

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 5. The Code of Criminal Procedure of 1963 is
5 amended by changing Section 112A-14 as follows:

6 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

7 Sec. 112A-14. Order of protection; remedies.

8 (a) (Blank).

9 (b) The court may order any of the remedies listed in this
10 subsection. The remedies listed in this subsection shall be in
11 addition to other civil or criminal remedies available to
12 petitioner.

13 (1) Prohibition of abuse. Prohibit respondent's
14 harassment, interference with personal liberty,
15 intimidation of a dependent, physical abuse or willful
16 deprivation, as defined in this Article, if such abuse has
17 occurred or otherwise appears likely to occur if not
18 prohibited.

19 (2) Grant of exclusive possession of residence.
20 Prohibit respondent from entering or remaining in any
21 residence, household, or premises of the petitioner,
22 including one owned or leased by respondent, if petitioner
23 has a right to occupancy thereof. The grant of exclusive

1 possession of the residence, household, or premises shall
2 not affect title to real property, nor shall the court be
3 limited by the standard set forth in subsection (c-2) of
4 Section 501 ~~Section 701~~ of the Illinois Marriage and
5 Dissolution of Marriage Act.

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

15 (B) Presumption of hardships. If petitioner and
16 respondent each has the right to occupancy of a
17 residence or household, the court shall balance (i) the
18 hardships to respondent and any minor child or
19 dependent adult in respondent's care resulting from
20 entry of this remedy with (ii) the hardships to
21 petitioner and any minor child or dependent adult in
22 petitioner's care resulting from continued exposure to
23 the risk of abuse (should petitioner remain at the
24 residence or household) or from loss of possession of
25 the residence or household (should petitioner leave to
26 avoid the risk of abuse). When determining the balance

1 of hardships, the court shall also take into account
2 the accessibility of the residence or household.
3 Hardships need not be balanced if respondent does not
4 have a right to occupancy.

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

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

26 (A) If an order of protection grants petitioner

1 exclusive possession of the residence, or prohibits
2 respondent from entering the residence, or orders
3 respondent to stay away from petitioner or other
4 protected persons, then the court may allow respondent
5 access to the residence to remove items of clothing and
6 personal adornment used exclusively by respondent,
7 medications, and other items as the court directs. The
8 right to access shall be exercised on only one occasion
9 as the court directs and in the presence of an
10 agreed-upon adult third party or law enforcement
11 officer.

12 (B) When the petitioner and the respondent attend
13 the same public, private, or non-public elementary,
14 middle, or high school, the court when issuing an order
15 of protection and providing relief shall consider the
16 severity of the act, any continuing physical danger or
17 emotional distress to the petitioner, the educational
18 rights guaranteed to the petitioner and respondent
19 under federal and State law, the availability of a
20 transfer of the respondent to another school, a change
21 of placement or a change of program of the respondent,
22 the expense, difficulty, and educational disruption
23 that would be caused by a transfer of the respondent to
24 another school, and any other relevant facts of the
25 case. The court may order that the respondent not
26 attend the public, private, or non-public elementary,

1 middle, or high school attended by the petitioner,
2 order that the respondent accept a change of placement
3 or change of program, as determined by the school
4 district or private or non-public school, or place
5 restrictions on the respondent's movements within the
6 school attended by the petitioner. The respondent
7 bears the burden of proving by a preponderance of the
8 evidence that a transfer, change of placement, or
9 change of program of the respondent is not available.
10 The respondent also bears the burden of production with
11 respect to the expense, difficulty, and educational
12 disruption that would be caused by a transfer of the
13 respondent to another school. A transfer, change of
14 placement, or change of program is not unavailable to
15 the respondent solely on the ground that the respondent
16 does not agree with the school district's or private or
17 non-public school's transfer, change of placement, or
18 change of program or solely on the ground that the
19 respondent fails or refuses to consent or otherwise
20 does not take an action required to effectuate a
21 transfer, change of placement, or change of program.
22 When a court orders a respondent to stay away from the
23 public, private, or non-public school attended by the
24 petitioner and the respondent requests a transfer to
25 another attendance center within the respondent's
26 school district or private or non-public school, the

1 school district or private or non-public school shall
2 have sole discretion to determine the attendance
3 center to which the respondent is transferred. If the
4 court order results in a transfer of the minor
5 respondent to another attendance center, a change in
6 the respondent's placement, or a change of the
7 respondent's program, the parents, guardian, or legal
8 custodian of the respondent is responsible for
9 transportation and other costs associated with the
10 transfer or change.

11 (C) The court may order the parents, guardian, or
12 legal custodian of a minor respondent to take certain
13 actions or to refrain from taking certain actions to
14 ensure that the respondent complies with the order. If
15 the court orders a transfer of the respondent to
16 another school, the parents, guardian, or legal
17 custodian of the respondent is responsible for
18 transportation and other costs associated with the
19 change of school by the respondent.

20 (4) Counseling. Require or recommend the respondent to
21 undergo counseling for a specified duration with a social
22 worker, psychologist, clinical psychologist, psychiatrist,
23 family service agency, alcohol or substance abuse program,
24 mental health center guidance counselor, agency providing
25 services to elders, program designed for domestic violence
26 abusers or any other guidance service the court deems

1 appropriate. The court may order the respondent in any
2 intimate partner relationship to report to an Illinois
3 Department of Human Services protocol approved partner
4 abuse intervention program for an assessment and to follow
5 all recommended treatment.

6 (5) Physical care and possession of the minor child. In
7 order to protect the minor child from abuse, neglect, or
8 unwarranted separation from the person who has been the
9 minor child's primary caretaker, or to otherwise protect
10 the well-being of the minor child, the court may do either
11 or both of the following: (i) grant petitioner physical
12 care or possession of the minor child, or both, or (ii)
13 order respondent to return a minor child to, or not remove
14 a minor child from, the physical care of a parent or person
15 in loco parentis.

16 If the respondent is charged with abuse (as defined in
17 Section 112A-3) of a minor child, there shall be a
18 rebuttable presumption that awarding physical care to
19 respondent would not be in the minor child's best interest.

20 (6) Temporary legal custody. Award temporary legal
21 custody to petitioner in accordance with this Section, the
22 Illinois Marriage and Dissolution of Marriage Act, the
23 Illinois Parentage Act of 2015, and this State's Uniform
24 Child-Custody Jurisdiction and Enforcement Act.

25 If the respondent is charged with abuse (as defined in
26 Section 112A-3) of a minor child, there shall be a

1 rebuttable presumption that awarding temporary legal
2 custody to respondent would not be in the child's best
3 interest.

4 (7) Visitation. Determine the visitation rights, if
5 any, of respondent in any case in which the court awards
6 physical care or temporary legal custody of a minor child
7 to petitioner. The court shall restrict or deny
8 respondent's visitation with a minor child if the court
9 finds that respondent has done or is likely to do any of
10 the following: (i) abuse or endanger the minor child during
11 visitation; (ii) use the visitation as an opportunity to
12 abuse or harass petitioner or petitioner's family or
13 household members; (iii) improperly conceal or detain the
14 minor child; or (iv) otherwise act in a manner that is not
15 in the best interests of the minor child. The court shall
16 not be limited by the standards set forth in Section 607.1
17 of the Illinois Marriage and Dissolution of Marriage Act.
18 If the court grants visitation, the order shall specify
19 dates and times for the visitation to take place or other
20 specific parameters or conditions that are appropriate. No
21 order for visitation shall refer merely to the term
22 "reasonable visitation".

23 Petitioner may deny respondent access to the minor
24 child if, when respondent arrives for visitation,
25 respondent is under the influence of drugs or alcohol and
26 constitutes a threat to the safety and well-being of

1 petitioner or petitioner's minor children or is behaving in
2 a violent or abusive manner.

3 If necessary to protect any member of petitioner's
4 family or household from future abuse, respondent shall be
5 prohibited from coming to petitioner's residence to meet
6 the minor child for visitation, and the parties shall
7 submit to the court their recommendations for reasonable
8 alternative arrangements for visitation. A person may be
9 approved to supervise visitation only after filing an
10 affidavit accepting that responsibility and acknowledging
11 accountability to the court.

12 (8) Removal or concealment of minor child. Prohibit
13 respondent from removing a minor child from the State or
14 concealing the child within the State.

15 (9) Order to appear. Order the respondent to appear in
16 court, alone or with a minor child, to prevent abuse,
17 neglect, removal or concealment of the child, to return the
18 child to the custody or care of the petitioner or to permit
19 any court-ordered interview or examination of the child or
20 the respondent.

21 (10) Possession of personal property. Grant petitioner
22 exclusive possession of personal property and, if
23 respondent has possession or control, direct respondent to
24 promptly make it available to petitioner, if:

25 (i) petitioner, but not respondent, owns the
26 property; or

1 (ii) the parties own the property jointly; sharing
2 it would risk abuse of petitioner by respondent or is
3 impracticable; and the balance of hardships favors
4 temporary possession by petitioner.

5 If petitioner's sole claim to ownership of the property
6 is that it is marital property, the court may award
7 petitioner temporary possession thereof under the
8 standards of subparagraph (ii) of this paragraph only if a
9 proper proceeding has been filed under the Illinois
10 Marriage and Dissolution of Marriage Act, as now or
11 hereafter amended.

12 No order under this provision shall affect title to
13 property.

14 (11) Protection of property. Forbid the respondent
15 from taking, transferring, encumbering, concealing,
16 damaging or otherwise disposing of any real or personal
17 property, except as explicitly authorized by the court, if:

18 (i) petitioner, but not respondent, owns the
19 property; or

20 (ii) the parties own the property jointly, and the
21 balance of hardships favors granting this remedy.

22 If petitioner's sole claim to ownership of the property
23 is that it is marital property, the court may grant
24 petitioner relief under subparagraph (ii) of this
25 paragraph only if a proper proceeding has been filed under
26 the Illinois Marriage and Dissolution of Marriage Act, as

1 now or hereafter amended.

2 The court may further prohibit respondent from
3 improperly using the financial or other resources of an
4 aged member of the family or household for the profit or
5 advantage of respondent or of any other person.

6 (11.5) Protection of animals. Grant the petitioner the
7 exclusive care, custody, or control of any animal owned,
8 possessed, leased, kept, or held by either the petitioner
9 or the respondent or a minor child residing in the
10 residence or household of either the petitioner or the
11 respondent and order the respondent to stay away from the
12 animal and forbid the respondent from taking,
13 transferring, encumbering, concealing, harming, or
14 otherwise disposing of the animal.

