



Sen. Michael E. Hastings

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1 AMENDMENT TO SENATE BILL 2289

2 AMENDMENT NO. _____. Amend Senate Bill 2289 by replacing
3 line 1 of page 22 through line 9 of page 69 with the following:

4 "Section 10. The Illinois Marriage and Dissolution of
5 Marriage Act is amended by changing Sections 504, 505, and 510
6 as follows:

7 (750 ILCS 5/504) (from Ch. 40, par. 504)

8 Sec. 504. Maintenance.

9 (a) Entitlement to maintenance. In a proceeding for
10 dissolution of marriage, ~~or~~ legal separation, ~~or~~ declaration of
11 invalidity of marriage, or dissolution of a civil union, ~~or~~ a
12 proceeding for maintenance following a legal separation or
13 dissolution of the marriage or civil union by a court which
14 lacked personal jurisdiction over the absent spouse, a
15 proceeding for modification of a previous order for maintenance
16 under Section 510 of this Act, or any proceeding authorized

1 under Section 501 of this Act, the court may grant a
2 maintenance award for either spouse in amounts and for periods
3 of time as the court deems just, without regard to marital
4 misconduct, and the maintenance may be paid from the income or
5 property of the other spouse. The court shall first make a
6 finding as to ~~determine~~ whether a maintenance award is
7 appropriate, after consideration of all relevant factors,
8 including:

9 (1) the income and property of each party, including
10 marital property apportioned and non-marital property
11 assigned to the party seeking maintenance as well as all
12 financial obligations imposed on the parties as a result of
13 the dissolution of marriage;

14 (2) the needs of each party;

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

17 (4) any impairment of the present and future earning
18 capacity of the party seeking maintenance due to that party
19 devoting time to domestic duties or having forgone or
20 delayed education, training, employment, or career
21 opportunities due to the marriage;

22 (5) any impairment of the realistic present or future
23 earning capacity of the party against whom maintenance is
24 sought;

25 (6) the time necessary to enable the party seeking
26 maintenance to acquire appropriate education, training,

1 and employment, and whether that party is able to support
2 himself or herself through appropriate employment; ~~or~~

3 (6.1) the effect of any parental responsibility
4 arrangements and its effect on a party's ability to seek or
5 maintain ~~the party seeking~~ employment;

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

8 (8) the duration of the marriage;

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

12 (10) all sources of public and private income
13 including, without limitation, disability and retirement
14 income;

15 (11) the tax consequences to each party ~~of the property~~
16 ~~division upon the respective economic circumstances of the~~
17 ~~parties;~~

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

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

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

24 (b) (Blank).

25 (b-1) Amount and duration of maintenance. Unless the court
26 finds that a maintenance award is appropriate, it shall bar

1 maintenance as to the party seeking maintenance regardless of
2 the length of the marriage at the time the action was
3 commenced. Only if ~~If~~ the court finds ~~determines~~ that a
4 maintenance award is appropriate, the court shall order
5 guideline maintenance in accordance with either ~~either~~ paragraph (1)
6 or non-guideline maintenance in accordance with paragraph (2)
7 of this subsection (b-1). If the application of guideline
8 maintenance results in a combined maintenance and child support
9 obligation that exceeds 50% of the payor's net income, the
10 court may determine non-guideline maintenance in accordance
11 with paragraph (2) of this subsection (b-1), non-guideline
12 child support in accordance with paragraph (3.4) of subsection
13 (a) of Section 505, or both.+

14 (1) Maintenance award in accordance with guidelines.
15 If ~~In situations when~~ the combined gross annual income of
16 the parties is less than \$500,000 and the payor has no
17 obligation to pay child support or maintenance or both from
18 a prior relationship, maintenance payable after the date
19 the parties' marriage is dissolved shall be in accordance
20 with subparagraphs (A) and (B) of this paragraph (1),
21 unless the court makes a finding that the application of
22 the guidelines would be inappropriate.

23 (A) The amount of maintenance under this paragraph
24 (1) shall be calculated by taking 33 1/3% of the
25 payor's net annual income minus 25% of the payee's net
26 annual income. The amount calculated as maintenance,

1 however, when added to the net income of the payee,
2 shall not result in the payee receiving an amount that
3 is in excess of 40% of the combined net income of the
4 parties.

5 (A-1) Modification of maintenance orders entered
6 before January 1, 2019 that are and continue to be
7 eligible for inclusion in the gross income of the payee
8 for federal income tax purposes and deductible by the
9 payor shall be calculated by taking 30% of the payor's
10 gross annual income minus 20% of the payee's gross
11 annual income, unless both parties expressly provide
12 otherwise in the modification order. The amount
13 calculated as maintenance, however, when added to the
14 gross income of the payee, may not result in the payee
15 receiving an amount that is in excess of 40% of the
16 combined gross income of the parties. ~~The amount of~~
17 ~~maintenance under this paragraph (1) shall be~~
18 ~~calculated by taking 30% of the payor's gross annual~~
19 ~~income minus 20% of the payee's gross annual income.~~
20 ~~The amount calculated as maintenance, however, when~~
21 ~~added to the gross income of the payee, may not result~~
22 ~~in the payee receiving an amount that is in excess of~~
23 ~~40% of the combined gross income of the parties.~~

