



Rep. Margaret Croke

Filed: 2/9/2022

10200HB4133ham002

LRB102 19907 LNS 35902 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 "Other intended parent" means a person who has expressed  
8 an intent to parent a child together with a pregnant person but  
9 did not contribute sperm to the creation of the pregnancy.

10 "Other party to the pregnancy" means a person who  
11 contributed sperm to the creation of the pregnancy. "Other  
12 party to the pregnancy" does not include a sperm donor.

13 "Pregnancy expenses" means an amount equal to:

14 (1) the sum of a pregnant person's:

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

1           (B) medical costs related to the pregnancy,  
2           incurred after the date of implantation and before the  
3           pregnancy ends, including any medical costs related to  
4           the delivery of the child; minus

5           (2) any portion of the amount described in paragraph  
6           (1) that a court determines is equitable based on the  
7           totality of the circumstances, not including any amount  
8           paid by the pregnant person, other party to the pregnancy,  
9           or other intended parent.

10          "Pregnant person" means a person who is carrying or has  
11          carried a pregnancy.

12          "Sperm donor" means someone who provides sperm for the  
13          purposes of assisted reproduction without intending to parent  
14          a child.

15          Section 10. Pregnancy expenses.

16          (a) Except as otherwise provided in this Section, the  
17          other party to the pregnancy or, if the other party to the  
18          pregnancy is a sperm donor and not the other intended parent of  
19          a child, the other intended parent, if there is one, has a duty  
20          to pay 50% of the pregnant person's pregnancy expenses. If the  
21          other intended parent's parentage is disputed, the other party  
22          to the pregnancy owes no duty under this Section until the  
23          other intended parent's parentage is established.

24          (b) Any portion of a pregnant person's pregnancy expenses  
25          paid by the pregnant person, other party to the pregnancy, or

1 other intended parent reduces that party's 50% share under  
2 subsection (a), not the total amount of pregnancy expenses.  
3 This subsection applies regardless of when the pregnant  
4 person, other party to the pregnancy, or other intended parent  
5 pays the pregnancy expense.

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

10 (d) This Section does not apply to any pregnancy for which  
11 there is a valid gestational surrogacy contract pursuant to  
12 the Illinois Gestational Surrogacy Act.

13 Section 15. Actions seeking payment of pregnancy expenses.

14 (a) An action seeking the payment of pregnancy expenses  
15 may be brought during or after the pregnancy. The petitioner  
16 is not required to wait until the pregnancy ends to bring an  
17 action under this Act.

18 (b) An action seeking the payment of pregnancy expenses  
19 shall only be brought by the pregnant person.

20 (c) In an action seeking the payment of pregnancy  
21 expenses, the court, in its determination of whether to order  
22 the other party to the pregnancy or other intended parent to  
23 pay pregnancy expenses, shall consider:

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

25 (2) the needs of each party;

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

3           (4) any impairment of the present and future earning  
4 capacity of the pregnant person seeking pregnancy expenses  
5 due to that person devoting time to domestic duties or  
6 having forgone or delayed education, training, employment,  
7 or career opportunities due to the pregnancy; and

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

10          (d) In an action seeking the payment of pregnancy  
11 expenses, the court, in its discretion, may order the other  
12 party to the pregnancy or other intended parent to pay more  
13 than 50% of the pregnancy expenses.

14          (e) If a person seeks payment of pregnancy expenses under  
15 this Act by providing documentation of payments, medical  
16 expenses, and insurance premiums, the court may, after review,  
17 order the payment of the pregnancy expenses.

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

20           (750 ILCS 46/802)

21           Sec. 802. Judgment.

22           (a) The court shall issue an order adjudicating whether a  
23 person alleged or claiming to be the parent is the parent of  
24 the child. An order adjudicating parentage must identify the

1 child by name and date of birth.

2 The court may assess filing fees, reasonable attorney's  
3 fees, fees for genetic testing, other costs, necessary travel  
4 expenses, and other reasonable expenses incurred in a  
5 proceeding under this Act. The court may award attorney's  
6 fees, which may be paid directly to the attorney, who may  
7 enforce the order in the attorney's own name. The court may not  
8 assess fees, costs, or expenses against the  
9 support-enforcement agency of this State or another state,  
10 except as provided by other law.

11 The judgment shall contain or explicitly reserve  
12 provisions concerning any duty and amount of child support and  
13 may contain or explicitly reserve provisions concerning the  
14 allocation of parental responsibilities or guardianship of the  
15 child, parenting time privileges with the child, and the  
16 furnishing of bond or other security for the payment of the  
17 judgment, which the court shall determine in accordance with  
18 the relevant factors set forth in the Illinois Marriage and  
19 Dissolution of Marriage Act and any other applicable law of  
20 this State, to guide the court in a finding in the best  
21 interests of the child. In determining the allocation of  
22 parental responsibilities, relocation, parenting time,  
23 parenting time interference, support for a non-minor disabled  
24 child, educational expenses for a non-minor child, and related  
25 post-judgment issues, the court shall apply the relevant  
26 standards of the Illinois Marriage and Dissolution of Marriage

1 Act. Specifically, in determining the amount of a child  
2 support award, the court shall use the guidelines and  
3 standards set forth in subsection (a) of Section 505 and in  
4 Section 505.2 of the Illinois Marriage and Dissolution of  
5 Marriage Act. The court shall order all child support  
6 payments, determined in accordance with such guidelines, to  
7 commence with the date summons is served. The level of current  
8 periodic support payments shall not be reduced because of  
9 payments set for the period prior to the date of entry of the  
10 support order.

