



Rep. Margaret Croke

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10200HB4133ham001

LRB102 19907 LNS 35580 a

1 AMENDMENT TO HOUSE BILL 4133

2 AMENDMENT NO. _____. Amend House Bill 4133 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Pregnancy Expenses Act.

6 Section 5. Definitions. As used in this Act:

7 "Intended parent" has the same meaning as used in Section
8 10 of the Gestational Surrogacy Act.

9 "Pregnancy expenses" means an amount equal to:

10 (1) the sum of a pregnant mother's:

11 (A) health insurance premiums while pregnant that
12 are not paid by an employer or government program; and

13 (B) medical costs related to the pregnancy,
14 incurred after the date of conception and before the
15 pregnancy ends, including any medical costs related to
16 the delivery of the child; minus

1 (2) any portion of the amount described in paragraph
2 (1) that a court determines is equitable based on the
3 totality of the circumstances, not including any amount
4 paid by the mother or father of the child.

5 Section 10. Pregnancy expenses.

6 (a) Except as otherwise provided in this Section, a
7 biological father or, if the biological father is a sperm
8 donor and not the intended parent, the other intended parent
9 of a child has a duty to pay 50% of the mother's pregnancy
10 expenses. If paternity is disputed, a biological father owes
11 no duty under this Section until the biological father's
12 paternity is established.

13 (b) Any portion of a mother's pregnancy expenses paid by
14 the mother or the biological father or intended parent reduces
15 that parent's 50% share under subsection (a), not the total
16 amount of pregnancy expenses. This subsection applies
17 regardless of when the mother or biological father or intended
18 parent pays the pregnancy expense.

19 (c) This Section does not apply if the court apportions
20 pregnancy expenses under Article 8 of the Illinois Parentage
21 Act of 2015 or Part V of the Illinois Marriage and Dissolution
22 of Marriage Act.

23 Section 15. Actions seeking payment of pregnancy expenses.

24 (a) An action seeking the payment of pregnancy expenses

1 may be brought during or after the pregnancy. The petitioner
2 is not required to wait until the pregnancy ends to bring an
3 action under this Act.

4 (b) An action seeking the payment of pregnancy expenses
5 shall only be brought by the mother.

6 (c) In an action seeking the payment of pregnancy
7 expenses, the court, in its determination of whether to order
8 a biological father or intended parent to pay pregnancy
9 expenses, shall consider:

10 (1) the income and property of each party;

11 (2) the needs of each party;

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

14 (4) any impairment of the present and future earning
15 capacity of the mother seeking pregnancy expenses due to
16 that mother devoting time to domestic duties or having
17 forgone or delayed education, training, employment, or
18 career opportunities due to the pregnancy; and

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

21 (d) In an action seeking the payment of pregnancy
22 expenses, the court, in its discretion, may order the
23 biological father or intended parent to pay more than 50% of
24 the pregnancy expenses.

25 (e) If a person seeks payment of pregnancy expenses under
26 this Act by providing documentation of payments, medical

1 expenses, and insurance premiums, the court may, after review,
2 order the payment of the pregnancy expenses.

3 Section 90. The Illinois Parentage Act of 2015 is amended
4 by changing Section 802 as follows:

5 (750 ILCS 46/802)

6 Sec. 802. Judgment.

7 (a) The court shall issue an order adjudicating whether a
8 person alleged or claiming to be the parent is the parent of
9 the child. An order adjudicating parentage must identify the
10 child by name and date of birth.

11 The court may assess filing fees, reasonable attorney's
12 fees, fees for genetic testing, other costs, necessary travel
13 expenses, and other reasonable expenses incurred in a
14 proceeding under this Act. The court may award attorney's
15 fees, which may be paid directly to the attorney, who may
16 enforce the order in the attorney's own name. The court may not
17 assess fees, costs, or expenses against the
18 support-enforcement agency of this State or another state,
19 except as provided by other law.

20 The judgment shall contain or explicitly reserve
21 provisions concerning any duty and amount of child support and
22 may contain or explicitly reserve provisions concerning the
23 allocation of parental responsibilities or guardianship of the
24 child, parenting time privileges with the child, and the

1 furnishing of bond or other security for the payment of the
2 judgment, which the court shall determine in accordance with
3 the relevant factors set forth in the Illinois Marriage and
4 Dissolution of Marriage Act and any other applicable law of
5 this State, to guide the court in a finding in the best
6 interests of the child. In determining the allocation of
7 parental responsibilities, relocation, parenting time,
8 parenting time interference, support for a non-minor disabled
9 child, educational expenses for a non-minor child, and related
10 post-judgment issues, the court shall apply the relevant
11 standards of the Illinois Marriage and Dissolution of Marriage
12 Act. Specifically, in determining the amount of a child
13 support award, the court shall use the guidelines and
14 standards set forth in subsection (a) of Section 505 and in
15 Section 505.2 of the Illinois Marriage and Dissolution of
16 Marriage Act. The court shall order all child support
17 payments, determined in accordance with such guidelines, to
18 commence with the date summons is served. The level of current
19 periodic support payments shall not be reduced because of
20 payments set for the period prior to the date of entry of the
21 support order.