24 (B) The duration of an award under this paragraph
25 (1) shall be calculated by multiplying the length of
26 the marriage at the time the action was commenced by

1 whichever of the following factors applies: less than 5
2 years (.20); 5 years or more but less than 6 years
3 (.24); 6 years or more but less than 7 years (.28); 7
4 years or more but less than 8 years (.32); 8 years or
5 more but less than 9 years (.36); 9 years or more but
6 less than 10 years (.40); 10 years or more but less
7 than 11 years (.44); 11 years or more but less than 12
8 years (.48); 12 years or more but less than 13 years
9 (.52); 13 years or more but less than 14 years (.56);
10 14 years or more but less than 15 years (.60); 15 years
11 or more but less than 16 years (.64); 16 years or more
12 but less than 17 years (.68); 17 years or more but less
13 than 18 years (.72); 18 years or more but less than 19
14 years (.76); 19 years or more but less than 20 years
15 (.80). For a marriage of 20 or more years, the court,
16 in its discretion, shall order maintenance for a period
17 equal to the length of the marriage or for an
18 indefinite term.

19 (1.5) In the discretion of the court, any term of
20 temporary maintenance paid by court order under ~~pursuant to~~
21 Section 501 may be a corresponding credit to the duration
22 of maintenance set forth in subparagraph (b-1) (1) (B).

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

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

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

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

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

17 (b-3) Gross income. For purposes of this Section, the term
18 "gross income" means all income from all sources, within the
19 scope of that phrase in Section 505 of this Act, except
20 maintenance payments in the pending proceedings shall not be
21 included.

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

26 (b-4) Modification of maintenance orders entered before

1 January 1, 2019. For any order for maintenance or unallocated
2 maintenance and child support entered before January 1, 2019
3 that is modified after December 31, 2018, payments thereunder
4 shall continue to retain the same tax treatment for federal
5 income tax purposes unless both parties expressly agree
6 otherwise and the agreement is included in the modification
7 order ~~Unallocated maintenance. Unless the parties otherwise~~
8 ~~agree, the court may not order unallocated maintenance and~~
9 ~~child support in any dissolution judgment or in any~~
10 ~~post-dissolution order. In its discretion, the court may order~~
11 ~~unallocated maintenance and child support in any~~
12 ~~pre-dissolution temporary order.~~

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

15 (1) Fixed-term maintenance. If a court grants
16 maintenance for a fixed term ~~period under subsection (a) of~~
17 ~~this Section at the conclusion of a case commenced before~~
18 ~~the tenth anniversary of the marriage, the court shall may~~
19 ~~also~~ designate the termination of the period during which
20 this maintenance is to be paid. Maintenance is barred after
21 the end of the period during which fixed-term maintenance
22 is to be paid. as a "permanent termination". ~~The effect of~~
23 ~~this designation is that maintenance is barred after the~~
24 ~~ending date of the period during which maintenance is to be~~
25 ~~paid.~~

26 (2) Indefinite maintenance. If a court grants

1 maintenance for an indefinite term, the court shall not
2 designate a termination date. Indefinite maintenance shall
3 continue until modification or termination under Section
4 510.

5 (3) Reviewable maintenance. If a court grants
6 maintenance for a specific term with a review, the court
7 shall designate the period of the specific term and state
8 that the maintenance is reviewable. Upon review, the court
9 shall make a finding in accordance with subdivision (b-8)
10 of this Section, unless the maintenance is modified or
11 terminated under Section 510.

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

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

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

9 (b-8) Review of maintenance. Upon review of any previously
10 ordered maintenance award, the court may extend maintenance for
11 further review, extend maintenance for a fixed non-modifiable
12 term, extend maintenance for an indefinite term, or permanently
13 terminate maintenance in accordance with subdivision
14 (b-1) (1) (A) of this Section.

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

18 (d) Maintenance during imprisonment. No maintenance shall
19 accrue during the period in which a party is imprisoned for
20 failure to comply with the court's order for the payment of
21 such maintenance.

22 (e) Fees when maintenance is paid through the clerk. When
23 maintenance is to be paid through the clerk of the court in a
24 county of 500,000 ~~1,000,000~~ inhabitants or less, the order
25 shall direct the obligor to pay to the clerk, in addition to
26 the maintenance payments, all fees imposed by the county board

1 under paragraph (4) of subsection (bb) of Section 27.1a
2 ~~paragraph (3) of subsection (u) of Section 27.1~~ of the Clerks
3 of Courts Act. When maintenance is to be paid through the clerk
4 of the court in a county of more than 500,000 but less than
5 3,000,000 inhabitants, the order shall direct the obligor to
6 pay to the clerk, in addition to the maintenance payments, all
7 fees imposed by the county board under paragraph (4) of
8 subsection (bb) of Section 27.2 of the Clerks of Courts Act.
9 Unless paid in cash or pursuant to an order for withholding,
10 the payment of the fee shall be by a separate instrument from
11 the support payment and shall be made to the order of the
12 Clerk.