15 (12) Order for payment of support. Order respondent to
16 pay temporary support for the petitioner or any child in
17 the petitioner's care or custody, when the respondent has a
18 legal obligation to support that person, in accordance with
19 the Illinois Marriage and Dissolution of Marriage Act,
20 which shall govern, among other matters, the amount of
21 support, payment through the clerk and withholding of
22 income to secure payment. An order for child support may be
23 granted to a petitioner with lawful physical care or
24 custody of a child, or an order or agreement for physical
25 care or custody, prior to entry of an order for legal
26 custody. Such a support order shall expire upon entry of a

1 valid order granting legal custody to another, unless
2 otherwise provided in the custody order.

3 (13) Order for payment of losses. Order respondent to
4 pay petitioner for losses suffered as a direct result of
5 the abuse. Such losses shall include, but not be limited
6 to, medical expenses, lost earnings or other support,
7 repair or replacement of property damaged or taken,
8 reasonable attorney's fees, court costs and moving or other
9 travel expenses, including additional reasonable expenses
10 for temporary shelter and restaurant meals.

11 (i) Losses affecting family needs. If a party is
12 entitled to seek maintenance, child support or
13 property distribution from the other party under the
14 Illinois Marriage and Dissolution of Marriage Act, as
15 now or hereafter amended, the court may order
16 respondent to reimburse petitioner's actual losses, to
17 the extent that such reimbursement would be
18 "appropriate temporary relief", as authorized by
19 subsection (a) (3) of Section 501 of that Act.

20 (ii) Recovery of expenses. In the case of an
21 improper concealment or removal of a minor child, the
22 court may order respondent to pay the reasonable
23 expenses incurred or to be incurred in the search for
24 and recovery of the minor child, including, but not
25 limited to, legal fees, court costs, private
26 investigator fees, and travel costs.

1 (14) Prohibition of entry. Prohibit the respondent
2 from entering or remaining in the residence or household
3 while the respondent is under the influence of alcohol or
4 drugs and constitutes a threat to the safety and well-being
5 of the petitioner or the petitioner's children.

6 (14.5) Prohibition of firearm possession.

7 (A) A person who is subject to an existing order of
8 protection~~7~~ issued under this Code may not lawfully
9 possess weapons under Section 8.2 of the Firearm Owners
10 Identification Card Act.

11 (B) Any firearms in the possession of the
12 respondent, except as provided in subparagraph (C) of
13 this paragraph (14.5), shall be ordered by the court to
14 be turned over to a person with a valid Firearm Owner's
15 Identification Card for safekeeping. The court shall
16 issue an order that the respondent's Firearm Owner's
17 Identification Card be turned over to the local law
18 enforcement agency, which in turn shall immediately
19 mail the card to the Department of State Police Firearm
20 Owner's Identification Card Office for safekeeping.
21 The period of safekeeping shall be for the duration of
22 the order of protection. The firearm or firearms and
23 Firearm Owner's Identification Card, if unexpired,
24 shall at the respondent's request be returned to the
25 respondent at expiration of the order of protection.

26 (C) If the respondent is a peace officer as defined

1 in Section 2-13 of the Criminal Code of 2012, the court
2 shall order that any firearms used by the respondent in
3 the performance of his or her duties as a peace officer
4 be surrendered to the chief law enforcement executive
5 of the agency in which the respondent is employed, who
6 shall retain the firearms for safekeeping for the
7 duration of the order of protection.

8 (D) Upon expiration of the period of safekeeping,
9 if the firearms or Firearm Owner's Identification Card
10 cannot be returned to respondent because respondent
11 cannot be located, fails to respond to requests to
12 retrieve the firearms, or is not lawfully eligible to
13 possess a firearm, upon petition from the local law
14 enforcement agency, the court may order the local law
15 enforcement agency to destroy the firearms, use the
16 firearms for training purposes, or for any other
17 application as deemed appropriate by the local law
18 enforcement agency; or that the firearms be turned over
19 to a third party who is lawfully eligible to possess
20 firearms, and who does not reside with respondent.

21 (15) Prohibition of access to records. If an order of
22 protection prohibits respondent from having contact with
23 the minor child, or if petitioner's address is omitted
24 under subsection (b) of Section 112A-5, or if necessary to
25 prevent abuse or wrongful removal or concealment of a minor
26 child, the order shall deny respondent access to, and

1 prohibit respondent from inspecting, obtaining, or
2 attempting to inspect or obtain, school or any other
3 records of the minor child who is in the care of
4 petitioner.

5 (16) Order for payment of shelter services. Order
6 respondent to reimburse a shelter providing temporary
7 housing and counseling services to the petitioner for the
8 cost of the services, as certified by the shelter and
9 deemed reasonable by the court.

10 (17) Order for injunctive relief. Enter injunctive
11 relief necessary or appropriate to prevent further abuse of
12 a family or household member or to effectuate one of the
13 granted remedies, if supported by the balance of hardships.
14 If the harm to be prevented by the injunction is abuse or
15 any other harm that one of the remedies listed in
16 paragraphs (1) through (16) of this subsection is designed
17 to prevent, no further evidence is necessary to establish
18 that the harm is an irreparable injury.

19 (18) Telephone services.

20 (A) Unless a condition described in subparagraph
21 (B) of this paragraph exists, the court may, upon
22 request by the petitioner, order a wireless telephone
23 service provider to transfer to the petitioner the
24 right to continue to use a telephone number or numbers
25 indicated by the petitioner and the financial
26 responsibility associated with the number or numbers,

1 as set forth in subparagraph (C) of this paragraph. For
2 purposes of this paragraph (18), the term "wireless
3 telephone service provider" means a provider of
4 commercial mobile service as defined in 47 U.S.C. 332.
5 The petitioner may request the transfer of each
6 telephone number that the petitioner, or a minor child
7 in his or her custody, uses. The clerk of the court
8 shall serve the order on the wireless telephone service
9 provider's agent for service of process provided to the
10 Illinois Commerce Commission. The order shall contain
11 all of the following:

12 (i) The name and billing telephone number of
13 the account holder including the name of the
14 wireless telephone service provider that serves
15 the account.

16 (ii) Each telephone number that will be
17 transferred.

18 (iii) A statement that the provider transfers
19 to the petitioner all financial responsibility for
20 and right to the use of any telephone number
21 transferred under this paragraph.

22 (B) A wireless telephone service provider shall
23 terminate the respondent's use of, and shall transfer
24 to the petitioner use of, the telephone number or
25 numbers indicated in subparagraph (A) of this
26 paragraph unless it notifies the petitioner, within 72

1 hours after it receives the order, that one of the
2 following applies:

3 (i) The account holder named in the order has
4 terminated the account.

5 (ii) A difference in network technology would
6 prevent or impair the functionality of a device on
7 a network if the transfer occurs.

8 (iii) The transfer would cause a geographic or
9 other limitation on network or service provision
10 to the petitioner.

11 (iv) Another technological or operational
12 issue would prevent or impair the use of the
13 telephone number if the transfer occurs.

14 (C) The petitioner assumes all financial
15 responsibility for and right to the use of any
16 telephone number transferred under this paragraph. In
17 this paragraph, "financial responsibility" includes
18 monthly service costs and costs associated with any
19 mobile device associated with the number.

20 (D) A wireless telephone service provider may
21 apply to the petitioner its routine and customary
22 requirements for establishing an account or
23 transferring a number, including requiring the
24 petitioner to provide proof of identification,
25 financial information, and customer preferences.

26 (E) Except for willful or wanton misconduct, a

1 wireless telephone service provider is immune from
2 civil liability for its actions taken in compliance
3 with a court order issued under this paragraph.

4 (F) All wireless service providers that provide
5 services to residential customers shall provide to the
6 Illinois Commerce Commission the name and address of an
7 agent for service of orders entered under this
8 paragraph (18). Any change in status of the registered
9 agent must be reported to the Illinois Commerce
10 Commission within 30 days of such change.

11 (G) The Illinois Commerce Commission shall
12 maintain the list of registered agents for service for
13 each wireless telephone service provider on the
14 Commission's website. The Commission may consult with
15 wireless telephone service providers and the Circuit
16 Court Clerks on the manner in which this information is
17 provided and displayed.

18 (c) Relevant factors; findings.

19 (1) In determining whether to grant a specific remedy,
20 other than payment of support, the court shall consider
21 relevant factors, including but not limited to the
22 following:

23 (i) the nature, frequency, severity, pattern and
24 consequences of the respondent's past abuse of the
25 petitioner or any family or household member,
26 including the concealment of his or her location in

1 order to evade service of process or notice, and the
2 likelihood of danger of future abuse to petitioner or
3 any member of petitioner's or respondent's family or
4 household; and

5 (ii) the danger that any minor child will be abused
6 or neglected or improperly removed from the
7 jurisdiction, improperly concealed within the State or
8 improperly separated from the child's primary
9 caretaker.

10 (2) In comparing relative hardships resulting to the
11 parties from loss of possession of the family home, the
12 court shall consider relevant factors, including, but not
13 limited to, the following:

14 (i) availability, accessibility, cost, safety,
15 adequacy, location and other characteristics of
16 alternate housing for each party and any minor child or
17 dependent adult in the party's care;

18 (ii) the effect on the party's employment; and

19 (iii) the effect on the relationship of the party,
20 and any minor child or dependent adult in the party's
21 care, to family, school, church and community.

22 (3) Subject to the exceptions set forth in paragraph
23 (4) of this subsection, the court shall make its findings
24 in an official record or in writing, and shall at a minimum
25 set forth the following:

26 (i) That the court has considered the applicable

1 relevant factors described in paragraphs (1) and (2) of
2 this subsection.

3 (ii) Whether the conduct or actions of respondent,
4 unless prohibited, will likely cause irreparable harm
5 or continued abuse.

6 (iii) Whether it is necessary to grant the
7 requested relief in order to protect petitioner or
8 other alleged abused persons.

9 (4) (Blank).

10 (5) Never married parties. No rights or
11 responsibilities for a minor child born outside of marriage
12 attach to a putative father until a father and child
13 relationship has been established under the Illinois
14 Parentage Act of 1984 or under the Illinois Parentage Act
15 of 2015 on and after the effective date of that Act. Absent
16 such an adjudication, no putative father shall be granted
17 temporary custody of the minor child, visitation with the
18 minor child, or physical care and possession of the minor
19 child, nor shall an order of payment for support of the
20 minor child be entered.