11 (b) In an action brought during a pregnancy or within 2  
12 years after a child's birth, the judgment or order may direct  
13 the other party to the pregnancy or other intended parent  
14 ~~either parent~~ to pay 50% of pregnancy ~~the reasonable~~ expenses,  
15 as defined in the Pregnancy Expenses Act, incurred by the  
16 pregnant person ~~either parent~~ or the Department of Healthcare  
17 and Family Services. However, the court, in its discretion,  
18 may direct the other party to the pregnancy or other intended  
19 parent to pay more than 50% of pregnancy expenses ~~related to~~  
20 ~~the mother's pregnancy and the delivery of the child.~~

21 (c) In the absence of an explicit order or judgment for the  
22 allocation of parental responsibilities, to the extent the  
23 court has authority under the Uniform Child-Custody  
24 Jurisdiction and Enforcement Act or any other appropriate  
25 State law, the establishment of a child support obligation or  
26 the allocation of parenting time to one parent shall be

1 construed as an order or judgment allocating all parental  
2 responsibilities to the other parent. If the parentage order  
3 or judgment contains no such provisions, all parental  
4 responsibilities shall be presumed to be allocated to the  
5 mother; however, the presumption shall not apply if the child  
6 has resided primarily with the other parent for at least 6  
7 months prior to the date that the mother seeks to enforce the  
8 order or judgment of parentage.

9 (c-5) Notwithstanding the limitations regarding the  
10 establishment of custody under the Uniform Interstate Family  
11 Support Act, that Act is not exclusive, and custody/allocation  
12 of parental responsibilities may be determined concurrently  
13 under other appropriate State laws, where this determination  
14 may be validly made.

15 (d) The court, if necessary to protect and promote the  
16 best interests of the child, may set aside a portion of the  
17 separately held estates of the parties in a separate fund or  
18 trust for the support, education, physical and mental health,  
19 and general welfare of a minor or mentally or physically  
20 disabled child of the parties.

21 (e) The court may order child support payments to be made  
22 for a period prior to the commencement of the action. In  
23 determining whether and to what extent the payments shall be  
24 made for the prior period, the court shall consider all  
25 relevant facts, including but not limited to:

26 (1) The factors for determining the amount of support

1 specified in the Illinois Marriage and Dissolution of  
2 Marriage Act.

3 (2) The prior knowledge of the person obligated to pay  
4 support of the fact and circumstances of the child's  
5 birth.

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

8 (4) The extent to which the mother or the public  
9 agency bringing the action previously informed the person  
10 obligated to pay support of the child's needs or attempted  
11 to seek or require the help of the person obligated to pay  
12 support in raising or supporting the child.

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

15 (6) The extent to which the person obligated to pay  
16 support would be prejudiced by the delay in bringing the  
17 action.

18 For purposes of determining the amount of child support to  
19 be paid for the period before the date the order for current  
20 child support is entered, there is a rebuttable presumption  
21 that the net income of the person obligated to pay support for  
22 the prior period was the same as the net income of the person  
23 obligated to pay support at the time the order for current  
24 child support is entered.

25 If (i) the person obligated to pay support was properly  
26 served with a request for discovery of financial information



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

12 (f) A new or existing support order entered by the court  
13 under this Section shall be deemed to be a series of judgments  
14 against the person obligated to pay support thereunder, each  
15 judgment to be in the amount of each payment or installment of  
16 support and each judgment to be deemed entered as of the date  
17 the corresponding payment or installment becomes due under the  
18 terms of the support order. Each judgment shall have the full  
19 force, effect, and attributes of any other judgment of this  
20 State, including the ability to be enforced. A judgment under  
21 this Section is subject to modification or termination only in  
22 accordance with Section 510 of the Illinois Marriage and  
23 Dissolution of Marriage Act. Notwithstanding any State or  
24 local law to the contrary, a lien arises by operation of law  
25 against the real and personal property of the noncustodial  
26 parent for each installment of overdue support owed by the

1 noncustodial parent.

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

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

7 (i) After hearing evidence, the court may stay payment of  
8 support during the period of the father's minority or period  
9 of disability.

10 (j) If, upon a showing of proper service, the father fails  
11 to appear in court or otherwise appear as provided by law, the  
12 court may proceed to hear the cause upon testimony of the  
13 mother or other parties taken in open court and shall enter a  
14 judgment by default. The court may reserve any order as to the  
15 amount of child support until the father has received notice,  
16 by regular mail, of a hearing on the matter.

17 (k) An order for support, when entered or modified, shall  
18 include a provision requiring the non-custodial parent to  
19 notify the court and, in cases in which a party is receiving  
20 child support enforcement services under Article X of the  
21 Illinois Public Aid Code, the Department of Healthcare and  
22 Family Services, within 7 days: (i) of the name and address of  
23 any new employer of the non-custodial parent; (ii) whether the  
24 non-custodial parent has access to health insurance coverage  
25 through the employer or other group coverage and, if so, of the  
26 policy name and number and the names of adults and initials of

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

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

25 (m) 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  
9 or delinquency. The periodic payment shall be in addition to  
10 any periodic payment previously required for satisfaction of  
11 the arrearage or delinquency. The total periodic amount to be  
12 paid toward satisfaction of the arrearage or delinquency may  
13 be 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 must  
17 contain a statement notifying the parties of the requirements  
18 of this subsection. Failure to include the statement in the  
19 order for support does not affect the validity of the order or  
20 the operation of the provisions of this subsection with regard  
21 to the order. This subsection shall not be construed to  
22 prevent or affect the establishment or modification of an  
23 order for support of a minor child or the establishment or  
24 modification of an order for support of a non-minor child or  
25 educational expenses under Section 513 of the Illinois  
26 Marriage and Dissolution of Marriage Act.

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

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

21           Section 99. Effective date. This Act takes effect upon  
22 becoming law."