



## 103RD GENERAL ASSEMBLY

### State of Illinois

### 2023 and 2024

### SB3284

Introduced 2/7/2024, by Sen. Michael W. Halpin

#### SYNOPSIS AS INTRODUCED:

750 ILCS 5/504	from Ch. 40, par. 504
750 ILCS 5/505	from Ch. 40, par. 505
750 ILCS 5/509	from Ch. 40, par. 509
750 ILCS 5/600	
750 ILCS 5/602.10	
750 ILCS 5/607.5	

Amends the Illinois Marriage and Dissolution of Marriage Act. Removes language providing that no maintenance shall accrue while a party is imprisoned for failure to comply with the court's order for the payment of the maintenance. Adds criteria for determining child support if a parent is unemployed or underemployed. Allows a court to impute income to a party only upon conducting an evidentiary hearing or agreement of the parties. Provides that incarceration shall not be considered voluntary unemployment for child support purposes in establishing or modifying child support. Changes the definition of "relocation" to specify that the mileage shall be measured by an internet mapping surface using surface roads, and that, if the internet mapping service offers alternative routes, the alternative route that is the shortest distance shall be used. Provides that, if the underlying action in which the parenting plan or allocation judgment is approved or entered by the court and the underlying action is subsequently dismissed, the parenting plan or allocation judgment is void and unenforceable. Provides that a parenting plan or allocation judgment, once approved or entered by the court, is considered final for purposes for modification or appeal so long as the underlying action is pending. Provides that, if the court orders the parties to participate in family or individual counseling, the counseling is subject to the Mental Health and Developmental Disabilities Confidentiality Act and the federal Health Insurance Portability and Accountability Act of 1996. Removes language providing that, if counseling is ordered, all counseling sessions are confidential, and the communications in counseling shall not be used in any manner in litigation nor relied upon by an expert appointed by the court or retained by a party. Makes other changes.

LRB103 36806 JRC 66916 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 5. The Illinois Marriage and Dissolution of  
5 Marriage Act is amended by changing Sections 504, 505, 509,  
6 600, 602.10, and 607.5 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, legal separation, declaration of  
11 invalidity of marriage, or dissolution of a civil union, 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  
16 maintenance under Section 510 of this Act, or any proceeding  
17 authorized under Section 501 of this Act, the court may grant a  
18 maintenance award for either spouse in amounts and for periods  
19 of time as the court deems just, without regard to marital  
20 misconduct, and the maintenance may be paid from the income or  
21 property of the other spouse. The court shall first make a  
22 finding as to whether a maintenance award is appropriate,  
23 after consideration of all relevant factors, including:

1           (1) the income and property of each party, including  
2 marital property apportioned and non-marital property  
3 assigned to the party seeking maintenance as well as all  
4 financial obligations imposed on the parties as a result  
5 of the dissolution of marriage;

6           (2) the needs of each party;

7           (3) the realistic present and future earning capacity  
8 of each party;

9           (4) any impairment of the present and future earning  
10 capacity of the party seeking maintenance due to that  
11 party devoting time to domestic duties or having forgone  
12 or delayed education, training, employment, or career  
13 opportunities due to the marriage;

14           (5) any impairment of the realistic present or future  
15 earning capacity of the party against whom maintenance is  
16 sought;

17           (6) the time necessary to enable the party seeking  
18 maintenance to acquire appropriate education, training,  
19 and employment, and whether that party is able to support  
20 himself or herself through appropriate employment;

21           (6.1) the effect of any parental responsibility  
22 arrangements and its effect on a party's ability to seek  
23 or maintain employment;

24           (7) the standard of living established during the  
25 marriage;

26           (8) the duration of the marriage;

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

4           (10) all sources of public and private income  
5 including, without limitation, disability and retirement  
6 income;

7           (11) the tax consequences to each party;

8           (12) contributions and services by the party seeking  
9 maintenance to the education, training, career or career  
10 potential, or license of the other spouse;

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

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

14           (b) (Blank).

15           (b-1) Amount and duration of maintenance. Unless the court  
16 finds that a maintenance award is appropriate, it shall bar  
17 maintenance as to the party seeking maintenance regardless of  
18 the length of the marriage at the time the action was  
19 commenced. Only if the court finds that a maintenance award is  
20 appropriate, the court shall order guideline maintenance in  
21 accordance with paragraph (1) or non-guideline maintenance in  
22 accordance with paragraph (2) of this subsection (b-1). If the  
23 application of guideline maintenance results in a combined  
24 maintenance and child support obligation that exceeds 50% of  
25 the payor's net income, the court may determine non-guideline  
26 maintenance in accordance with paragraph (2) of this

1 subsection (b-1), non-guideline child support in accordance  
2 with paragraph (3.4) of subsection (a) of Section 505, or  
3 both.