13 (f) Maintenance secured by life insurance. An award ordered
14 by a court upon entry of a dissolution judgment or upon entry
15 of an award of maintenance following a reservation of
16 maintenance in a dissolution judgment may be reasonably
17 secured, in whole or in part, by life insurance on the payor's
18 life on terms as to which the parties agree⁷ or, if the parties
19 ~~they~~ do not agree, on such terms determined by the court,
20 subject to the following:

21 (1) With respect to existing life insurance, provided
22 the court is apprised through evidence, stipulation, or
23 otherwise as to level of death benefits, premium, and other
24 relevant data and makes findings relative thereto, the
25 court may allocate death benefits, the right to assign
26 death benefits, or the obligation for future premium

1 payments between the parties as it deems just.

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

5 (i) that the payor cooperate on all appropriate
6 steps for the payee to obtain such new life insurance;
7 and

8 (ii) that the payee, at his or her sole option and
9 expense, may obtain such new life insurance on the
10 payor's life up to a maximum level of death benefit
11 coverage, or descending death benefit coverage, as is
12 set by the court, such level not to exceed a reasonable
13 amount in light of the court's award, with the payee or
14 the payee's designee being the beneficiary of such life
15 insurance.

16 In determining the maximum level of death benefit coverage,
17 the court shall take into account all relevant facts and
18 circumstances, including the impact on access to life
19 insurance by the maintenance payor. If in resolving any
20 issues under paragraph (2) of this subsection (f) a court
21 reviews any submitted or proposed application for new
22 insurance on the life of a maintenance payor, the review
23 shall be in camera.

24 (3) (Blank) ~~A judgment shall expressly set forth that~~
25 ~~all death benefits paid under life insurance on a payor's~~
26 ~~life maintained or obtained pursuant to this subsection to~~

1 ~~secure maintenance are designated as excludable from the~~
2 ~~gross income of the maintenance payee under Section~~
3 ~~71(b)(1)(B) of the Internal Revenue Code, unless an~~
4 ~~agreement or stipulation of the parties otherwise~~
5 ~~provides.~~

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

9 (750 ILCS 5/505) (from Ch. 40, par. 505)

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

11 (a) In a proceeding for dissolution of marriage, legal
12 separation, declaration of invalidity of marriage, or
13 dissolution of a civil union, a proceeding for child support
14 following a legal separation or dissolution of the marriage or
15 civil union by a court that lacked personal jurisdiction over
16 the absent spouse, a proceeding for modification of a previous
17 order for child support under Section 510 of this Act, or any
18 proceeding authorized under Section 501 or 601 of this Act, the
19 court may order either or both parents owing a duty of support
20 to a child of the marriage or civil union to pay an amount
21 reasonable and necessary for support. The duty of support owed
22 to a child includes the obligation to provide for the
23 reasonable and necessary physical, mental and emotional health
24 needs of the child. For purposes of this Section, the term
25 "child" shall include any child under age 18 and any child age

1 19 or younger who is still attending high school. For purposes
2 of this Section, the term "obligor" means the parent obligated
3 to pay support to the other parent.

4 (1) Child support guidelines. The Illinois Department
5 of Healthcare and Family Services shall adopt rules
6 establishing child support guidelines which include
7 worksheets to aid in the calculation of the child support
8 obligations and a schedule of basic child support
9 obligations that reflects the percentage of combined net
10 income that parents living in the same household in this
11 State ordinarily spend on their child. The child support
12 guidelines have the following purposes:

13 (A) to establish as State policy an adequate
14 standard of support for a child, subject to the ability
15 of parents to pay;

16 (B) to make child support obligations more
17 equitable by ensuring more consistent treatment of
18 parents in similar circumstances;

19 (C) to improve the efficiency of the court process
20 by promoting settlements and giving courts and the
21 parties guidance in establishing levels of child
22 support;

23 (D) to calculate child support based upon the
24 parents' combined net income estimated to have been
25 allocated for the support of the child if the parents
26 and child were living in an intact household;

1 (E) to adjust child support based upon the needs of
2 the child; and

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

6 (1.5) Computation of basic child support obligation.
7 The court shall compute the basic child support obligation
8 by taking the following steps:

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

10 (B) add the parents' monthly net incomes together
11 to determine the combined monthly net income of the
12 parents;

13 (C) select the corresponding appropriate amount
14 from the schedule of basic child support obligations
15 based on the parties' combined monthly net income and
16 number of children of the parties; and

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

19 Although a monetary obligation is computed for each
20 parent as child support, the receiving parent's share is
21 not payable to the other parent and is presumed to be spent
22 directly on the child.

23 (2) Duty of support. The court shall determine child
24 support in each case by applying the child support
25 guidelines unless the court makes a finding that
26 application of the guidelines would be inappropriate,

1 after considering the best interests of the child and
2 evidence which shows relevant factors including, but not
3 limited to, one or more of the following:

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

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

7 (C) the standard of living the child would have
8 enjoyed had the marriage or civil union not been
9 dissolved; and

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

12 (3) Income.