22 (b) In an action brought during a pregnancy or within 2
23 years after a child's birth, the judgment or order may direct
24 the biological father or intended parent ~~either parent~~ to pay
25 50% of pregnancy ~~the reasonable~~ expenses, as defined in the
26 Pregnancy Expenses Act, incurred by the mother ~~either parent~~

1 or the Department of Healthcare and Family Services. However,
2 the court, in its discretion, may direct the biological father
3 or intended parent to pay more than 50% of pregnancy expenses
4 ~~related to the mother's pregnancy and the delivery of the~~
5 ~~child.~~

6 (c) In the absence of an explicit order or judgment for the
7 allocation of parental responsibilities, to the extent the
8 court has authority under the Uniform Child-Custody
9 Jurisdiction and Enforcement Act or any other appropriate
10 State law, the establishment of a child support obligation or
11 the allocation of parenting time to one parent shall be
12 construed as an order or judgment allocating all parental
13 responsibilities to the other parent. If the parentage order
14 or judgment contains no such provisions, all parental
15 responsibilities shall be presumed to be allocated to the
16 mother; however, the presumption shall not apply if the child
17 has resided primarily with the other parent for at least 6
18 months prior to the date that the mother seeks to enforce the
19 order or judgment of parentage.

20 (c-5) Notwithstanding the limitations regarding the
21 establishment of custody under the Uniform Interstate Family
22 Support Act, that Act is not exclusive, and custody/allocation
23 of parental responsibilities may be determined concurrently
24 under other appropriate State laws, where this determination
25 may be validly made.

26 (d) The court, if necessary to protect and promote the

1 best interests of the child, may set aside a portion of the
2 separately held estates of the parties in a separate fund or
3 trust for the support, education, physical and mental health,
4 and general welfare of a minor or mentally or physically
5 disabled child of the parties.

6 (e) The court may order child support payments to be made
7 for a period prior to the commencement of the action. In
8 determining whether and to what extent the payments shall be
9 made for the prior period, the court shall consider all
10 relevant facts, including but not limited to:

11 (1) The factors for determining the amount of support
12 specified in the Illinois Marriage and Dissolution of
13 Marriage Act.

14 (2) The prior knowledge of the person obligated to pay
15 support of the fact and circumstances of the child's
16 birth.

17 (3) The father's prior willingness or refusal to help
18 raise or support the child.

19 (4) The extent to which the mother or the public
20 agency bringing the action previously informed the person
21 obligated to pay support of the child's needs or attempted
22 to seek or require the help of the person obligated to pay
23 support in raising or supporting the child.

24 (5) The reasons the mother or the public agency did
25 not file the action earlier.

26 (6) The extent to which the person obligated to pay

1 support would be prejudiced by the delay in bringing the
2 action.

3 For purposes of determining the amount of child support to
4 be paid for the period before the date the order for current
5 child support is entered, there is a rebuttable presumption
6 that the net income of the person obligated to pay support for
7 the prior period was the same as the net income of the person
8 obligated to pay support at the time the order for current
9 child support is entered.

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

23 (f) A new or existing support order entered by the court
24 under this Section shall be deemed to be a series of judgments
25 against the person obligated to pay support thereunder, each
26 judgment to be in the amount of each payment or installment of

1 support and each judgment to be deemed entered as of the date
2 the corresponding payment or installment becomes due under the
3 terms of the support order. Each judgment shall have the full
4 force, effect, and attributes of any other judgment of this
5 State, including the ability to be enforced. A judgment under
6 this Section is subject to modification or termination only in
7 accordance with Section 510 of the Illinois Marriage and
8 Dissolution of Marriage Act. Notwithstanding any State or
9 local law to the contrary, a lien arises by operation of law
10 against the real and personal property of the noncustodial
11 parent for each installment of overdue support owed by the
12 noncustodial parent.

13 (g) If the judgment or order of the court is at variance
14 with the child's birth certificate, the court shall order that
15 a new birth certificate be issued under the Vital Records Act.

16 (h) On the request of both parents, the court shall order a
17 change in the child's name.

18 (i) After hearing evidence, the court may stay payment of
19 support during the period of the father's minority or period
20 of disability.

21 (j) If, upon a showing of proper service, the father fails
22 to appear in court or otherwise appear as provided by law, the
23 court may proceed to hear the cause upon testimony of the
24 mother or other parties taken in open court and shall enter a
25 judgment by default. The court may reserve any order as to the
26 amount of child support until the father has received notice,

1 by regular mail, of a hearing on the matter.

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

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

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

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

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

12 (n) An order entered under this Section shall include a
13 provision requiring the obligor to report to the obligee and
14 to the clerk of court within 7 days each time the obligor
15 obtains new employment, and each time the obligor's employment
16 is terminated for any reason. The report shall be in writing
17 and shall, in the case of new employment, include the name and
18 address of the new employer. Failure to report new employment
19 or the termination of current employment, if coupled with
20 nonpayment of support for a period in excess of 60 days, is
21 indirect criminal contempt. For an obligor arrested for
22 failure to report new employment, bond shall be set in the
23 amount of the child support that should have been paid during
24 the period of unreported employment. An order entered under
25 this Section shall also include a provision requiring the
26 obligor and obligee parents to advise each other of a change in

1 residence within 5 days of the change except when the court
2 finds that the physical, mental, or emotional health of a
3 party or that of a minor child, or both, would be seriously
4 endangered by disclosure of the party's address.

5 (Source: P.A. 102-541, eff. 8-20-21.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law."