other party
12 within 72 hours of getting married.

13 (c-5) In an adjudicated case, the court shall make specific
14 factual findings as to the reason for the modification as well
15 as the amount, nature, and duration of the modified maintenance
16 award.

17 (d) Unless otherwise provided in this Act, or as agreed in
18 writing or expressly provided in the judgment, provisions for
19 the support of a child are terminated by emancipation of the
20 child, or if the child has attained the age of 18 and is still
21 attending high school, provisions for the support of the child
22 are terminated upon the date that the child graduates from high
23 school or the date the child attains the age of 19, whichever
24 is earlier, but not by the death of a parent obligated to
25 support or educate the child. An existing obligation to pay for
26 support or educational expenses, or both, is not terminated by

1 the death of a parent. When a parent obligated to pay support
2 or educational expenses, or both, dies, the amount of support
3 or educational expenses, or both, may be enforced, modified,
4 revoked or commuted to a lump sum payment, as equity may
5 require, and that determination may be provided for at the time
6 of the dissolution of the marriage or thereafter.

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

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

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

24 (Text of Section after amendment by P.A. 99-764)

25 Sec. 510. Modification and termination of provisions for

1 maintenance, support, educational expenses, and property
2 disposition.

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

10 (1) upon a showing of a substantial change in
11 circumstances; and

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

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

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

1 considered to meet the need to provide for the child's
2 health care needs.

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

9 The court may grant a petition for modification that seeks
10 to apply the changes made to subsection (a) of Section 505 by
11 Public Act 99-764 ~~this amendatory Act of the 99th General~~
12 ~~Assembly~~ to an order entered before the effective date of
13 Public Act 99-764 ~~this amendatory Act of the 99th General~~
14 ~~Assembly~~ only upon a finding of a substantial change in
15 circumstances that warrants application of the changes. The
16 enactment of Public Act 99-764 ~~this amendatory Act of the 99th~~
17 ~~General Assembly~~ itself does not constitute a substantial
18 change in circumstances warranting a modification.

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

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

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

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

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

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

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

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

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

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

25 (a-6) In a review under subsection (b-4.5) of Section 504
26 of this Act, the court may enter a fixed-term maintenance award

1 that bars future maintenance only if, at the time of the entry
2 of the award, the marriage had lasted 10 years or less at the
3 time the original action was commenced.

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

8 (c) Unless otherwise agreed by the parties in a written
9 agreement set forth in the judgment or otherwise approved by
10 the court, the obligation to pay future maintenance is
11 terminated upon the death of either party, or the remarriage of
12 the party receiving maintenance, or if the party receiving
13 maintenance cohabits with another person on a resident,
14 continuing conjugal basis. An obligor's ~~A payer's~~ obligation to
15 pay maintenance or unallocated maintenance terminates by
16 operation of law on the date the obligee ~~recipient~~ remarries or
17 the date the court finds cohabitation began. The obligor ~~payer~~
18 is entitled to reimbursement for all maintenance paid from that
19 date forward. Any termination of an obligation for maintenance
20 as a result of the death of the obligor ~~payer party~~, however,
21 shall be inapplicable to any right of the other party or such
22 other party's designee to receive a death benefit under such
23 insurance on the obligor's ~~payer party's~~ life. An obligee ~~A~~
24 ~~party receiving maintenance~~ must advise the obligor ~~payer~~ of
25 his or her intention to marry at least 30 days before the
26 remarriage, unless the decision is made within this time

1 period. In that event, he or she must notify the obligor ~~other~~
2 ~~party~~ within 72 hours of getting married.

3 (c-5) In an adjudicated case, the court shall make specific
4 factual findings as to the reason for the modification as well
5 as the amount, nature, and duration of the modified maintenance
6 award.

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

23 (e) The right to petition for support or educational
24 expenses, or both, under Sections 505, ~~and~~ 513, and 513.5 is
25 not extinguished by the death of a parent. Upon a petition
26 filed before or after a parent's death, the court may award

1 sums of money out of the decedent's estate for the child's
2 support or educational expenses, or both, as equity may
3 require. The time within which a claim may be filed against the
4 estate of a decedent under Sections 505 and 513 and subsection
5 (d) and this subsection shall be governed by the provisions of
6 the Probate Act of 1975, as a barrable, noncontingent claim.

7 (f) A petition to modify or terminate child support or the
8 allocation of parental responsibilities, including parenting
9 time, shall not delay any child support enforcement litigation
10 or supplementary proceeding on behalf of the obligee,
11 including, but not limited to, a petition for a rule to show
12 cause, for non-wage garnishment, or for a restraining order.

13 (Source: P.A. 99-90, eff. 1-1-16; 99-764, eff. 7-1-17; revised
14 9-8-16.)

15 Section 95. No acceleration or delay. Where this Act makes
16 changes in a statute that is represented in this Act by text
17 that is not yet or no longer in effect (for example, a Section
18 represented by multiple versions), the use of that text does
19 not accelerate or delay the taking effect of (i) the changes
20 made by this Act or (ii) provisions derived from any other
21 Public Act.

22 Section 99. Effective date. This Act takes effect July 1,
23 2017.