4 (1) Maintenance award in accordance with guidelines.  
5 If the combined gross annual income of the parties is less  
6 than \$500,000 and the payor has no obligation to pay child  
7 support or maintenance or both from a prior relationship,  
8 maintenance payable after the date the parties' marriage  
9 is dissolved shall be in accordance with subparagraphs (A)  
10 and (B) of this paragraph (1), unless the court makes a  
11 finding that the application of the guidelines would be  
12 inappropriate.

13 (A) The amount of maintenance under this paragraph  
14 (1) shall be calculated by taking 33 1/3% of the  
15 payor's net annual income minus 25% of the payee's net  
16 annual income. The amount calculated as maintenance,  
17 however, when added to the net income of the payee,  
18 shall not result in the payee receiving an amount that  
19 is in excess of 40% of the combined net income of the  
20 parties.

21 (A-1) Modification of maintenance orders entered  
22 before January 1, 2019 that are and continue to be  
23 eligible for inclusion in the gross income of the  
24 payee for federal income tax purposes and deductible  
25 by the payor shall be calculated by taking 30% of the  
26 payor's gross annual income minus 20% of the payee's

1 gross annual income, unless both parties expressly  
2 provide otherwise in the modification order. The  
3 amount calculated as maintenance, however, when added  
4 to the gross income of the payee, may not result in the  
5 payee receiving an amount that is in excess of 40% of  
6 the combined gross income of the parties.

7 (B) The duration of an award under this paragraph  
8 (1) shall be calculated by multiplying the length of  
9 the marriage at the time the action was commenced by  
10 whichever of the following factors applies: less than  
11 5 years (.20); 5 years or more but less than 6 years  
12 (.24); 6 years or more but less than 7 years (.28); 7  
13 years or more but less than 8 years (.32); 8 years or  
14 more but less than 9 years (.36); 9 years or more but  
15 less than 10 years (.40); 10 years or more but less  
16 than 11 years (.44); 11 years or more but less than 12  
17 years (.48); 12 years or more but less than 13 years  
18 (.52); 13 years or more but less than 14 years (.56);  
19 14 years or more but less than 15 years (.60); 15 years  
20 or more but less than 16 years (.64); 16 years or more  
21 but less than 17 years (.68); 17 years or more but less  
22 than 18 years (.72); 18 years or more but less than 19  
23 years (.76); 19 years or more but less than 20 years  
24 (.80). For a marriage of 20 or more years, the court,  
25 in its discretion, shall order maintenance for a  
26 period equal to the length of the marriage or for an

1           indefinite term.

2           (1.5) In the discretion of the court, any term of  
3 temporary maintenance paid by court order under Section  
4 501 may be a corresponding credit to the duration of  
5 maintenance set forth in subparagraph (b-1) (1) (B).

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

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

13           (1) the court shall state its reasoning for awarding  
14 or not awarding maintenance and shall include references  
15 to each relevant factor set forth in subsection (a) of  
16 this Section;

17           (2) if the court deviates from applicable guidelines  
18 under paragraph (1) of subsection (b-1), it shall state in  
19 its findings the amount of maintenance (if determinable)  
20 or duration that would have been required under the  
21 guidelines and the reasoning for any variance from the  
22 guidelines; and

23           (3) the court shall state whether the maintenance is  
24 fixed-term, indefinite, reviewable, or reserved by the  
25 court.

26          (b-3) Gross income. For purposes of this Section, the term

1 "gross income" means all income from all sources, within the  
2 scope of that phrase in Section 505 of this Act, except  
3 maintenance payments in the pending proceedings shall not be  
4 included.

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

9 (b-4) Modification of maintenance orders entered before  
10 January 1, 2019. For any order for maintenance or unallocated  
11 maintenance and child support entered before January 1, 2019  
12 that is modified after December 31, 2018, payments thereunder  
13 shall continue to retain the same tax treatment for federal  
14 income tax purposes unless both parties expressly agree  
15 otherwise and the agreement is included in the modification  
16 order.

17 (b-4.5) Maintenance designation.

