



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4314

Introduced 1/16/2024, by Rep. Travis Weaver

SYNOPSIS AS INTRODUCED:

New Act
750 ILCS 46/802

Creates the Pregnancy Expenses Act. Provides that the other party to a pregnancy or the other intended parent has a duty to pay 50% of the pregnant person's pregnancy expenses. Allows an action seeking the payment of pregnancy expenses to be brought during or after the pregnancy. Provides that only the pregnant person or the pregnant person's legally authorized designee in the event of death or incapacitation of the pregnant person may bring an action seeking the payment of pregnancy expenses. Allows the court to order the other party to the pregnancy or other intended parent to pay more than 50% of the pregnancy expenses. Makes a conforming change in the Illinois Parentage Act of 2015. Effective immediately.

LRB103 34719 LNS 64566 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:

7 "Donor" means an individual who participates in an
8 assisted reproductive technology arrangement by providing
9 gametes and relinquishes all rights and responsibility to the
10 gametes so that another individual or individuals may become
11 the legal parent or parents of any resulting child. "Donor"
12 does not include a spouse in any assisted reproductive
13 technology arrangement in which the other spouse will parent
14 any resulting child.

15 "Gamete" means either a sperm or an egg.

16 "Other intended parent" means a person who has expressed
17 an intent to be the legal parent of a child with a pregnant
18 person but did not contribute sperm to the creation of the
19 pregnancy.

20 "Party to the pregnancy" means a person who contributed
21 sperm to the creation of the pregnancy. "Other party to the
22 pregnancy" does not include a donor.

23 "Pregnancy expenses" means an amount equal to:

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

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

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

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

13 "Pregnancy expenses" does not include costs related to an
14 abortion.

15 "Pregnant person" means a person who is carrying or has
16 carried a pregnancy.

17 Section 10. Pregnancy expenses.

18 (a) Except as otherwise provided in this Section, the
19 other party to the pregnancy or the other intended parent, if
20 there is one, has a duty to pay 50% of the pregnant person's
21 pregnancy expenses. If the other intended parent's parentage
22 is disputed, the other party to the pregnancy owes no duty
23 under this Section until the other intended parent's parentage
24 is determined under the Illinois Parentage Act of 2015.

25 (b) Any portion of a pregnant person's pregnancy expenses

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

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

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

14 Section 15. Actions seeking payment of pregnancy expenses.

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

19 (b) An action seeking the payment of pregnancy expenses
20 shall only be brought by the pregnant person or the pregnant
21 person's legally authorized designee in the event of death or
22 incapacitation of the pregnant person.

23 (c) In an action seeking the payment of pregnancy
24 expenses, the court, in its determination of whether to order
25 the other party to the pregnancy or other intended parent to

1 pay pregnancy expenses, shall consider:

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

3 (2) the needs of each party;

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

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

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

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

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

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

23 (750 ILCS 46/802)

24 Sec. 802. Judgment.

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

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

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

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

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

24 (c) In the absence of an explicit order or judgment for the
25 allocation of parental responsibilities, to the extent the
26 court has authority under the Uniform Child-Custody

1 Jurisdiction and Enforcement Act or any other appropriate
2 State law, the establishment of a child support obligation or
3 the allocation of parenting time to one parent shall be
4 construed as an order or judgment allocating all parental
5 responsibilities to the other parent. If the parentage order
6 or judgment contains no such provisions, all parental
7 responsibilities shall be presumed to be allocated to the
8 mother; however, the presumption shall not apply if the child
9 has resided primarily with the other parent for at least 6
10 months prior to the date that the mother seeks to enforce the
11 order or judgment of parentage.

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

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

24 (e) The court may order child support payments to be made
25 for a period prior to the commencement of the action. In
26 determining whether and to what extent the payments shall be

1 made for the prior period, the court shall consider all
2 relevant facts, including but not limited to:

3 (1) The factors for determining the amount of support
4 specified in the Illinois Marriage and Dissolution of
5 Marriage Act.

6 (2) The prior knowledge of the person obligated to pay
7 support of the fact and circumstances of the child's
8 birth.

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

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

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

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

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

1 child support is entered.

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

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

1 local law to the contrary, a lien arises by operation of law
2 against the real and personal property of the noncustodial
3 parent for each installment of overdue support owed by the
4 noncustodial parent.

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

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

10 (i) After hearing evidence, the court may stay payment of
11 support during the period of the father's minority or period
12 of disability.

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

20 (k) An order for support, when entered or modified, shall
21 include a provision requiring the non-custodial parent to
22 notify the court and, in cases in which a party is receiving
23 child support enforcement services under Article X of the
24 Illinois Public Aid Code, the Department of Healthcare and
25 Family Services, within 7 days: (i) of the name and address of
26 any new employer of the non-custodial parent; (ii) whether the

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

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

1 emancipated.

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

1 modification of an order for support of a non-minor child or
2 educational expenses under Section 513 of the Illinois
3 Marriage and Dissolution of Marriage Act.

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

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

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.