13 (A) As used in this Section, "gross income" means
14 the total of all income from all sources, except "gross
15 income" does not include (i) benefits received by the
16 parent from means-tested public assistance programs,
17 including, but not limited to, Temporary Assistance
18 for ~~to~~ Needy Families, Supplemental Security Income,
19 and the Supplemental Nutrition Assistance Program or
20 (ii) benefits and income received by the parent for
21 other children in the household, including, but not
22 limited to, child support, survivor benefits, and
23 foster care payments. Social security disability and
24 retirement benefits paid for the benefit of the subject
25 child must be included in the disabled or retired
26 parent's gross income for purposes of calculating the

1 parent's child support obligation, but the parent is
2 entitled to a child support credit for the amount of
3 benefits paid to the other party for the child. "Gross
4 income" ~~also includes spousal~~ maintenance treated as
5 taxable income for federal income tax purposes to the
6 payee and received pursuant to a court order in the
7 pending proceedings or any other proceedings and shall
8 ~~that must~~ be included in the payee's ~~recipient's~~ gross
9 income for purposes of calculating the parent's child
10 support obligation.

11 (B) As used in this Section, "net income" means
12 gross income minus either the standardized tax amount
13 calculated pursuant to subparagraph (C) of this
14 paragraph (3) or the individualized tax amount
15 calculated pursuant to subparagraph (D) of this
16 paragraph (3), and minus any adjustments pursuant to
17 subparagraph (F) of this paragraph (3). The
18 standardized tax amount shall be used unless the
19 requirements for an individualized tax amount set
20 forth in subparagraph (E) of this paragraph (3) are
21 met. "Net income" includes maintenance not includable
22 in the gross taxable income of the payee for federal
23 income tax purposes under a court order in the pending
24 proceedings or any other proceedings and shall be
25 included in the payee's net income for purposes of
26 calculating the parent's child support obligation.

1 (C) As used in this Section, "standardized tax
2 amount" means the total of federal and state income
3 taxes for a single person claiming the standard tax
4 deduction, one personal exemption, and the applicable
5 number of dependency exemptions for the minor child or
6 children of the parties, and Social Security and
7 Medicare tax calculated at the Federal Insurance
8 Contributions Act rate.

9 (I) Unless a court has determined otherwise or
10 the parties otherwise agree, the party with the
11 majority of parenting time shall be deemed
12 entitled to claim the dependency exemption for the
13 parties' minor child.

14 (II) The Illinois Department of Healthcare and
15 Family Services shall promulgate a standardized
16 net income conversion table that computes net
17 income by deducting the standardized tax amount
18 from gross income.

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

21 (I) federal income tax (properly calculated
22 withholding or estimated payments);

23 (II) State income tax (properly calculated
24 withholding or estimated payments); and

25 (III) Social Security or self-employment tax,
26 if applicable (or, if none, mandatory retirement

1 contributions required by law or as a condition of
2 employment) and Medicare tax calculated at the
3 Federal Insurance Contributions Act rate.

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

17 (I) Agreement. Irrespective of whether the
18 parties agree on any other issue before the court,
19 if they jointly stipulate for the record their
20 concurrence on a computation method for the
21 individualized tax amount that is different from
22 the method set forth under subparagraph (D), the
23 stipulated method shall be used by the court unless
24 the court rejects the proposed stipulated method
25 for good cause.

26 (II) Summary hearing. If the court determines

1 child support in a summary hearing under Section
2 501 and an eligible party opts in to the
3 individualized tax amount method under this item
4 (II), the individualized tax amount shall be
5 determined by the court on the basis of information
6 contained in one or both parties' Supreme Court
7 approved Financial Affidavit (Family & Divorce
8 Cases) and relevant supporting documents under
9 applicable court rules. No party, however, is
10 eligible to opt in unless the party, under
11 applicable court rules, has served the other party
12 with the required Supreme Court approved Financial
13 Affidavit (Family & Divorce Cases) and has
14 substantially produced supporting documents
15 required by the applicable court rules.

16 (III) Evidentiary hearing. If the court
17 determines child support in an evidentiary
18 hearing, whether for purposes of a temporary order
19 or at the conclusion of a proceeding, item (II) of
20 this subparagraph (E) does not apply. In each such
21 case (unless item (I) governs), the individualized
22 tax amount shall be as determined by the court on
23 the basis of the record established.

24 (F) Adjustments to income.

25 (I) Multi-family adjustment. If a parent is
26 also legally responsible for support of a child not

1 shared with the other parent and not subject to the
2 present proceeding, there shall be an adjustment
3 to net income as follows:

4 (i) Multi-family adjustment with court
5 order. The court shall deduct from the parent's
6 net income the amount of child support actually
7 paid by the parent pursuant to a support order
8 unless the court makes a finding that it would
9 cause economic hardship to the child.

10 (ii) Multi-family adjustment without court
11 order. Upon the request or application of a
12 parent actually supporting a presumed,
13 acknowledged, or adjudicated child living in
14 or outside of that parent's household, there
15 shall be an adjustment to child support. The
16 court shall deduct from the parent's net income
17 the amount of financial support actually paid
18 by the parent for the child or 75% of the
19 support the parent should pay under the child
20 support guidelines (before this adjustment),
21 whichever is less, unless the court makes a
22 finding that it would cause economic hardship
23 to the child. The adjustment shall be
24 calculated using that parent's income alone.