18 (1) Fixed-term maintenance. If a court grants  
19 maintenance for a fixed term, the court shall designate  
20 the termination of the period during which this  
21 maintenance is to be paid. Maintenance is barred after the  
22 end of the period during which fixed-term maintenance is  
23 to be paid.

24 (2) Indefinite maintenance. If a court grants  
25 maintenance for an indefinite term, the court shall not  
26 designate a termination date. Indefinite maintenance shall



1 continue until modification or termination under Section  
2 510.

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

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

15 (b-7) Maintenance judgments. Any new or existing  
16 maintenance order including any unallocated maintenance and  
17 child support order entered by the court under this Section  
18 shall be deemed to be a series of judgments against the person  
19 obligated to pay support thereunder. Each such judgment to be  
20 in the amount of each payment or installment of support and  
21 each such judgment to be deemed entered as of the date the  
22 corresponding payment or installment becomes due under the  
23 terms of the support order, except no judgment shall arise as  
24 to any installment coming due after the termination of  
25 maintenance as provided by Section 510 of the Illinois  
26 Marriage and Dissolution of Marriage Act or the provisions of

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

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

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

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

21 (e) Fees when maintenance is paid through the clerk. When  
22 maintenance is to be paid through the clerk of the court in a  
23 county of 500,000 inhabitants or less, the order shall direct  
24 the obligor to pay to the clerk, in addition to the maintenance  
25 payments, all fees imposed by the county board under paragraph  
26 (2) of subsection (j-5) of Section 27.1b ~~paragraph (4) of~~

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

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

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

26 (2) To the extent the court determines that its award

1 should be secured, in whole or in part, by new life  
2 insurance on the payor's life, the court may only order:

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

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

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

22 (3) (Blank).

23 (Source: P.A. 99-90, eff. 1-1-16; 99-763, eff. 1-1-17;  
24 100-520, eff. 1-1-18 (see Section 5 of P.A. 100-565 for the  
25 effective date of P.A. 100-520); 100-923, eff. 1-1-19.)

1 (750 ILCS 5/505) (from Ch. 40, par. 505)

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

3 (a) In a proceeding for dissolution of marriage, legal  
4 separation, declaration of invalidity of marriage, or  
5 dissolution of a civil union, a proceeding for child support  
6 following a legal separation or dissolution of the marriage or  
7 civil union by a court that lacked personal jurisdiction over  
8 the absent spouse, a proceeding for modification of a previous  
9 order for child support under Section 510 of this Act, or any  
10 proceeding authorized under Section 501 or 601 of this Act,  
11 the court may order either or both parents owing a duty of  
12 support to a child of the marriage or civil union to pay an  
13 amount reasonable and necessary for support. The duty of  
14 support owed to a child includes the obligation to provide for  
15 the reasonable and necessary physical, mental and emotional  
16 health needs of the child. For purposes of this Section, the  
17 term "child" shall include any child under age 18 and any child  
18 age 19 or younger who is still attending high school. For  
19 purposes of this Section, the term "obligor" means the parent  
20 obligated to pay support to the other parent.

21 (1) Child support guidelines. The Illinois Department  
22 of Healthcare and Family Services shall adopt rules  
23 establishing child support guidelines which include  
24 worksheets to aid in the calculation of the child support  
25 obligations and a schedule of basic child support  
26 obligations that reflects the percentage of combined net

1 income that parents living in the same household in this  
2 State ordinarily spend on their child. The child support  
3 guidelines have the following purposes:

4 (A) to establish as State policy an adequate  
5 standard of support for a child, subject to the  
6 ability of parents to pay;

7 (B) to make child support obligations more  
8 equitable by ensuring more consistent treatment of  
9 parents in similar circumstances;

10 (C) to improve the efficiency of the court process  
11 by promoting settlements and giving courts and the  
12 parties guidance in establishing levels of child  
13 support;

14 (D) to calculate child support based upon the  
15 parents' combined net income estimated to have been  
16 allocated for the support of the child if the parents  
17 and child were living in an intact household;

18 (E) to adjust child support based upon the needs  
19 of the child; and

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

23 (1.5) Computation of basic child support obligation.  
24 The court shall compute the basic child support obligation  
25 by taking the following steps:

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

1           (B) add the parents' monthly net incomes together  
2           to determine the combined monthly net income of the  
3           parents;

4           (C) select the corresponding appropriate amount  
5           from the schedule of basic child support obligations  
6           based on the parties' combined monthly net income and  
7           number of children of the parties; and

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

10          Although a monetary obligation is computed for each  
11          parent as child support, the receiving parent's share is  
12          not payable to the other parent and is presumed to be spent  
13          directly on the child.