21 (d) Balance of hardships; findings. If the court finds that
22 the balance of hardships does not support the granting of a
23 remedy governed by paragraph (2), (3), (10), (11), or (16) of
24 subsection (b) of this Section, which may require such
25 balancing, the court's findings shall so indicate and shall
26 include a finding as to whether granting the remedy will result

1 in hardship to respondent that would substantially outweigh the
2 hardship to petitioner from denial of the remedy. The findings
3 shall be an official record or in writing.

4 (e) Denial of remedies. Denial of any remedy shall not be
5 based, in whole or in part, on evidence that:

6 (1) Respondent has cause for any use of force, unless
7 that cause satisfies the standards for justifiable use of
8 force provided by Article 7 of the Criminal Code of 2012;

9 (2) Respondent was voluntarily intoxicated;

10 (3) Petitioner acted in self-defense or defense of
11 another, provided that, if petitioner utilized force, such
12 force was justifiable under Article 7 of the Criminal Code
13 of 2012;

14 (4) Petitioner did not act in self-defense or defense
15 of another;

16 (5) Petitioner left the residence or household to avoid
17 further abuse by respondent;

18 (6) Petitioner did not leave the residence or household
19 to avoid further abuse by respondent;

20 (7) Conduct by any family or household member excused
21 the abuse by respondent, unless that same conduct would
22 have excused such abuse if the parties had not been family
23 or household members.

24 (Source: P.A. 99-85, eff. 1-1-16; 100-199, eff. 1-1-18;
25 100-388, eff. 1-1-18; revised 10-10-17.)

1 Section 10. The Illinois Marriage and Dissolution of
2 Marriage Act is amended by changing Sections 504, 505, and 510
3 as follows:

4 (750 ILCS 5/504) (from Ch. 40, par. 504)

5 Sec. 504. Maintenance.

6 (a) Entitlement to maintenance. In a proceeding for
7 dissolution of marriage, ~~or~~ legal separation, ~~or~~ declaration of
8 invalidity of marriage, or dissolution of a civil union, ~~or~~ a
9 proceeding for maintenance following a legal separation or
10 dissolution of the marriage or civil union by a court which
11 lacked personal jurisdiction over the absent spouse, a
12 proceeding for modification of a previous order for maintenance
13 under Section 510 of this Act, or any proceeding authorized
14 under Section 501 of this Act, the court may grant a
15 maintenance award for either spouse in amounts and for periods
16 of time as the court deems just, without regard to marital
17 misconduct, and the maintenance may be paid from the income or
18 property of the other spouse. The court shall first make a
19 finding as to ~~determine~~ whether a maintenance award is
20 appropriate, after consideration of all relevant factors,
21 including:

22 (1) the income and property of each party, including
23 marital property apportioned and non-marital property
24 assigned to the party seeking maintenance as well as all
25 financial obligations imposed on the parties as a result of

1 the dissolution of marriage;

2 (2) the needs of each party;

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

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

10 (5) any impairment of the realistic present or future
11 earning capacity of the party against whom maintenance is
12 sought;

13 (6) the time necessary to enable the party seeking
14 maintenance to acquire appropriate education, training,
15 and employment, and whether that party is able to support
16 himself or herself through appropriate employment; ~~or~~

17 (6.1) the effect of any parental responsibility
18 arrangements and its effect on a party's ability to seek or
19 maintain ~~the party seeking~~ employment;

20 (7) the standard of living established during the
21 marriage;

22 (8) the duration of the marriage;

23 (9) the age, health, station, occupation, amount and
24 sources of income, vocational skills, employability,
25 estate, liabilities, and the needs of each of the parties;

26 (10) all sources of public and private income

1 including, without limitation, disability and retirement
2 income;

3 (11) the tax consequences to each party ~~of the property~~
4 ~~division upon the respective economic circumstances of the~~
5 ~~parties;~~

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

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

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

12 (b) (Blank).

13 (b-1) Amount and duration of maintenance. Unless the court
14 finds that a maintenance award is appropriate, it shall bar
15 maintenance as to the party seeking maintenance regardless of
16 the length of the marriage at the time the action was
17 commenced. Only if ~~If~~ the court finds ~~determines~~ that a
18 maintenance award is appropriate, the court shall order
19 guideline maintenance in accordance with ~~either~~ paragraph (1)
20 or non-guideline maintenance in accordance with paragraph (2)
21 of this subsection (b-1). If the application of guideline
22 maintenance results in a combined maintenance and child support
23 obligation that exceeds 50% of the payor's net income, the
24 court may determine non-guideline maintenance in accordance
25 with paragraph (2) of this subsection (b-1), non-guideline
26 child support in accordance with paragraph (3.4) of subsection

1 (a) of Section 505, or both.+

2 (1) Maintenance award in accordance with guidelines.
3 ~~If in situations when~~ the combined gross annual income of
4 the parties is less than \$500,000 and the payor has no
5 obligation to pay child support or maintenance or both from
6 a prior relationship, maintenance payable after the date
7 the parties' marriage is dissolved shall be in accordance
8 with subparagraphs (A) and (B) of this paragraph (1),
9 unless the court makes a finding that the application of
10 the guidelines would be inappropriate.

11 (A) The amount of maintenance under this paragraph
12 (1) shall be calculated by taking 33 1/3% of the
13 payor's net annual income minus 25% of the payee's net
14 annual income. The amount calculated as maintenance,
15 however, when added to the net income of the payee,
16 shall not result in the payee receiving an amount that
17 is in excess of 40% of the combined net income of the
18 parties.

19 (A-1) Modification of maintenance orders entered
20 before January 1, 2019 that are and continue to be
21 eligible for inclusion in the gross income of the payee
22 for federal income tax purposes and deductible by the
23 payor shall be calculated by taking 30% of the payor's
24 gross annual income minus 20% of the payee's gross
25 annual income, unless both parties expressly provide
26 otherwise in the modification order. The amount

1 calculated as maintenance, however, when added to the
2 gross income of the payee, may not result in the payee
3 receiving an amount that is in excess of 40% of the
4 combined gross income of the parties. ~~The amount of~~
5 ~~maintenance under this paragraph (1) shall be~~
6 ~~calculated by taking 30% of the payor's gross annual~~
7 ~~income minus 20% of the payee's gross annual income.~~
8 ~~The amount calculated as maintenance, however, when~~
9 ~~added to the gross income of the payee, may not result~~
10 ~~in the payee receiving an amount that is in excess of~~
11 ~~40% of 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: less than 5
16 years (.20); 5 years or more but less than 6 years
17 (.24); 6 years or more but less than 7 years (.28); 7
18 years or more but less than 8 years (.32); 8 years or
19 more but less than 9 years (.36); 9 years or more but
20 less than 10 years (.40); 10 years or more but less
21 than 11 years (.44); 11 years or more but less than 12
22 years (.48); 12 years or more but less than 13 years
23 (.52); 13 years or more but less than 14 years (.56);
24 14 years or more but less than 15 years (.60); 15 years
25 or more but less than 16 years (.64); 16 years or more
26 but less than 17 years (.68); 17 years or more but less

1 than 18 years (.72); 18 years or more but less than 19
2 years (.76); 19 years or more but less than 20 years
3 (.80). For a marriage of 20 or more years, the court,
4 in its discretion, shall order maintenance for a period
5 equal to the length of the marriage or for an
6 indefinite term.

7 (1.5) In the discretion of the court, any term of
8 temporary maintenance paid by court order ~~under~~ pursuant to
9 Section 501 may be a corresponding credit to the duration
10 of maintenance set forth in subparagraph (b-1) (1) (B).

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

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

18 (1) the court shall state its reasoning for awarding or
19 not awarding maintenance and shall include references to
20 each relevant factor set forth in subsection (a) of this
21 Section; ~~and~~

22 (2) if the court deviates from ~~otherwise~~ applicable
23 guidelines under paragraph (1) of subsection (b-1), it
24 shall state in its findings the amount of maintenance (if
25 determinable) or duration that would have been required
26 under the guidelines and the reasoning for any variance

1 from the guidelines; and ~~and~~.

2 (3) the court shall state whether the maintenance is
3 fixed-term, indefinite, reviewable, or reserved by the
4 court.

5 (b-3) Gross income. For purposes of this Section, the term
6 "gross income" means all income from all sources, within the
7 scope of that phrase in Section 505 of this Act, except
8 maintenance payments in the pending proceedings shall not be
9 included.

10 (b-3.5) Net income. As used in this Section, "net income"
11 has the meaning provided in Section 505 of this Act, except
12 maintenance payments in the pending proceedings shall not be
13 included.

14 (b-4) Modification of maintenance orders entered before
15 January 1, 2019. For any order for maintenance or unallocated
16 maintenance and child support entered before January 1, 2019
17 that is modified after December 31, 2018, payments thereunder
18 shall continue to retain the same tax treatment for federal
19 income tax purposes unless both parties expressly agree
20 otherwise and the agreement is included in the modification
21 order ~~Unallocated maintenance. Unless the parties otherwise~~
22 ~~agree, the court may not order unallocated maintenance and~~
23 ~~child support in any dissolution judgment or in any~~
24 ~~post-dissolution order. In its discretion, the court may order~~
25 ~~unallocated maintenance and child support in any~~
26 ~~pre-dissolution temporary order.~~

1 (b-4.5) Maintenance designation ~~Fixed-term maintenance in~~
2 ~~marriages of less than 10 years.~~

3 (1) Fixed-term maintenance. If a court grants
4 maintenance for a fixed term ~~period~~ under ~~subsection (a) of~~
5 ~~this Section at the conclusion of a case commenced before~~
6 ~~the tenth anniversary of the marriage,~~ the court shall ~~may~~
7 ~~also~~ designate the termination of the period during which
8 this maintenance is to be paid. Maintenance is barred after
9 the end of the period during which fixed-term maintenance
10 is to be paid. ~~as a "permanent termination". The effect of~~
11 ~~this designation is that maintenance is barred after the~~
12 ~~ending date of the period during which maintenance is to be~~
13 ~~paid.~~

14 (2) Indefinite maintenance. If a court grants
15 maintenance for an indefinite term, the court shall not
16 designate a termination date. Indefinite maintenance shall
17 continue until modification or termination under Section
18 510.

19 (3) Reviewable maintenance. If a court grants
20 maintenance for a specific term with a review, the court
21 shall designate the period of the specific term and state
22 that the maintenance is reviewable. Upon review, the court
23 shall make a finding in accordance with subdivision (b-8)
24 of this Section, unless the maintenance is modified or
25 terminated under Section 510.