25 (II) Spousal Maintenance adjustment.
26 Obligations pursuant to a court order for spousal

1 maintenance in the pending proceeding actually
2 paid or payable to the same party to whom child
3 support is to be payable or actually paid to a
4 former spouse pursuant to a court order shall be
5 deducted from the parent's after-tax income,
6 unless the maintenance obligation is tax
7 deductible to the payor for federal income tax
8 purposes, in which case it shall be deducted from
9 the payor's gross income for purposes of
10 calculating the parent's child support obligation
11 ~~gross income.~~

12 (3.1) Business income. For purposes of calculating
13 child support, net business income from the operation of a
14 business means gross receipts minus ordinary and necessary
15 expenses required to carry on the trade or business. As
16 used in this paragraph, "business" includes, but is not
17 limited to, sole proprietorships, closely held
18 corporations, partnerships, other flow-through business
19 entities, and self-employment. The court shall apply the
20 following:

21 (A) The accelerated component of depreciation and
22 any business expenses determined either judicially or
23 administratively to be inappropriate or excessive
24 shall be excluded from the total of ordinary and
25 necessary business expenses to be deducted in the
26 determination of net business income from gross

1 business income.

2 (B) Any item of reimbursement or in-kind payment
3 received by a parent from a business, including, but
4 not limited to, a company car, reimbursed meals, free
5 housing, or a housing allowance, shall be counted as
6 income if not otherwise included in the recipient's
7 gross income, if the item is significant in amount and
8 reduces personal expenses.

9 (3.2) Unemployment or underemployment. If a parent is
10 voluntarily unemployed or underemployed, child support
11 shall be calculated based on a determination of potential
12 income. A determination of potential income shall be made
13 by determining employment potential and probable earnings
14 level based on the obligor's work history, occupational
15 qualifications, prevailing job opportunities, the
16 ownership by a parent of a substantial non-income producing
17 asset, and earnings levels in the community. If there is
18 insufficient work history to determine employment
19 potential and probable earnings level, there shall be a
20 rebuttable presumption that the parent's potential income
21 is 75% of the most recent United States Department of
22 Health and Human Services Federal Poverty Guidelines for a
23 family of one person.

24 (3.3) Rebuttable presumption in favor of guidelines.
25 There is a rebuttable presumption in any judicial or
26 administrative proceeding for child support that the

1 amount of the child support obligation that would result
2 from the application of the child support guidelines is the
3 correct amount of child support.

4 (3.3a) Minimum child support obligation. There is a
5 rebuttable presumption that a minimum child support
6 obligation of \$40 per month, per child, will be entered for
7 an obligor who has actual or imputed gross income at or
8 less than 75% of the most recent United States Department
9 of Health and Human Services Federal Poverty Guidelines for
10 a family of one person, with a maximum total child support
11 obligation for that obligor of \$120 per month to be divided
12 equally among all of the obligor's children.

13 (3.3b) Zero dollar child support order. For parents
14 with no gross income, who receive only means-tested
15 assistance, or who cannot work due to a medically proven
16 disability, incarceration, or institutionalization, there
17 is a rebuttable presumption that the \$40 per month minimum
18 support order is inapplicable and a zero dollar order shall
19 be entered.

20 (3.4) Deviation factors. In any action to establish or
21 modify child support, whether pursuant to a temporary or
22 final administrative or court order, the child support
23 guidelines shall be used as a rebuttable presumption for
24 the establishment or modification of the amount of child
25 support. The court may deviate from the child support
26 guidelines if the application would be inequitable,

1 unjust, or inappropriate. Any deviation from the
2 guidelines shall be accompanied by written findings by the
3 court specifying the reasons for the deviation and the
4 presumed amount under the child support guidelines without
5 a deviation. These reasons may include:

6 (A) extraordinary medical expenditures necessary
7 to preserve the life or health of a party or a child of
8 either or both of the parties;

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

12 (C) any other factor the court determines should be
13 applied upon a finding that the application of the
14 child support guidelines would be inappropriate, after
15 considering the best interest of the child.

16 (3.5) Income in excess of the schedule of basic child
17 support obligation. A court may use its discretion to
18 determine child support if the combined adjusted net income
19 of the parties exceeds the highest level of the schedule of
20 basic child support obligation, except that the basic child
21 support obligation shall not be less than the highest level
22 of combined net income set forth in the schedule of basic
23 child support obligation.

24 (3.6) Extracurricular activities and school expenses.
25 The court, in its discretion, in addition to the basic
26 child support obligation, may order either or both parents

1 owing a duty of support to the child to contribute to the
2 reasonable school and extracurricular activity expenses
3 incurred which are intended to enhance the educational,
4 athletic, social, or cultural development of the child.