14          (2) Duty of support. The court shall determine child  
15          support in each case by applying the child support  
16          guidelines unless the court makes a finding that  
17          application of the guidelines would be inappropriate,  
18          after considering the best interests of the child and  
19          evidence which shows relevant factors including, but not  
20          limited to, one or more of the following:

21                 (A) the financial resources and needs of the  
22                 child;

23                 (B) the financial resources and needs of the  
24                 parents;

25                 (C) the standard of living the child would have  
26                 enjoyed had the marriage or civil union not been

1 dissolved; and

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

4 (3) Income.

5 (A) As used in this Section, "gross income" means  
6 the total of all income from all sources, except  
7 "gross income" does not include (i) benefits received  
8 by the parent from means-tested public assistance  
9 programs, including, but not limited to, Temporary  
10 Assistance for Needy Families, Supplemental Security  
11 Income, and the Supplemental Nutrition Assistance  
12 Program or (ii) benefits and income received by the  
13 parent for other children in the household, including,  
14 but not limited to, child support, survivor benefits,  
15 and foster care payments. Social security disability  
16 and retirement benefits paid for the benefit of the  
17 subject child must be included in the disabled or  
18 retired parent's gross income for purposes of  
19 calculating the parent's child support obligation, but  
20 the parent is entitled to a child support credit for  
21 the amount of benefits paid to the other party for the  
22 child. "Gross income" includes maintenance treated as  
23 taxable income for federal income tax purposes to the  
24 payee and received pursuant to a court order in the  
25 pending proceedings or any other proceedings and shall  
26 be included in the payee's gross income for purposes



1 of calculating the parent's child support obligation.

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

18 (C) As used in this Section, "standardized tax  
19 amount" means the total of federal and state income  
20 taxes for a single person claiming the standard tax  
21 deduction, one personal exemption, and the applicable  
22 number of dependency exemptions for the minor child or  
23 children of the parties, and Social Security and  
24 Medicare tax calculated at the Federal Insurance  
25 Contributions Act rate.

26 (I) Unless a court has determined otherwise or

1           the parties otherwise agree, the party with the  
2           majority of parenting time shall be deemed  
3           entitled to claim the dependency exemption for the  
4           parties' minor child.

5           (II) The Illinois Department of Healthcare and  
6           Family Services shall promulgate a standardized  
7           net income conversion table that computes net  
8           income by deducting the standardized tax amount  
9           from gross income.

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

12                 (I) federal income tax (properly calculated  
13                 withholding or estimated payments);

14                 (II) State income tax (properly calculated  
15                 withholding or estimated payments); and

16                 (III) Social Security or self-employment tax,  
17                 if applicable (or, if none, mandatory retirement  
18                 contributions required by law or as a condition of  
19                 employment) and Medicare tax calculated at the  
20                 Federal Insurance Contributions Act rate.

21          (E) In lieu of a standardized tax amount, a  
22          determination of an individualized tax amount may be  
23          made under items (I), (II), or (III) below. If an  
24          individualized tax amount determination is made under  
25          this subparagraph (E), all relevant tax attributes  
26          (including filing status, allocation of dependency

1 exemptions, and whether a party is to claim the use of  
2 the standard deduction or itemized deductions for  
3 federal income tax purposes) shall be as the parties  
4 agree or as the court determines. To determine a  
5 party's reported income, the court may order the party  
6 to complete an Internal Revenue Service Form 4506-T,  
7 Request for Tax Transcript.

8 (I) Agreement. Irrespective of whether the  
9 parties agree on any other issue before the court,  
10 if they jointly stipulate for the record their  
11 concurrence on a computation method for the  
12 individualized tax amount that is different from  
13 the method set forth under subparagraph (D), the  
14 stipulated method shall be used by the court  
15 unless the court rejects the proposed stipulated  
16 method for good cause.

