



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB4133

Introduced 9/3/2021, by Rep. Margaret Croke

#### SYNOPSIS AS INTRODUCED:

New Act  
750 ILCS 46/802

Creates the Pregnancy Expenses Act. Provides that a biological father of a child has a duty to pay 50% of the mother's pregnancy expenses. Provides that if a person seeks payment of pregnancy expenses by providing documentation of payments, medical expenses, and insurance premiums, the court shall, after review, order the payment of the pregnancy expenses. Amends the Illinois Parentage Act of 2015. Deletes language providing that a parentage judgment or order may direct either parent to pay the reasonable expenses incurred by either parent or the Department of Healthcare and Family Services related to the mother's pregnancy and the delivery of the child. Provides instead that the judgment or order may direct the biological father to pay 50% of pregnancy expenses, as defined in the Pregnancy Expenses Act, incurred by the mother or the Department of Healthcare and Family Services, and that the court, in its discretion, may direct the biological father to pay more than 50% of pregnancy expenses. Effective immediately.

LRB102 19907 LNS 28684 b

1 AN ACT concerning civil law.

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

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

6 Section 5. Definitions. As used in this Act, "pregnancy  
7 expenses" means an amount equal to:

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

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

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

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

19 Section 10. Pregnancy expenses.

20 (a) Except as otherwise provided in this Section, a  
21 biological father of a child has a duty to pay 50% of the  
22 mother's pregnancy expenses. If paternity is disputed, a

1 biological father owes no duty under this Section until the  
2 biological father's paternity is established.

3 (b) Any portion of a mother's pregnancy expenses paid by  
4 the mother or the biological father reduces that parent's 50%  
5 share under subsection (a), not the total amount of pregnancy  
6 expenses. This subsection applies regardless of when the  
7 mother or biological father pays the pregnancy expense.

8 (c) In an action seeking the payment of pregnancy  
9 expenses, the court, in its discretion, may order the  
10 biological father to pay more than 50% of the pregnancy  
11 expenses.

12 (d) This Section does not apply if the court apportions  
13 pregnancy expenses under Article 8 of the Illinois Parentage  
14 Act of 2015 or Article V of the Illinois Marriage and  
15 Dissolution of Marriage Act.

16 (e) If a person seeks payment of pregnancy expenses under  
17 this Section by providing documentation of payments, medical  
18 expenses, and insurance premiums, the court shall, after  
19 review, order the payment of the pregnancy expenses.

20 Section 15. The Illinois Parentage Act of 2015 is amended  
21 by changing Section 802 as follows:

22 (750 ILCS 46/802)

23 Sec. 802. Judgment.

24 (a) The court shall issue an order adjudicating whether a

1 person alleged or claiming to be the parent is the parent of  
2 the child. An order adjudicating parentage must identify the  
3 child by name and date of birth.

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

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

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

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

21 (c) In the absence of an explicit order or judgment for the  
22 allocation of parental responsibilities, the establishment of  
23 a child support obligation or the allocation of parenting time  
24 to one parent shall be construed as an order or judgment  
25 allocating all parental responsibilities to the other parent.  
26 If the parentage order or judgment contains no such

1 provisions, all parental responsibilities shall be presumed to  
2 be allocated to the mother; however, the presumption shall not  
3 apply if the child has resided primarily with the other parent  
4 for at least 6 months prior to the date that the mother seeks  
5 to enforce the order or judgment of parentage.

6 (d) The court, if necessary to protect and promote the  
7 best interests of the child, may set aside a portion of the  
8 separately held estates of the parties in a separate fund or  
9 trust for the support, education, physical and mental health,  
10 and general welfare of a minor or mentally or physically  
11 disabled child of the parties.

12 (e) The court may order child support payments to be made  
13 for a period prior to the commencement of the action. In  
14 determining whether and to what extent the payments shall be  
15 made for the prior period, the court shall consider all  
16 relevant facts, including but not limited to:

17 (1) The factors for determining the amount of support  
18 specified in the Illinois Marriage and Dissolution of  
19 Marriage Act.

20 (2) The prior knowledge of the person obligated to pay  
21 support of the fact and circumstances of the child's  
22 birth.

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

25 (4) The extent to which the mother or the public  
26 agency bringing the action previously informed the person

1 obligated to pay support of the child's needs or attempted  
2 to seek or require the help of the person obligated to pay  
3 support in raising or supporting the child.

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

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

9 For purposes of determining the amount of child support to  
10 be paid for the period before the date the order for current  
11 child support is entered, there is a rebuttable presumption  
12 that the net income of the person obligated to pay support for  
13 the prior period was the same as the net income of the person  
14 obligated to pay support at the time the order for current  
15 child support is entered.

16 If (i) the person obligated to pay support was properly  
17 served with a request for discovery of financial information  
18 relating to the ability to provide child support of the person  
19 obligated to pay support; (ii) the person obligated to pay  
20 support failed to comply with the request, despite having been  
21 ordered to do so by the court; and (iii) the person obligated  
22 to pay support is not present at the hearing to determine  
23 support despite having received proper notice, then any  
24 relevant financial information concerning the ability to  
25 provide child support of the person obligated to pay support  
26 that was obtained pursuant to subpoena and proper notice shall

1 be admitted into evidence without the need to establish any  
2 further foundation for its admission.

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

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

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

24 (i) After hearing evidence, the court may stay payment of  
25 support during the period of the father's minority or period  
26 of disability.



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

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

1 be sufficient for purposes of due process.

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

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

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

18 (n) An order entered under this Section shall include a  
19 provision requiring the obligor to report to the obligee and  
20 to the clerk of court within 7 days each time the obligor  
21 obtains new employment, and each time the obligor's employment  
22 is terminated for any reason. The report shall be in writing  
23 and shall, in the case of new employment, include the name and  
24 address of the new employer. Failure to report new employment  
25 or the termination of current employment, if coupled with  
26 nonpayment of support for a period in excess of 60 days, is

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

11 (Source: P.A. 99-85, eff. 1-1-16; 99-769, eff. 1-1-17.)

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law.