5 (3.7) Child care expenses. The court, in its
6 discretion, in addition to the basic child support
7 obligation, may order either or both parents owing a duty
8 of support to the child to contribute to the reasonable
9 child care expenses of the child. The child care expenses
10 shall be made payable directly to a party or directly to
11 the child care provider at the time of child care services.

12 (A) "Child care expenses" means actual expenses
13 reasonably necessary to enable a parent or non-parent
14 custodian to be employed, to attend educational or
15 vocational training programs to improve employment
16 opportunities, or to search for employment. "Child
17 care expenses" also includes deposits for securing
18 placement in a child care program, the cost of before
19 and after school care, and camps when school is not in
20 session. A child's special needs shall be a
21 consideration in determining reasonable child care
22 expenses.

23 (B) Child care expenses shall be prorated in
24 proportion to each parent's percentage share of
25 combined net income, and may be added to the basic
26 child support obligation if not paid directly by each

1 parent to the provider of child care services. The
2 obligor's and obligee's portion of actual child care
3 expenses shall appear in the support order. If allowed,
4 the value of the federal income tax credit for child
5 care shall be subtracted from the actual cost to
6 determine the net child care costs.

7 (C) The amount of child care expenses shall be
8 adequate to obtain reasonable and necessary child
9 care. The actual child care expenses shall be used to
10 calculate the child care expenses, if available. When
11 actual child care expenses vary, the actual child care
12 expenses may be averaged over the most recent 12-month
13 period. When a parent is temporarily unemployed or
14 temporarily not attending educational or vocational
15 training programs, future child care expenses shall be
16 based upon prospective expenses to be incurred upon
17 return to employment or educational or vocational
18 training programs.

19 (D) An order for child care expenses may be
20 modified upon a showing of a substantial change in
21 circumstances. The party incurring child care expenses
22 shall notify the other party within 14 days of any
23 change in the amount of child care expenses that would
24 affect the annualized child care amount as determined
25 in the support order.

26 (3.8) Shared physical care. If each parent exercises

1 146 or more overnights per year with the child, the basic
2 child support obligation is multiplied by 1.5 to calculate
3 the shared care child support obligation. The court shall
4 determine each parent's share of the shared care child
5 support obligation based on the parent's percentage share
6 of combined net income. The child support obligation is
7 then computed for each parent by multiplying that parent's
8 portion of the shared care support obligation by the
9 percentage of time the child spends with the other parent.
10 The respective child support obligations are then offset,
11 with the parent owing more child support paying the
12 difference between the child support amounts. The Illinois
13 Department of Healthcare and Family Services shall
14 promulgate a worksheet to calculate child support in cases
15 in which the parents have shared physical care and use the
16 standardized tax amount to determine net income.

17 (3.9) Split physical care. When there is more than one
18 child and each parent has physical care of at least one but
19 not all of the children, the support is calculated by using
20 2 child support worksheets to determine the support each
21 parent owes the other. The support shall be calculated as
22 follows:

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

26 (B) compute the support the other parent would owe

1 to the first parent as if the child in his or her care
2 were the only child of the parties; then

3 (C) subtract the lesser support obligation from
4 the greater.

5 The parent who owes the greater obligation shall be
6 ordered to pay the difference in support to the other
7 parent, unless the court determines, pursuant to other
8 provisions of this Section, that it should deviate from the
9 guidelines.

10 (4) Health care.

11 (A) A portion of the basic child support obligation
12 is intended to cover basic ordinary out-of-pocket
13 medical expenses. The court, in its discretion, in
14 addition to the basic child support obligation, shall
15 also provide for the child's current and future medical
16 needs by ordering either or both parents to initiate
17 health insurance coverage for the child through
18 currently effective health insurance policies held by
19 the parent or parents, purchase one or more or all
20 health, dental, or vision insurance policies for the
21 child, or provide for the child's current and future
22 medical needs through some other manner.

23 (B) The court, in its discretion, may order either
24 or both parents to contribute to the reasonable health
25 care needs of the child not covered by insurance,
26 including, but not limited to, unreimbursed medical,

1 dental, orthodontic, or vision expenses and any
2 prescription medication for the child not covered
3 under the child's health insurance.

4 (C) If neither parent has access to appropriate
5 private health insurance coverage, the court may
6 order:

7 (I) one or both parents to provide health
8 insurance coverage at any time it becomes
9 available at a reasonable cost; or

10 (II) the parent or non-parent custodian with
11 primary physical responsibility for the child to
12 apply for public health insurance coverage for the
13 child and require either or both parents to pay a
14 reasonable amount of the cost of health insurance
15 for the child.

16 The order may also provide that any time private
17 health insurance coverage is available at a reasonable
18 cost to that party it will be provided instead of cash
19 medical support. As used in this Section, "cash medical
20 support" means an amount ordered to be paid toward the
21 cost of health insurance provided by a public entity or
22 by another person through employment or otherwise or
23 for other medical costs not covered by insurance.