17 (II) Summary hearing. If the court determines  
18 child support in a summary hearing under Section  
19 501 and an eligible party opts in to the  
20 individualized tax amount method under this item  
21 (II), the individualized tax amount shall be  
22 determined by the court on the basis of  
23 information contained in one or both parties'  
24 Supreme Court approved Financial Affidavit (Family  
25 & Divorce Cases) and relevant supporting documents  
26 under applicable court rules. No party, however,

1 is eligible to opt in unless the party, under  
2 applicable court rules, has served the other party  
3 with the required Supreme Court approved Financial  
4 Affidavit (Family & Divorce Cases) and has  
5 substantially produced supporting documents  
6 required by the applicable court rules.

7 (III) Evidentiary hearing. If the court  
8 determines child support in an evidentiary  
9 hearing, whether for purposes of a temporary order  
10 or at the conclusion of a proceeding, item (II) of  
11 this subparagraph (E) does not apply. In each such  
12 case (unless item (I) governs), the individualized  
13 tax amount shall be as determined by the court on  
14 the basis of the record established.

15 (F) Adjustments to income.

16 (I) Multi-family adjustment. If a parent is  
17 also legally responsible for support of a child  
18 not shared with the other parent and not subject  
19 to the present proceeding, there shall be an  
20 adjustment to net income as follows:

21 (i) Multi-family adjustment with court  
22 order. The court shall deduct from the  
23 parent's net income the amount of child  
24 support actually paid by the parent pursuant  
25 to a support order unless the court makes a  
26 finding that it would cause economic hardship

1 to the child.

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

18 (II) Spousal Maintenance adjustment.  
19 Obligations pursuant to a court order for spousal  
20 maintenance in the pending proceeding actually  
21 paid or payable to the same party to whom child  
22 support is to be payable or actually paid to a  
23 former spouse pursuant to a court order shall be  
24 deducted from the parent's after-tax income,  
25 unless the maintenance obligation is tax  
26 deductible to the payor for federal income tax

1           purposes, in which case it shall be deducted from  
2           the payor's gross income for purposes of  
3           calculating the parent's child support obligation.

4           (3.1) Business income. For purposes of calculating  
5           child support, net business income from the operation of a  
6           business means gross receipts minus ordinary and necessary  
7           expenses required to carry on the trade or business. As  
8           used in this paragraph, "business" includes, but is not  
9           limited to, sole proprietorships, closely held  
10          corporations, partnerships, other flow-through business  
11          entities, and self-employment. The court shall apply the  
12          following:

13                 (A) The accelerated component of depreciation and  
14                 any business expenses determined either judicially or  
15                 administratively to be inappropriate or excessive  
16                 shall be excluded from the total of ordinary and  
17                 necessary business expenses to be deducted in the  
18                 determination of net business income from gross  
19                 business income.

20                 (B) Any item of reimbursement or in-kind payment  
21                 received by a parent from a business, including, but  
22                 not limited to, a company car, reimbursed meals, free  
23                 housing, or a housing allowance, shall be counted as  
24                 income if not otherwise included in the recipient's  
25                 gross income, if the item is significant in amount and  
26                 reduces personal expenses.

1           (3.2a) Unemployment or underemployment. If a parent is  
2 voluntarily unemployed or underemployed, child support  
3 shall be calculated based on a determination of potential  
4 income. ~~A determination of potential income shall be made~~  
5 ~~by determining employment potential and probable earnings~~  
6 ~~level based on the obligor's work history, occupational~~  
7 ~~qualifications, prevailing job opportunities, the~~  
8 ~~ownership by a parent of a substantial non income~~  
9 ~~producing asset, and earnings levels in the community. In~~  
10 determining potential income, the court shall consider the  
11 specific circumstances of a party, to the extent known,  
12 including, but not limited to, the parent's:

13           (1) assets;

14           (2) ownership of a substantial non-income  
15 producing asset;

16           (3) residence;

17           (4) employment and earning history;

18           (5) job skills;

19           (6) educational attainment;

20           (7) literacy;

21           (8) age;

22           (9) health;

23           (10) criminal records and other employment  
24 barriers; and

25           (11) record of seeking work.

26 The court shall also consider the local job market,

1 availability of local employers willing to hire the  
2 parent, prevailing earning levels in the local community,  
3 and other relevant background factors in the case. If  
4 there is insufficient work history to determine employment  
5 potential and probable earnings level, there shall be a  
6 rebuttable presumption that the parent's potential income  
7 is 75% of the most recent United States Department of  
8 Health and Human Services Federal Poverty Guidelines for a  
9 family of one person. Incarceration shall not be  
10 considered voluntary unemployment for child support  
11 purposes in establishing or modifying child support.