26 (b-5) Interest on maintenance. Any maintenance obligation

1 including any unallocated maintenance and child support
2 obligation, or any portion of any support obligation, that
3 becomes due and remains unpaid shall accrue simple interest as
4 set forth in Section 505 of this Act.

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

23 (b-8) Review of maintenance. Upon review of any previously
24 ordered maintenance award, the court may extend maintenance for
25 further review, extend maintenance for a fixed non-modifiable
26 term, extend maintenance for an indefinite term, or permanently

1 terminate maintenance in accordance with subdivision
2 (b-1) (1) (A) of this Section.

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

6 (d) Maintenance during imprisonment. No maintenance shall
7 accrue during the period in which a party is imprisoned for
8 failure to comply with the court's order for the payment of
9 such maintenance.

10 (e) Fees when maintenance is paid through the clerk. When
11 maintenance is to be paid through the clerk of the court in a
12 county of 500,000 ~~1,000,000~~ inhabitants or less, the order
13 shall direct the obligor to pay to the clerk, in addition to
14 the maintenance payments, all fees imposed by the county board
15 under paragraph (4) of subsection (bb) of Section 27.1a
16 ~~paragraph (3) of subsection (u) of Section 27.1~~ of the Clerks
17 of Courts Act. When maintenance is to be paid through the clerk
18 of the court in a county of more than 500,000 but less than
19 3,000,000 inhabitants, the order shall direct the obligor to
20 pay to the clerk, in addition to the maintenance payments, all
21 fees imposed by the county board under paragraph (4) of
22 subsection (bb) of Section 27.2 of the Clerks of Courts Act.
23 Unless paid in cash or pursuant to an order for withholding,
24 the payment of the fee shall be by a separate instrument from
25 the support payment and shall be made to the order of the
26 Clerk.

1 (f) Maintenance secured by life insurance. An award ordered
2 by a court upon entry of a dissolution judgment or upon entry
3 of an award of maintenance following a reservation of
4 maintenance in a dissolution judgment may be reasonably
5 secured, in whole or in part, by life insurance on the payor's
6 life on terms as to which the parties agree⁷ or, if the parties
7 ~~they~~ do not agree, on such terms determined by the court,
8 subject to the following:

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

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

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

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

1 amount in light of the court's award, with the payee or
2 the payee's designee being the beneficiary of such life
3 insurance.

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

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

20 (Source: P.A. 99-90, eff. 1-1-16; 99-763, eff. 1-1-17; 100-520,
21 eff. 1-1-18 (see Section 5 of P.A. 100-565 for the effective
22 date of P.A. 100-520).)

23 (750 ILCS 5/505) (from Ch. 40, par. 505)

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

25 (a) In a proceeding for dissolution of marriage, legal

1 separation, declaration of invalidity of marriage, or
2 dissolution of a civil union, a proceeding for child support
3 following a legal separation or dissolution of the marriage or
4 civil union by a court that lacked personal jurisdiction over
5 the absent spouse, a proceeding for modification of a previous
6 order for child support under Section 510 of this Act, or any
7 proceeding authorized under Section 501 or 601 of this Act, the
8 court may order either or both parents owing a duty of support
9 to a child of the marriage or civil union to pay an amount
10 reasonable and necessary for support. The duty of support owed
11 to a child includes the obligation to provide for the
12 reasonable and necessary physical, mental and emotional health
13 needs of the child. For purposes of this Section, the term
14 "child" shall include any child under age 18 and any child age
15 19 or younger who is still attending high school. For purposes
16 of this Section, the term "obligor" means the parent obligated
17 to pay support to the other parent.

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

1 (A) to establish as State policy an adequate
2 standard of support for a child, subject to the ability
3 of parents to pay;

4 (B) to make child support obligations more
5 equitable by ensuring more consistent treatment of
6 parents in similar circumstances;

7 (C) to improve the efficiency of the court process
8 by promoting settlements and giving courts and the
9 parties guidance in establishing levels of child
10 support;

11 (D) to calculate child support based upon the
12 parents' combined net income estimated to have been
13 allocated for the support of the child if the parents
14 and child were living in an intact household;

15 (E) to adjust child support based upon the needs of
16 the child; and

17 (F) to allocate the amount of child support to be
18 paid by each parent based upon a parent's net income
19 and the child's physical care arrangements.

20 (1.5) Computation of basic child support obligation.
21 The court shall compute the basic child support obligation
22 by taking the following steps:

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

24 (B) add the parents' monthly net incomes together
25 to determine the combined monthly net income of the
26 parents;

1 (C) select the corresponding appropriate amount
2 from the schedule of basic child support obligations
3 based on the parties' combined monthly net income and
4 number of children of the parties; and

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

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

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

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

19 (B) the financial resources and needs of the
20 parents;

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

24 (D) the physical and emotional condition of the
25 child and his or her educational needs.

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
6 for ~~to~~ Needy Families, Supplemental Security Income,
7 and the Supplemental Nutrition Assistance Program or
8 (ii) benefits and income received by the parent for
9 other children in the household, including, but not
10 limited to, child support, survivor benefits, and
11 foster care payments. Social security disability and
12 retirement benefits paid for the benefit of the subject
13 child must be included in the disabled or retired
14 parent's gross income for purposes of calculating the
15 parent's child support obligation, but the parent is
16 entitled to a child support credit for the amount of
17 benefits paid to the other party for the child. "Gross
18 income" ~~also~~ includes ~~spousal~~ maintenance treated as
19 taxable income for federal income tax purposes to the
20 payee and received pursuant to a court order in the
21 pending proceedings or any other proceedings and shall
22 ~~that must~~ be included in the payee's ~~recipient's~~ gross
23 income for purposes of calculating the parent's child
24 support obligation.

25 (B) As used in this Section, "net income" means
26 gross income minus either the standardized tax amount

1 calculated pursuant to subparagraph (C) of this
2 paragraph (3) or the individualized tax amount
3 calculated pursuant to subparagraph (D) of this
4 paragraph (3), and minus any adjustments pursuant to
5 subparagraph (F) of this paragraph (3). The
6 standardized tax amount shall be used unless the
7 requirements for an individualized tax amount set
8 forth in subparagraph (E) of this paragraph (3) are
9 met. "Net income" includes maintenance not includable
10 in the gross taxable income of the payee for federal
11 income tax purposes under a court order in the pending
12 proceedings or any other proceedings and shall be
13 included in the payee's net income for purposes of
14 calculating the parent's child support obligation.

15 (C) As used in this Section, "standardized tax
16 amount" means the total of federal and state income
17 taxes for a single person claiming the standard tax
18 deduction, one personal exemption, and the applicable
19 number of dependency exemptions for the minor child or
20 children of the parties, and Social Security and
21 Medicare tax calculated at the Federal Insurance
22 Contributions Act rate.

23 (I) Unless a court has determined otherwise or
24 the parties otherwise agree, the party with the
25 majority of parenting time shall be deemed
26 entitled to claim the dependency exemption for the

1 parties' minor child.

2 (II) The Illinois Department of Healthcare and
3 Family Services shall promulgate a standardized
4 net income conversion table that computes net
5 income by deducting the standardized tax amount
6 from gross income.

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

9 (I) federal income tax (properly calculated
10 withholding or estimated payments);

11 (II) State income tax (properly calculated
12 withholding or estimated payments); and

13 (III) Social Security or self-employment tax,
14 if applicable (or, if none, mandatory retirement
15 contributions required by law or as a condition of
16 employment) and Medicare tax calculated at the
17 Federal Insurance Contributions Act rate.

18 (E) In lieu of a standardized tax amount, a
19 determination of an individualized tax amount may be
20 made under items (I), (II), or (III) below. If an
21 individualized tax amount determination is made under
22 this subparagraph (E), all relevant tax attributes
23 (including filing status, allocation of dependency
24 exemptions, and whether a party is to claim the use of
25 the standard deduction or itemized deductions for
26 federal income tax purposes) shall be as the parties

1 agree or as the court determines. To determine a
2 party's reported income, the court may order the party
3 to complete an Internal Revenue Service Form 4506-T,
4 Request for Tax Transcript.

5 (I) Agreement. Irrespective of whether the
6 parties agree on any other issue before the court,
7 if they jointly stipulate for the record their
8 concurrence on a computation method for the
9 individualized tax amount that is different from
10 the method set forth under subparagraph (D), the
11 stipulated method shall be used by the court unless
12 the court rejects the proposed stipulated method
13 for good cause.

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

1 Affidavit (Family & Divorce Cases) and has
2 substantially produced supporting documents
3 required by the applicable court rules.

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 income.

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

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

24 (ii) Multi-family adjustment without court
25 order. Upon the request or application of a
26 parent actually supporting a presumed,

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

13 (II) Spousal Maintenance adjustment.

14 Obligations pursuant to a court order for spousal
15 maintenance in the pending proceeding actually
16 paid or payable to the same party to whom child
17 support is to be payable or actually paid to a
18 former spouse pursuant to a court order shall be
19 deducted from the parent's after-tax income,
20 unless the maintenance obligation is tax
21 deductible to the payor for federal income tax
22 purposes, in which case it shall be deducted from
23 the payor's gross income for purposes of
24 calculating the parent's child support obligation
25 ~~gross income.~~

26 (3.1) Business income. For purposes of calculating

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

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

16 (B) Any item of reimbursement or in-kind payment
17 received by a parent from a business, including, but
18 not limited to, a company car, reimbursed meals, free
19 housing, or a housing allowance, shall be counted as
20 income if not otherwise included in the recipient's
21 gross income, if the item is significant in amount and
22 reduces personal 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 There is a rebuttable presumption in any judicial or
14 administrative proceeding for child support that the
15 amount of the child support obligation that would result
16 from the application of the child support guidelines is the
17 correct amount of child support.

18 (3.3a) Minimum child support obligation. There is a
19 rebuttable presumption that a minimum child support
20 obligation of \$40 per month, per child, will be entered for
21 an obligor who has actual or imputed gross income at or
22 less than 75% of the most recent United States Department
23 of Health and Human Services Federal Poverty Guidelines for
24 a family of one person, with a maximum total child support
25 obligation for that obligor of \$120 per month to be divided
26 equally among all of the obligor's children.

1 (3.3b) Zero dollar child support order. For parents
2 with no gross income, who receive only means-tested
3 assistance, or who cannot work due to a medically proven
4 disability, incarceration, or institutionalization, there
5 is a rebuttable presumption that the \$40 per month minimum
6 support order is inapplicable and a zero dollar order shall
7 be entered.