24 (D) The amount to be added to the basic child
25 support obligation shall be the actual amount of the
26 total health insurance premium that is attributable to

1 the child who is the subject of the order. If this
2 amount is not available or cannot be verified, the
3 total cost of the health insurance premium shall be
4 divided by the total number of persons covered by the
5 policy. The cost per person derived from this
6 calculation shall be multiplied by the number of
7 children who are the subject of the order and who are
8 covered under the health insurance policy. This amount
9 shall be added to the basic child support obligation
10 and shall be allocated between the parents in
11 proportion to their respective net incomes.

12 (E) After the health insurance premium for the
13 child is added to the basic child support obligation
14 and allocated between the parents in proportion to
15 their respective incomes for child support purposes,
16 if the obligor is paying the premium, the amount
17 calculated for the obligee's share of the health
18 insurance premium for the child shall be deducted from
19 the obligor's share of the total child support
20 obligation. If the obligee is paying for private health
21 insurance for the child, the child support obligation
22 shall be increased by the obligor's share of the
23 premium payment. The obligor's and obligee's portion
24 of health insurance costs shall appear in the support
25 order.

26 (F) Prior to allowing the health insurance

1 adjustment, the parent requesting the adjustment must
2 submit proof that the child has been enrolled in a
3 health insurance plan and must submit proof of the cost
4 of the premium. The court shall require the parent
5 receiving the adjustment to annually submit proof of
6 continued coverage of the child to the other parent, or
7 as designated by the court.

8 (G) A reasonable cost for providing health
9 insurance coverage for the child may not exceed 5% of
10 the providing parent's gross income. Parents with a net
11 income below 133% of the most recent United States
12 Department of Health and Human Services Federal
13 Poverty Guidelines or whose child is covered by
14 Medicaid based on that parent's income may not be
15 ordered to contribute toward or provide private
16 coverage, unless private coverage is obtainable
17 without any financial contribution by that parent.

18 (H) If dental or vision insurance is included as
19 part of the employer's medical plan, the coverage shall
20 be maintained for the child. If not included in the
21 employer's medical plan, adding the dental or vision
22 insurance for the child is at the discretion of the
23 court.

24 (I) If a parent has been directed to provide health
25 insurance pursuant to this paragraph and that parent's
26 spouse or legally recognized partner provides the

1 insurance for the benefit of the child either directly
2 or through employment, a credit on the child support
3 worksheet shall be given to that parent in the same
4 manner as if the premium were paid by that parent.

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

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

26 (6) If (i) the obligor was properly served with a

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

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

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

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

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

5 (A) work; or

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

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

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

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

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

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

12 (2) the obligor and the person, persons, or business
13 entity fail to maintain an arm's length relationship
14 between themselves with regard to any assets.

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

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

26 The court may also order in cases where the parent is 90

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

20 In addition to the penalties or punishment that may be
21 imposed under this Section, any person whose conduct
22 constitutes a violation of Section 15 of the Non-Support
23 Punishment Act may be prosecuted under that Act, and a person
24 convicted under that Act may be sentenced in accordance with
25 that Act. The sentence may include but need not be limited to a
26 requirement that the person perform community service under

1 Section 50 of that Act or participate in a work alternative
2 program under Section 50 of that Act. A person may not be
3 required to participate in a work alternative program under
4 Section 50 of that Act if the person is currently participating
5 in a work program pursuant to Section 505.1 of this Act.

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

22 (c) A one-time charge of 20% is imposable upon the amount
23 of past-due child support owed on July 1, 1988 which has
24 accrued under a support order entered by the court. The charge
25 shall be imposed in accordance with the provisions of Section
26 10-21 of the Illinois Public Aid Code and shall be enforced by

1 the court upon petition.

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

15 (e) When child support is to be paid through the Clerk of
16 the Court in a county of 500,000 ~~1,000,000~~ inhabitants or less,
17 the order shall direct the obligor to pay to the Clerk, in
18 addition to the child support payments, all fees imposed by the
19 county board under paragraph (4) of subsection (bb) of Section
20 27.1a ~~paragraph (3) of subsection (u) of Section 27.1~~ of the
21 Clerks of Courts Act. When child support is to be paid through
22 the clerk of the court in a county of more than 500,000 but
23 less than 3,000,000 inhabitants, the order shall direct the
24 obligor to pay to the clerk, in addition to the child support
25 payments, all fees imposed by the county board under paragraph
26 (4) of subsection (bb) of Section 27.2 of the Clerks of Courts

1 Act. Unless paid pursuant to an Income Withholding Order/Notice
2 for Support, the payment of the fee shall be by payment
3 acceptable to the clerk and shall be made to the order of the
4 Clerk.

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

24 (g) An order for support shall include a date on which the
25 current support obligation terminates. The termination date
26 shall be no earlier than the date on which the child covered by

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

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

1 limited to income withholding under the Income Withholding for
2 Support Act. Each order for support entered or modified on or
3 after January 1, 2005 (the effective date of Public Act
4 93-1061) ~~this amendatory Act of the 93rd General Assembly~~ must
5 contain a statement notifying the parties of the requirements
6 of this subsection. Failure to include the statement in the
7 order for support does not affect the validity of the order or
8 the operation of the provisions of this subsection with regard
9 to the order. This subsection shall not be construed to prevent
10 or affect the establishment or modification of an order for
11 support of a minor child or the establishment or modification
12 of an order for support of a non-minor child or educational
13 expenses under Section 513 of this Act.

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

1 this Section shall also include a provision requiring either
2 obligor and obligee to advise the other of a change in
3 residence within 5 days of the change except when the court
4 finds that the physical, mental, or emotional health of a party
5 or that of a child, or both, would be seriously endangered by
6 disclosure of the party's address.

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

12 (Source: P.A. 99-90, eff. 1-1-16; 99-763, eff. 1-1-17; 99-764,
13 eff. 7-1-17; 100-15, eff. 7-1-17; revised 10-6-17.)

14 (750 ILCS 5/510) (from Ch. 40, par. 510)

15 Sec. 510. Modification and termination of provisions for
16 maintenance, support, educational expenses, and property
17 disposition.

18 (a) Except as otherwise provided in paragraph (f) of
19 Section 502 and in subsection (b), clause (3) of Section 505.2,
20 the provisions of any judgment respecting maintenance or
21 support may be modified only as to installments accruing
22 subsequent to due notice by the moving party of the filing of
23 the motion for modification. An order for child support may be
24 modified as follows:

25 (1) upon a showing of a substantial change in

1 circumstances; and

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

4 (A) upon a showing of an inconsistency of at least
5 20%, but no less than \$10 per month, between the amount
6 of the existing order and the amount of child support
7 that results from application of the guidelines
8 specified in Section 505 of this Act unless the
9 inconsistency is due to the fact that the amount of the
10 existing order resulted from a deviation from the
11 guideline amount and there has not been a change in the
12 circumstances that resulted in that deviation; or

13 (B) upon a showing of a need to provide for the
14 health care needs of the child under the order through
15 health insurance or other means. In no event shall the
16 eligibility for or receipt of medical assistance be
17 considered to meet the need to provide for the child's
18 health care needs.

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

25 The court may grant a petition for modification that seeks
26 to apply the changes made to subsection (a) of Section 505 by

1 Public Act 99-764 to an order entered before the effective date
2 of Public Act 99-764 only upon a finding of a substantial
3 change in circumstances that warrants application of the
4 changes. The enactment of Public Act 99-764 itself does not
5 constitute a substantial change in circumstances warranting a
6 modification.

7 (a-5) An order for maintenance may be modified or
8 terminated only upon a showing of a substantial change in
9 circumstances. The court may grant a petition for modification
10 that seeks to apply the changes made to Section 504 by this
11 amendatory Act of the 100th General Assembly to an order
12 entered before the effective date of this amendatory Act of the
13 100th General Assembly only upon a finding of a substantial
14 change in circumstances that warrants application of the
15 changes. The enactment of this amendatory Act of the 100th
16 General Assembly itself does not constitute a substantial
17 change in circumstances warranting a modification. In all such
18 proceedings, as well as in proceedings in which maintenance is
19 being reviewed, the court shall consider the applicable factors
20 set forth in subsection (a) of Section 504 and the following
21 factors:

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

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

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

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

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

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

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

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

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

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

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

5 (c) Unless otherwise agreed by the parties in a written
6 agreement set forth in the judgment or otherwise approved by
7 the court, the obligation to pay future maintenance is
8 terminated upon the death of either party, or the remarriage of
9 the party receiving maintenance, or if the party receiving
10 maintenance cohabits with another person on a resident,
11 continuing conjugal basis. An obligor's obligation to pay
12 maintenance or unallocated maintenance terminates by operation
13 of law on the date the obligee remarries or the date the court
14 finds cohabitation began. The obligor is entitled to
15 reimbursement for all maintenance paid from that date forward.
16 Any termination of an obligation for maintenance as a result of
17 the death of the obligor, however, shall be inapplicable to any
18 right of the other party or such other party's designee to
19 receive a death benefit under such insurance on the obligor's
20 life. An obligee must advise the obligor of his or her
21 intention to marry at least 30 days before the remarriage,
22 unless the decision is made within this time period. In that
23 event, he or she must notify the obligor within 72 hours of
24 getting married.

25 (c-5) In an adjudicated case, the court shall make specific
26 factual findings as to the reason for the modification as well

1 as the amount, nature, and duration of the modified maintenance
2 award.

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

19 (e) The right to petition for support or educational
20 expenses, or both, under Sections 505, 513, and 513.5 is not
21 extinguished by the death of a parent. Upon a petition filed
22 before or after a parent's death, the court may award sums of
23 money out of the decedent's estate for the child's support or
24 educational expenses, or both, as equity may require. The time
25 within which a claim may be filed against the estate of a
26 decedent under Sections 505 and 513 and subsection (d) and this

1 subsection shall be governed by the provisions of the Probate
2 Act of 1975, as a barrable, noncontingent claim.

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

9 (Source: P.A. 99-90, eff. 1-1-16; 99-764, eff. 7-1-17; 100-15,
10 eff. 7-1-17; 100-201, eff. 8-18-17.)"; and

11 on page 93, by inserting immediately below line 13 the
12 following:

13 "Section 99. Effective date. This Act takes effect January
14 1, 2019."