8 (3.4) Deviation factors. In any action to establish or
9 modify child support, whether pursuant to a temporary or
10 final administrative or court order, the child support
11 guidelines shall be used as a rebuttable presumption for
12 the establishment or modification of the amount of child
13 support. The court may deviate from the child support
14 guidelines if the application would be inequitable,
15 unjust, or inappropriate. Any deviation from the
16 guidelines shall be accompanied by written findings by the
17 court specifying the reasons for the deviation and the
18 presumed amount under the child support guidelines without
19 a deviation. These reasons may include:

20 (A) extraordinary medical expenditures necessary
21 to preserve the life or health of a party or a child of
22 either or both of the parties;

23 (B) additional expenses incurred for a child
24 subject to the child support order who has special
25 medical, physical, or developmental needs; and

26 (C) any other factor the court determines should be

1 applied upon a finding that the application of the
2 child support guidelines would be inappropriate, after
3 considering the best interest of the child.

4 (3.5) Income in excess of the schedule of basic child
5 support obligation. A court may use its discretion to
6 determine child support if the combined adjusted net income
7 of the parties exceeds the highest level of the schedule of
8 basic child support obligation, except that the basic child
9 support obligation shall not be less than the highest level
10 of combined net income set forth in the schedule of basic
11 child support obligation.

12 (3.6) Extracurricular activities and school expenses.
13 The court, in its discretion, in addition to the basic
14 child support obligation, may order either or both parents
15 owing a duty of support to the child to contribute to the
16 reasonable school and extracurricular activity expenses
17 incurred which are intended to enhance the educational,
18 athletic, social, or cultural development of the child.

19 (3.7) Child care expenses. The court, in its
20 discretion, in addition to the basic child support
21 obligation, may order either or both parents owing a duty
22 of support to the child to contribute to the reasonable
23 child care expenses of the child. The child care expenses
24 shall be made payable directly to a party or directly to
25 the child care provider at the time of child care services.

26 (A) "Child care expenses" means actual expenses

1 reasonably necessary to enable a parent or non-parent
2 custodian to be employed, to attend educational or
3 vocational training programs to improve employment
4 opportunities, or to search for employment. "Child
5 care expenses" also includes deposits for securing
6 placement in a child care program, the cost of before
7 and after school care, and camps when school is not in
8 session. A child's special needs shall be a
9 consideration in determining reasonable child care
10 expenses.

11 (B) Child care expenses shall be prorated in
12 proportion to each parent's percentage share of
13 combined net income, and may be added to the basic
14 child support obligation if not paid directly by each
15 parent to the provider of child care services. The
16 obligor's and obligee's portion of actual child care
17 expenses shall appear in the support order. If allowed,
18 the value of the federal income tax credit for child
19 care shall be subtracted from the actual cost to
20 determine the net child care costs.

21 (C) The amount of child care expenses shall be
22 adequate to obtain reasonable and necessary child
23 care. The actual child care expenses shall be used to
24 calculate the child care expenses, if available. When
25 actual child care expenses vary, the actual child care
26 expenses may be averaged over the most recent 12-month

1 period. When a parent is temporarily unemployed or
2 temporarily not attending educational or vocational
3 training programs, future child care expenses shall be
4 based upon prospective expenses to be incurred upon
5 return to employment or educational or vocational
6 training programs.

7 (D) An order for child care expenses may be
8 modified upon a showing of a substantial change in
9 circumstances. The party incurring child care expenses
10 shall notify the other party within 14 days of any
11 change in the amount of child care expenses that would
12 affect the annualized child care amount as determined
13 in the support order.

14 (3.8) Shared physical care. If each parent exercises
15 146 or more overnights per year with the child, the basic
16 child support obligation is multiplied by 1.5 to calculate
17 the shared care child support obligation. The court shall
18 determine each parent's share of the shared care child
19 support obligation based on the parent's percentage share
20 of combined net income. The child support obligation is
21 then computed for each parent by multiplying that parent's
22 portion of the shared care support obligation by the
23 percentage of time the child spends with the other parent.
24 The respective child support obligations are then offset,
25 with the parent owing more child support paying the
26 difference between the child support amounts. The Illinois

1 Department of Healthcare and Family Services shall
2 promulgate a worksheet to calculate child support in cases
3 in which the parents have shared physical care and use the
4 standardized tax amount to determine net income.

5 (3.9) Split physical care. When there is more than one
6 child and each parent has physical care of at least one but
7 not all of the children, the support is calculated by using
8 2 child support worksheets to determine the support each
9 parent owes the other. The support shall be calculated as
10 follows:

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

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

17 (C) subtract the lesser support obligation from
18 the greater.

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

24 (4) Health care.

25 (A) A portion of the basic child support obligation
26 is intended to cover basic ordinary out-of-pocket

1 medical expenses. The court, in its discretion, in
2 addition to the basic child support obligation, shall
3 also provide for the child's current and future medical
4 needs by ordering either or both parents to initiate
5 health insurance coverage for the child through
6 currently effective health insurance policies held by
7 the parent or parents, purchase one or more or all
8 health, dental, or vision insurance policies for the
9 child, or provide for the child's current and future
10 medical needs through some other manner.

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

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

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

24 (II) the parent or non-parent custodian with
25 primary physical responsibility for the child to
26 apply for public health insurance coverage for the

1 child and require either or both parents to pay a
2 reasonable amount of the cost of health insurance
3 for the child.

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

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

26 (E) After the health insurance premium for the

1 child is added to the basic child support obligation
2 and allocated between the parents in proportion to
3 their respective incomes for child support purposes,
4 if the obligor is paying the premium, the amount
5 calculated for the obligee's share of the health
6 insurance premium for the child shall be deducted from
7 the obligor's share of the total child support
8 obligation. If the obligee is paying for private health
9 insurance for the child, the child support obligation
10 shall be increased by the obligor's share of the
11 premium payment. The obligor's and obligee's portion
12 of health insurance costs shall appear in the support
13 order.

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

22 (G) A reasonable cost for providing health
23 insurance coverage for the child may not exceed 5% of
24 the providing parent's gross income. Parents with a net
25 income below 133% of the most recent United States
26 Department of Health and Human Services Federal

1 Poverty Guidelines or whose child is covered by
2 Medicaid based on that parent's income may not be
3 ordered to contribute toward or provide private
4 coverage, unless private coverage is obtainable
5 without any financial contribution by that parent.

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

12 (I) If a parent has been directed to provide health
13 insurance pursuant to this paragraph and that parent's
14 spouse or legally recognized partner provides the
15 insurance for the benefit of the child either directly
16 or through employment, a credit on the child support
17 worksheet shall be given to that parent in the same
18 manner as if the premium were paid by that parent.

19 (4.5) In 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, and in
22 which the court is requiring payment of support for the
23 period before the date an order for current support is
24 entered, there is a rebuttable presumption that the
25 obligor's net income for the prior period was the same as
26 his or her net income at the time the order for current

1 support is 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 obligor's net
9 income is uncertain as to source, time of payment, or
10 amount, the court may order a percentage amount of support
11 in addition to a specific dollar amount and enter such
12 other orders as may be necessary to determine and enforce,
13 on a timely basis, the applicable support ordered.

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

25 (a-5) In an action to enforce an order for child support
26 based on the obligor's failure to make support payments as

1 required by the order, notice of proceedings to hold the
2 obligor in contempt for that failure may be served on the
3 obligor by personal service or by regular mail addressed to the
4 last known address of the obligor. The last known address of
5 the obligor may be determined from records of the clerk of the
6 court, from the Federal Case Registry of Child Support Orders,
7 or by any other reasonable means.

8 (b) Failure of either parent to comply with an order to pay
9 support shall be punishable as in other cases of contempt. In
10 addition to other penalties provided by law the court may,
11 after finding the parent guilty of contempt, order that the
12 parent be:

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

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

19 (A) work; or

20 (B) conduct a business or other self-employed
21 occupation.

22 The court may further order any part or all of the earnings
23 of a parent during a sentence of periodic imprisonment paid to
24 the Clerk of the Circuit Court or to the parent having physical
25 possession of the child or to the non-parent custodian having
26 custody of the child of the sentenced parent for the support of

1 the child until further order of the court.

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

14 If there is a unity of interest and ownership sufficient to
15 render no financial separation between an obligor and another
16 person or persons or business entity, the court may pierce the
17 ownership veil of the person, persons, or business entity to
18 discover assets of the obligor held in the name of that person,
19 those persons, or that business entity. The following
20 circumstances are sufficient to authorize a court to order
21 discovery of the assets of a person, persons, or business
22 entity and to compel the application of any discovered assets
23 toward payment on the judgment for support:

24 (1) the obligor and the person, persons, or business
25 entity maintain records together.

26 (2) the obligor and the person, persons, or business

1 entity fail to maintain an arm's length relationship
2 between themselves with regard to any assets.

3 (3) the obligor transfers assets to the person,
4 persons, or business entity with the intent to perpetrate a
5 fraud on the obligee.

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

14 The court may also order in cases where the parent is 90
15 days or more delinquent in payment of support or has been
16 adjudicated in arrears in an amount equal to 90 days obligation
17 or more, that the parent's Illinois driving privileges be
18 suspended until the court determines that the parent is in
19 compliance with the order of support. The court may also order
20 that the parent be issued a family financial responsibility
21 driving permit that would allow limited driving privileges for
22 employment and medical purposes in accordance with Section
23 7-702.1 of the Illinois Vehicle Code. The Clerk of the Circuit
24 Court shall certify the order suspending the driving privileges
25 of the parent or granting the issuance of a family financial
26 responsibility driving permit to the Secretary of State on

1 forms prescribed by the Secretary of State. Upon receipt of the
2 authenticated documents, the Secretary of State shall suspend
3 the parent's driving privileges until further order of the
4 court and shall, if ordered by the court, subject to the
5 provisions of Section 7-702.1 of the Illinois Vehicle Code,
6 issue a family financial responsibility driving permit to the
7 parent.

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

20 A support obligation, or any portion of a support
21 obligation, which becomes due and remains unpaid as of the end
22 of each month, excluding the child support that was due for
23 that month to the extent that it was not paid in that month,
24 shall accrue simple interest as set forth in Section 12-109 of
25 the Code of Civil Procedure. An order for support entered or
26 modified on or after January 1, 2006 shall contain a statement

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

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

16 (d) Any new or existing support order entered by the court
17 under this Section shall be deemed to be a series of judgments
18 against the person obligated to pay support thereunder, each
19 such judgment to be in the amount of each payment or
20 installment of support and each such judgment to be deemed
21 entered as of the date the corresponding payment or installment
22 becomes due under the terms of the support order. Each such
23 judgment shall have the full force, effect and attributes of
24 any other judgment of this State, including the ability to be
25 enforced. Notwithstanding any other State or local law to the
26 contrary, a lien arises by operation of law against the real

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

3 (e) When child support is to be paid through the Clerk of
4 the Court in a county of 500,000 ~~1,000,000~~ inhabitants or less,
5 the order shall direct the obligor to pay to the Clerk, in
6 addition to the child support payments, all fees imposed by the
7 county board under paragraph (4) of subsection (bb) of Section
8 27.1a ~~paragraph (3) of subsection (u) of Section 27.1~~ of the
9 Clerks of Courts Act. When child support is to be paid through
10 the clerk of the court in a county of more than 500,000 but
11 less than 3,000,000 inhabitants, the order shall direct the
12 obligor to pay to the clerk, in addition to the child support
13 payments, all fees imposed by the county board under paragraph
14 (4) of subsection (bb) of Section 27.2 of the Clerks of Courts
15 Act. Unless paid pursuant to an Income Withholding Order/Notice
16 for Support, the payment of the fee shall be by payment
17 acceptable to the clerk and shall be made to the order of the
18 Clerk.

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

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

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

25 (g-5) If there is an unpaid arrearage or delinquency (as
26 those terms are defined in the Income Withholding for Support

1 Act) equal to at least one month's support obligation on the
2 termination date stated in the order for support or, if there
3 is no termination date stated in the order, on the date the
4 child attains the age of majority or is otherwise emancipated,
5 the periodic amount required to be paid for current support of
6 that child immediately prior to that date shall automatically
7 continue to be an obligation, not as current support but as
8 periodic payment toward satisfaction of the unpaid arrearage or
9 delinquency. That periodic payment shall be in addition to any
10 periodic payment previously required for satisfaction of the
11 arrearage or delinquency. The total periodic amount to be paid
12 toward satisfaction of the arrearage or delinquency may be
13 enforced and collected by any method provided by law for
14 enforcement and collection of child support, including but not
15 limited to income withholding under the Income Withholding for
16 Support Act. Each order for support entered or modified on or
17 after January 1, 2005 (the effective date of Public Act
18 93-1061) ~~this amendatory Act of the 93rd General Assembly~~ must
19 contain a statement notifying the parties of the requirements
20 of this subsection. Failure to include the statement in the
21 order for support does not affect the validity of the order or
22 the operation of the provisions of this subsection with regard
23 to the order. This subsection shall not be construed to prevent
24 or affect the establishment or modification of an order for
25 support of a minor child or the establishment or modification
26 of an order for support of a non-minor child or educational

1 expenses under Section 513 of this Act.

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

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

26 (Source: P.A. 99-90, eff. 1-1-16; 99-763, eff. 1-1-17; 99-764,

1 eff. 7-1-17; 100-15, eff. 7-1-17; revised 10-6-17.)

2 (750 ILCS 5/510) (from Ch. 40, par. 510)

3 Sec. 510. Modification and termination of provisions for
4 maintenance, support, educational expenses, and property
5 disposition.

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

13 (1) upon a showing of a substantial change in
14 circumstances; and

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

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

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

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

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

21 (a-5) An order for maintenance may be modified or
22 terminated only upon a showing of a substantial change in
23 circumstances. The court may grant a petition for modification
24 that seeks to apply the changes made to Section 504 by this
25 amendatory Act of the 100th General Assembly to an order
26 entered before the effective date of this amendatory Act of the

1 100th General Assembly only upon a finding of a substantial
2 change in circumstances that warrants application of the
3 changes. The enactment of this amendatory Act of the 100th
4 General Assembly itself does not constitute a substantial
5 change in circumstances warranting a modification. In all such
6 proceedings, as well as in proceedings in which maintenance is
7 being reviewed, the court shall consider the applicable factors
8 set forth in subsection (a) of Section 504 and the following
9 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) (Blank) ~~In a review under subsection (b 4.5) of~~
11 ~~Section 504 of this Act, the court may enter a fixed-term~~
12 ~~maintenance award that bars future maintenance only if, at the~~
13 ~~time of the entry of the award, the marriage had lasted 10~~
14 ~~years or less at the 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. An obligor's obligation to pay
26 maintenance or unallocated maintenance terminates by operation

1 of law on the date the obligee remarries or the date the court
2 finds cohabitation began. The obligor 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 obligor, however, shall be inapplicable to any
6 right of the other party or such other party's designee to
7 receive a death benefit under such insurance on the obligor's
8 life. An obligee must advise the obligor of his or her
9 intention to marry at least 30 days before the remarriage,
10 unless the decision is made within this time period. In that
11 event, he or she must notify the obligor within 72 hours of
12 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, 513, and 513.5 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 the
18 allocation of parental responsibilities, including parenting
19 time, shall not delay any child support enforcement litigation
20 or supplementary proceeding on behalf of the obligee,
21 including, but not limited to, a petition for a rule to show
22 cause, for non-wage garnishment, or for a restraining order.

23 (Source: P.A. 99-90, eff. 1-1-16; 99-764, eff. 7-1-17; 100-15,
24 eff. 7-1-17; 100-201, eff. 8-18-17.)

25 Section 15. The Illinois Domestic Violence Act of 1986 is

1 amended by changing Section 214 as follows:

2 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

3 Sec. 214. Order of protection; remedies.

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

19 (b) Remedies and standards. The remedies to be included in
20 an order of protection shall be determined in accordance with
21 this Section and one of the following Sections, as appropriate:
22 Section 217 on emergency orders, Section 218 on interim orders,
23 and Section 219 on plenary orders. The remedies listed in this
24 subsection shall be in addition to other civil or criminal
25 remedies available to petitioner.

1 (1) Prohibition of abuse, neglect, or exploitation.
2 Prohibit respondent's harassment, interference with
3 personal liberty, intimidation of a dependent, physical
4 abuse, or willful deprivation, neglect or exploitation, as
5 defined in this Act, or stalking of the petitioner, as
6 defined in Section 12-7.3 of the Criminal Code of 2012, if
7 such abuse, neglect, exploitation, or stalking has
8 occurred or otherwise appears likely to occur if not
9 prohibited.

10 (2) Grant of exclusive possession of residence.
11 Prohibit respondent from entering or remaining in any
12 residence, household, or premises of the petitioner,
13 including one owned or leased by respondent, if petitioner
14 has a right to occupancy thereof. The grant of exclusive
15 possession of the residence, household, or premises shall
16 not affect title to real property, nor shall the court be
17 limited by the standard set forth in subsection (c-2) of
18 Section 501 ~~Section 701~~ of the Illinois Marriage and
19 Dissolution of Marriage Act.

20 (A) Right to occupancy. A party has a right to
21 occupancy of a residence or household if it is solely
22 or jointly owned or leased by that party, that party's
23 spouse, a person with a legal duty to support that
24 party or a minor child in that party's care, or by any
25 person or entity other than the opposing party that
26 authorizes that party's occupancy (e.g., a domestic

1 violence shelter). Standards set forth in subparagraph
2 (B) shall not preclude equitable relief.

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

19 The balance of hardships is presumed to favor
20 possession by petitioner unless the presumption is
21 rebutted by a preponderance of the evidence, showing
22 that the hardships to respondent substantially
23 outweigh the hardships to petitioner and any minor
24 child or dependent adult in petitioner's care. The
25 court, on the request of petitioner or on its own
26 motion, may order respondent to provide suitable,

1 accessible, alternate housing for petitioner instead
2 of excluding respondent from a mutual residence or
3 household.

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

14 (A) If an order of protection grants petitioner
15 exclusive possession of the residence, or prohibits
16 respondent from entering the residence, or orders
17 respondent to stay away from petitioner or other
18 protected persons, then the court may allow respondent
19 access to the residence to remove items of clothing and
20 personal adornment used exclusively by respondent,
21 medications, and other items as the court directs. The
22 right to access shall be exercised on only one occasion
23 as the court directs and in the presence of an
24 agreed-upon adult third party or law enforcement
25 officer.

26 (B) When the petitioner and the respondent attend

1 the same public, private, or non-public elementary,
2 middle, or high school, the court when issuing an order
3 of protection and providing relief shall consider the
4 severity of the act, any continuing physical danger or
5 emotional distress to the petitioner, the educational
6 rights guaranteed to the petitioner and respondent
7 under federal and State law, the availability of a
8 transfer of the respondent to another school, a change
9 of placement or a change of program of the respondent,
10 the expense, difficulty, and educational disruption
11 that would be caused by a transfer of the respondent to
12 another school, and any other relevant facts of the
13 case. The court may order that the respondent not
14 attend the public, private, or non-public elementary,
15 middle, or high school attended by the petitioner,
16 order that the respondent accept a change of placement
17 or change of program, as determined by the school
18 district or private or non-public school, or place
19 restrictions on the respondent's movements within the
20 school attended by the petitioner. The respondent
21 bears the burden of proving by a preponderance of the
22 evidence that a transfer, change of placement, or
23 change of program of the respondent is not available.
24 The respondent also bears the burden of production with
25 respect to the expense, difficulty, and educational
26 disruption that would be caused by a transfer of the

1 respondent to another school. A transfer, change of
2 placement, or change of program is not unavailable to
3 the respondent solely on the ground that the respondent
4 does not agree with the school district's or private or
5 non-public school's transfer, change of placement, or
6 change of program or solely on the ground that the
7 respondent fails or refuses to consent or otherwise
8 does not take an action required to effectuate a
9 transfer, change of placement, or change of program.
10 When a court orders a respondent to stay away from the
11 public, private, or non-public school attended by the
12 petitioner and the respondent requests a transfer to
13 another attendance center within the respondent's
14 school district or private or non-public school, the
15 school district or private or non-public school shall
16 have sole discretion to determine the attendance
17 center to which the respondent is transferred. In the
18 event the court order results in a transfer of the
19 minor respondent to another attendance center, a
20 change in the respondent's placement, or a change of
21 the respondent's program, the parents, guardian, or
22 legal custodian of the respondent is responsible for
23 transportation and other costs associated with the
24 transfer or change.

25 (C) The court may order the parents, guardian, or
26 legal custodian of a minor respondent to take certain

1 actions or to refrain from taking certain actions to
2 ensure that the respondent complies with the order. In
3 the event the court orders a transfer of the respondent
4 to another school, the parents, guardian, or legal
5 custodian of the respondent is responsible for
6 transportation and other costs associated with the
7 change of school by the respondent.

8 (4) Counseling. Require or recommend the respondent to
9 undergo counseling for a specified duration with a social
10 worker, psychologist, clinical psychologist, psychiatrist,
11 family service agency, alcohol or substance abuse program,
12 mental health center guidance counselor, agency providing
13 services to elders, program designed for domestic violence
14 abusers or any other guidance service the court deems
15 appropriate. The Court may order the respondent in any
16 intimate partner relationship to report to an Illinois
17 Department of Human Services protocol approved partner
18 abuse intervention program for an assessment and to follow
19 all recommended treatment.

20 (5) Physical care and possession of the minor child. In
21 order to protect the minor child from abuse, neglect, or
22 unwarranted separation from the person who has been the
23 minor child's primary caretaker, or to otherwise protect
24 the well-being of the minor child, the court may do either
25 or both of the following: (i) grant petitioner physical
26 care or possession of the minor child, or both, or (ii)

1 order respondent to return a minor child to, or not remove
2 a minor child from, the physical care of a parent or person
3 in loco parentis.

4 If a court finds, after a hearing, that respondent has
5 committed abuse (as defined in Section 103) of a minor
6 child, there shall be a rebuttable presumption that
7 awarding physical care to respondent would not be in the
8 minor child's best interest.

9 (6) Temporary allocation of parental responsibilities:
10 significant decision-making. Award temporary
11 decision-making responsibility to petitioner in accordance
12 with this Section, the Illinois Marriage and Dissolution of
13 Marriage Act, the Illinois Parentage Act of 2015, and this
14 State's Uniform Child-Custody Jurisdiction and Enforcement
15 Act.

16 If a court finds, after a hearing, that respondent has
17 committed abuse (as defined in Section 103) of a minor
18 child, there shall be a rebuttable presumption that
19 awarding temporary significant decision-making
20 responsibility to respondent would not be in the child's
21 best interest.

22 (7) Parenting time. Determine the parenting time, if
23 any, of respondent in any case in which the court awards
24 physical care or allocates temporary significant
25 decision-making responsibility of a minor child to
26 petitioner. The court shall restrict or deny respondent's

1 parenting time with a minor child if the court finds that
2 respondent has done or is likely to do any of the
3 following: (i) abuse or endanger the minor child during
4 parenting time; (ii) use the parenting time as an
5 opportunity to abuse or harass petitioner or petitioner's
6 family or household members; (iii) improperly conceal or
7 detain the minor child; or (iv) otherwise act in a manner
8 that is not in the best interests of the minor child. The
9 court shall not be limited by the standards set forth in
10 Section 603.10 of the Illinois Marriage and Dissolution of
11 Marriage Act. If the court grants parenting time, the order
12 shall specify dates and times for the parenting time to
13 take place or other specific parameters or conditions that
14 are appropriate. No order for parenting time shall refer
15 merely to the term "reasonable parenting time".

16 Petitioner may deny respondent access to the minor
17 child if, when respondent arrives for parenting time,
18 respondent is under the influence of drugs or alcohol and
19 constitutes a threat to the safety and well-being of
20 petitioner or petitioner's minor children or is behaving in
21 a violent or abusive manner.

22 If necessary to protect any member of petitioner's
23 family or household from future abuse, respondent shall be
24 prohibited from coming to petitioner's residence to meet
25 the minor child for parenting time, and the parties shall
26 submit to the court their recommendations for reasonable

1 alternative arrangements for parenting time. A person may
2 be approved to supervise parenting time only after filing
3 an affidavit accepting that responsibility and
4 acknowledging accountability to the court.

5 (8) Removal or concealment of minor child. Prohibit
6 respondent from removing a minor child from the State or
7 concealing the child within the State.

8 (9) Order to appear. Order the respondent to appear in
9 court, alone or with a minor child, to prevent abuse,
10 neglect, removal or concealment of the child, to return the
11 child to the custody or care of the petitioner or to permit
12 any court-ordered interview or examination of the child or
13 the respondent.

14 (10) Possession of personal property. Grant petitioner
15 exclusive possession of personal property and, if
16 respondent has possession or control, direct respondent to
17 promptly make it available to petitioner, if:

18 (i) petitioner, but not respondent, owns the
19 property; or

20 (ii) the parties own the property jointly; sharing
21 it would risk abuse of petitioner by respondent or is
22 impracticable; and the balance of hardships favors
23 temporary possession by petitioner.

24 If petitioner's sole claim to ownership of the property
25 is that it is marital property, the court may award
26 petitioner temporary possession thereof under the

1 standards of subparagraph (ii) of this paragraph only if a
2 proper proceeding has been filed under the Illinois
3 Marriage and Dissolution of Marriage Act, as now or
4 hereafter amended.

5 No order under this provision shall affect title to
6 property.

7 (11) Protection of property. Forbid the respondent
8 from taking, transferring, encumbering, concealing,
9 damaging or otherwise disposing of any real or personal
10 property, except as explicitly authorized by the court, if:

11 (i) petitioner, but not respondent, owns the
12 property; or

13 (ii) the parties own the property jointly, and the
14 balance of hardships favors granting this remedy.

15 If petitioner's sole claim to ownership of the property
16 is that it is marital property, the court may grant
17 petitioner relief under subparagraph (ii) of this
18 paragraph only if a proper proceeding has been filed under
19 the Illinois Marriage and Dissolution of Marriage Act, as
20 now or hereafter amended.

21 The court may further prohibit respondent from
22 improperly using the financial or other resources of an
23 aged member of the family or household for the profit or
24 advantage of respondent or of any other person.

25 (11.5) Protection of animals. Grant the petitioner the
26 exclusive care, custody, or control of any animal owned,

1 possessed, leased, kept, or held by either the petitioner
2 or the respondent or a minor child residing in the
3 residence or household of either the petitioner or the
4 respondent and order the respondent to stay away from the
5 animal and forbid the respondent from taking,
6 transferring, encumbering, concealing, harming, or
7 otherwise disposing of the animal.

8 (12) Order for payment of support. Order respondent to
9 pay temporary support for the petitioner or any child in
10 the petitioner's care or over whom the petitioner has been
11 allocated parental responsibility, when the respondent has
12 a legal obligation to support that person, in accordance
13 with the Illinois Marriage and Dissolution of Marriage Act,
14 which shall govern, among other matters, the amount of
15 support, payment through the clerk and withholding of
16 income to secure payment. An order for child support may be
17 granted to a petitioner with lawful physical care of a
18 child, or an order or agreement for physical care of a
19 child, prior to entry of an order allocating significant
20 decision-making responsibility. Such a support order shall
21 expire upon entry of a valid order allocating parental
22 responsibility differently and vacating the petitioner's
23 significant decision-making authority, unless otherwise
24 provided in the order.

25 (13) Order for payment of losses. Order respondent to
26 pay petitioner for losses suffered as a direct result of

1 the abuse, neglect, or exploitation. Such losses shall
2 include, but not be limited to, medical expenses, lost
3 earnings or other support, repair or replacement of
4 property damaged or taken, reasonable attorney's fees,
5 court costs and moving or other travel expenses, including
6 additional reasonable expenses for temporary shelter and
7 restaurant meals.

8 (i) Losses affecting family needs. If a party is
9 entitled to seek maintenance, child support or
10 property distribution from the other party under the
11 Illinois Marriage and Dissolution of Marriage Act, as
12 now or hereafter amended, the court may order
13 respondent to reimburse petitioner's actual losses, to
14 the extent that such reimbursement would be
15 "appropriate temporary relief", as authorized by
16 subsection (a) (3) of Section 501 of that Act.

17 (ii) Recovery of expenses. In the case of an
18 improper concealment or removal of a minor child, the
19 court may order respondent to pay the reasonable
20 expenses incurred or to be incurred in the search for
21 and recovery of the minor child, including but not
22 limited to legal fees, court costs, private
23 investigator fees, and travel costs.

24 (14) Prohibition of entry. Prohibit the respondent
25 from entering or remaining in the residence or household
26 while the respondent is under the influence of alcohol or

1 drugs and constitutes a threat to the safety and well-being
2 of the petitioner or the petitioner's children.

3 (14.5) Prohibition of firearm possession.

4 (a) Prohibit a respondent against whom an order of
5 protection was issued from possessing any firearms
6 during the duration of the order if the order:

7 (1) was issued after a hearing of which such
8 person received actual notice, and at which such
9 person had an opportunity to participate;

10 (2) restrains such person from harassing,
11 stalking, or threatening an intimate partner of
12 such person or child of such intimate partner or
13 person, or engaging in other conduct that would
14 place an intimate partner in reasonable fear of
15 bodily injury to the partner or child; and

16 (3) (i) includes a finding that such person
17 represents a credible threat to the physical
18 safety of such intimate partner or child; or (ii)
19 by its terms explicitly prohibits the use,
20 attempted use, or threatened use of physical force
21 against such intimate partner or child that would
22 reasonably be expected to cause bodily injury.

23 Any Firearm Owner's Identification Card in the
24 possession of the respondent, except as provided in
25 subsection (b), shall be ordered by the court to be
26 turned over to the local law enforcement agency. The

1 local law enforcement agency shall immediately mail
2 the card to the Department of State Police Firearm
3 Owner's Identification Card Office for safekeeping.
4 The court shall issue a warrant for seizure of any
5 firearm in the possession of the respondent, to be kept
6 by the local law enforcement agency for safekeeping,
7 except as provided in subsection (b). The period of
8 safekeeping shall be for the duration of the order of
9 protection. The firearm or firearms and Firearm
10 Owner's Identification Card, if unexpired, shall at
11 the respondent's request, be returned to the
12 respondent at the end of the order of protection. It is
13 the respondent's responsibility to notify the
14 Department of State Police Firearm Owner's
15 Identification Card Office.

16 (b) If the respondent is a peace officer as defined
17 in Section 2-13 of the Criminal Code of 2012, the court
18 shall order that any firearms used by the respondent in
19 the performance of his or her duties as a peace officer
20 be surrendered to the chief law enforcement executive
21 of the agency in which the respondent is employed, who
22 shall retain the firearms for safekeeping for the
23 duration of the order of protection.

24 (c) Upon expiration of the period of safekeeping,
25 if the firearms or Firearm Owner's Identification Card
26 cannot be returned to respondent because respondent

1 cannot be located, fails to respond to requests to
2 retrieve the firearms, or is not lawfully eligible to
3 possess a firearm, upon petition from the local law
4 enforcement agency, the court may order the local law
5 enforcement agency to destroy the firearms, use the
6 firearms for training purposes, or for any other
7 application as deemed appropriate by the local law
8 enforcement agency; or that the firearms be turned over
9 to a third party who is lawfully eligible to possess
10 firearms, and who does not reside with respondent.

11 (15) Prohibition of access to records. If an order of
12 protection prohibits respondent from having contact with
13 the minor child, or if petitioner's address is omitted
14 under subsection (b) of Section 203, or if necessary to
15 prevent abuse or wrongful removal or concealment of a minor
16 child, the order shall deny respondent access to, and
17 prohibit respondent from inspecting, obtaining, or
18 attempting to inspect or obtain, school or any other
19 records of the minor child who is in the care of
20 petitioner.

21 (16) Order for payment of shelter services. Order
22 respondent to reimburse a shelter providing temporary
23 housing and counseling services to the petitioner for the
24 cost of the services, as certified by the shelter and
25 deemed reasonable by the court.

26 (17) Order for injunctive relief. Enter injunctive

1 relief necessary or appropriate to prevent further abuse of
2 a family or household member or further abuse, neglect, or
3 exploitation of a high-risk adult with disabilities or to
4 effectuate one of the granted remedies, if supported by the
5 balance of hardships. If the harm to be prevented by the
6 injunction is abuse or any other harm that one of the
7 remedies listed in paragraphs (1) through (16) of this
8 subsection is designed to prevent, no further evidence is
9 necessary that the harm is an irreparable injury.

10 (18) Telephone services.

11 (A) Unless a condition described in subparagraph
12 (B) of this paragraph exists, the court may, upon
13 request by the petitioner, order a wireless telephone
14 service provider to transfer to the petitioner the
15 right to continue to use a telephone number or numbers
16 indicated by the petitioner and the financial
17 responsibility associated with the number or numbers,
18 as set forth in subparagraph (C) of this paragraph. For
19 purposes of this paragraph (18), the term "wireless
20 telephone service provider" means a provider of
21 commercial mobile service as defined in 47 U.S.C. 332.
22 The petitioner may request the transfer of each
23 telephone number that the petitioner, or a minor child
24 in his or her custody, uses. The clerk of the court
25 shall serve the order on the wireless telephone service
26 provider's agent for service of process provided to the

1 Illinois Commerce Commission. The order shall contain
2 all of the following:

3 (i) The name and billing telephone number of
4 the account holder including the name of the
5 wireless telephone service provider that serves
6 the account.

7 (ii) Each telephone number that will be
8 transferred.

9 (iii) A statement that the provider transfers
10 to the petitioner all financial responsibility for
11 and right to the use of any telephone number
12 transferred under this paragraph.

13 (B) A wireless telephone service provider shall
14 terminate the respondent's use of, and shall transfer
15 to the petitioner use of, the telephone number or
16 numbers indicated in subparagraph (A) of this
17 paragraph unless it notifies the petitioner, within 72
18 hours after it receives the order, that one of the
19 following applies:

20 (i) The account holder named in the order has
21 terminated the account.

22 (ii) A difference in network technology would
23 prevent or impair the functionality of a device on
24 a network if the transfer occurs.

25 (iii) The transfer would cause a geographic or
26 other limitation on network or service provision

1 to the petitioner.

2 (iv) Another technological or operational
3 issue would prevent or impair the use of the
4 telephone number if the transfer occurs.

5 (C) The petitioner assumes all financial
6 responsibility for and right to the use of any
7 telephone number transferred under this paragraph. In
8 this paragraph, "financial responsibility" includes
9 monthly service costs and costs associated with any
10 mobile device associated with the number.

11 (D) A wireless telephone service provider may
12 apply to the petitioner its routine and customary
13 requirements for establishing an account or
14 transferring a number, including requiring the
15 petitioner to provide proof of identification,
16 financial information, and customer preferences.

17 (E) Except for willful or wanton misconduct, a
18 wireless telephone service provider is immune from
19 civil liability for its actions taken in compliance
20 with a court order issued under this paragraph.

21 (F) All wireless service providers that provide
22 services to residential customers shall provide to the
23 Illinois Commerce Commission the name and address of an
24 agent for service of orders entered under this
25 paragraph (18). Any change in status of the registered
26 agent must be reported to the Illinois Commerce

1 Commission within 30 days of such change.

2 (G) The Illinois Commerce Commission shall
3 maintain the list of registered agents for service for
4 each wireless telephone service provider on the
5 Commission's website. The Commission may consult with
6 wireless telephone service providers and the Circuit
7 Court Clerks on the manner in which this information is
8 provided and displayed.

9 (c) Relevant factors; findings.

10 (1) In determining whether to grant a specific remedy,
11 other than payment of support, the court shall consider
12 relevant factors, including but not limited to the
13 following:

14 (i) the nature, frequency, severity, pattern and
15 consequences of the respondent's past abuse, neglect
16 or exploitation of the petitioner or any family or
17 household member, including the concealment of his or
18 her location in order to evade service of process or
19 notice, and the likelihood of danger of future abuse,
20 neglect, or exploitation to petitioner or any member of
21 petitioner's or respondent's family or household; and

22 (ii) the danger that any minor child will be abused
23 or neglected or improperly relocated from the
24 jurisdiction, improperly concealed within the State or
25 improperly separated from the child's primary
26 caretaker.

1 (2) In comparing relative hardships resulting to the
2 parties from loss of possession of the family home, the
3 court shall consider relevant factors, including but not
4 limited to the following:

5 (i) availability, accessibility, cost, safety,
6 adequacy, location and other characteristics of
7 alternate housing for each party and any minor child or
8 dependent adult in the party's care;

9 (ii) the effect on the party's employment; and

10 (iii) the effect on the relationship of the party,
11 and any minor child or dependent adult in the party's
12 care, to family, school, church and community.

13 (3) Subject to the exceptions set forth in paragraph
14 (4) of this subsection, the court shall make its findings
15 in an official record or in writing, and shall at a minimum
16 set forth the following:

17 (i) That the court has considered the applicable
18 relevant factors described in paragraphs (1) and (2) of
19 this subsection.

20 (ii) Whether the conduct or actions of respondent,
21 unless prohibited, will likely cause irreparable harm
22 or continued abuse.

23 (iii) Whether it is necessary to grant the
24 requested relief in order to protect petitioner or
25 other alleged abused persons.

26 (4) For purposes of issuing an ex parte emergency order

1 of protection, the court, as an alternative to or as a
2 supplement to making the findings described in paragraphs
3 (c)(3)(i) through (c)(3)(iii) of this subsection, may use
4 the following procedure:

5 When a verified petition for an emergency order of
6 protection in accordance with the requirements of Sections
7 203 and 217 is presented to the court, the court shall
8 examine petitioner on oath or affirmation. An emergency
9 order of protection shall be issued by the court if it
10 appears from the contents of the petition and the
11 examination of petitioner that the averments are
12 sufficient to indicate abuse by respondent and to support
13 the granting of relief under the issuance of the emergency
14 order of protection.

15 (5) Never married parties. No rights or
16 responsibilities for a minor child born outside of marriage
17 attach to a putative father until a father and child
18 relationship has been established under the Illinois
19 Parentage Act of 1984, the Illinois Parentage Act of 2015,
20 the Illinois Public Aid Code, Section 12 of the Vital
21 Records Act, the Juvenile Court Act of 1987, the Probate
22 Act of 1975 ~~1985~~, the Revised Uniform Reciprocal
23 Enforcement of Support Act, the Uniform Interstate Family
24 Support Act, the Expedited Child Support Act of 1990, any
25 judicial, administrative, or other act of another state or
26 territory, any other Illinois statute, or by any foreign

1 nation establishing the father and child relationship, any
2 other proceeding substantially in conformity with the
3 Personal Responsibility and Work Opportunity
4 Reconciliation Act of 1996 (Pub. L. 104-193), or where both
5 parties appeared in open court or at an administrative
6 hearing acknowledging under oath or admitting by
7 affirmation the existence of a father and child
8 relationship. Absent such an adjudication, finding, or
9 acknowledgment ~~acknowledgement~~, no putative father shall
10 be granted temporary allocation of parental
11 responsibilities, including parenting time with the minor
12 child, or physical care and possession of the minor child,
13 nor shall an order of payment for support of the minor
14 child be entered.

15 (d) Balance of hardships; findings. If the court finds that
16 the balance of hardships does not support the granting of a
17 remedy governed by paragraph (2), (3), (10), (11), or (16) of
18 subsection (b) of this Section, which may require such
19 balancing, the court's findings shall so indicate and shall
20 include a finding as to whether granting the remedy will result
21 in hardship to respondent that would substantially outweigh the
22 hardship to petitioner from denial of the remedy. The findings
23 shall be an official record or in writing.

24 (e) Denial of remedies. Denial of any remedy shall not be
25 based, in whole or in part, on evidence that:

26 (1) Respondent has cause for any use of force, unless

1 that cause satisfies the standards for justifiable use of
2 force provided by Article 7 of the Criminal Code of 2012;

3 (2) Respondent was voluntarily intoxicated;

4 (3) Petitioner acted in self-defense or defense of
5 another, provided that, if petitioner utilized force, such
6 force was justifiable under Article 7 of the Criminal Code
7 of 2012;

8 (4) Petitioner did not act in self-defense or defense
9 of another;

10 (5) Petitioner left the residence or household to avoid
11 further abuse, neglect, or exploitation by respondent;

12 (6) Petitioner did not leave the residence or household
13 to avoid further abuse, neglect, or exploitation by
14 respondent;

15 (7) Conduct by any family or household member excused
16 the abuse, neglect, or exploitation by respondent, unless
17 that same conduct would have excused such abuse, neglect,
18 or exploitation if the parties had not been family or
19 household members.

20 (Source: P.A. 99-85, eff. 1-1-16; 99-90, eff. 1-1-16; 99-642,
21 eff. 7-28-16; 100-388, eff. 1-1-18; revised 10-6-17.)

22 Section 95. No acceleration or delay. Where this Act makes
23 changes in a statute that is represented in this Act by text
24 that is not yet or no longer in effect (for example, a Section
25 represented by multiple versions), the use of that text does

1 not accelerate or delay the taking effect of (i) the changes
2 made by this Act or (ii) provisions derived from any other
3 Public Act.

4 Section 99. Effective date. This Act takes effect January
5 1, 2019.