12 (3.2b) The court may impute income to a party only  
13 upon conducting an evidentiary hearing or by agreement of  
14 the parties. Imputation of income shall be accompanied by  
15 specific written findings identifying the basis or bases  
16 for imputation using these factors.

17 (3.3) Rebuttable presumption in favor of guidelines.  
18 There is a rebuttable presumption in any judicial or  
19 administrative proceeding for child support that the  
20 amount of the child support obligation that would result  
21 from the application of the child support guidelines is  
22 the correct amount of child support.

23 (3.3a) Minimum child support obligation. There is a  
24 rebuttable presumption that a minimum child support  
25 obligation of \$40 per month, per child, will be entered  
26 for an obligor who has actual or imputed gross income at or



1 less than 75% of the most recent United States Department  
2 of Health and Human Services Federal Poverty Guidelines  
3 for a family of one person, with a maximum total child  
4 support obligation for that obligor of \$120 per month to  
5 be divided equally among all of the obligor's children.

6 (3.3b) Zero dollar child support order. For parents  
7 with no gross income, who receive only means-tested  
8 assistance, or who cannot work due to a medically proven  
9 disability, incarceration, or institutionalization, there  
10 is a rebuttable presumption that the \$40 per month minimum  
11 support order is inapplicable and a zero dollar order  
12 shall be entered.

13 (3.4) Deviation factors. In any action to establish or  
14 modify child support, whether pursuant to a temporary or  
15 final administrative or court order, the child support  
16 guidelines shall be used as a rebuttable presumption for  
17 the establishment or modification of the amount of child  
18 support. The court may deviate from the child support  
19 guidelines if the application would be inequitable,  
20 unjust, or inappropriate. Any deviation from the  
21 guidelines shall be accompanied by written findings by the  
22 court specifying the reasons for the deviation and the  
23 presumed amount under the child support guidelines without  
24 a deviation. These reasons may include:

25 (A) extraordinary medical expenditures necessary  
26 to preserve the life or health of a party or a child of

1           either or both of the parties;

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

5                   (C) any other factor the court determines should  
6           be applied upon a finding that the application of the  
7           child support guidelines would be inappropriate, after  
8           considering the best interest of the child.

9           (3.5) Income in excess of the schedule of basic child  
10          support obligation. A court may use its discretion to  
11          determine child support if the combined adjusted net  
12          income of the parties exceeds the highest level of the  
13          schedule of basic child support obligation, except that  
14          the basic child support obligation shall not be less than  
15          the highest level of combined net income set forth in the  
16          schedule of basic child support obligation.

17          (3.6) Extracurricular activities and school expenses.  
18          The court, in its discretion, in addition to the basic  
19          child support obligation, may order either or both parents  
20          owing a duty of support to the child to contribute to the  
21          reasonable school and extracurricular activity expenses  
22          incurred which are intended to enhance the educational,  
23          athletic, social, or cultural development of the child.

24          (3.7) Child care expenses. The court, in its  
25          discretion, in addition to the basic child support  
26          obligation, may order either or both parents owing a duty

1 of support to the child to contribute to the reasonable  
2 child care expenses of the child. The child care expenses  
3 shall be made payable directly to a party or directly to  
4 the child care provider at the time of child care  
5 services.

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

17 (B) Child care expenses shall be prorated in  
18 proportion to each parent's percentage share of  
19 combined net income, and may be added to the basic  
20 child support obligation if not paid directly by each  
21 parent to the provider of child care services. The  
22 obligor's and obligee's portion of actual child care  
23 expenses shall appear in the support order. If  
24 allowed, the value of the federal income tax credit  
25 for child care shall be subtracted from the actual  
26 cost to determine the net child care costs.

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

13 (D) An order for child care expenses may be  
14 modified upon a showing of a substantial change in  
15 circumstances. The party incurring child care expenses  
16 shall notify the other party within 14 days of any  
17 change in the amount of child care expenses that would  
18 affect the annualized child care amount as determined  
19 in the support order.

20 (3.8) Shared physical care. If each parent exercises  
21 146 or more overnights per year with the child, the basic  
22 child support obligation is multiplied by 1.5 to calculate  
23 the shared care child support obligation. The court shall  
24 determine each parent's share of the shared care child  
25 support obligation based on the parent's percentage share  
26 of combined net income. The child support obligation is

1 then computed for each parent by multiplying that parent's  
2 portion of the shared care support obligation by the  
3 percentage of time the child spends with the other parent.  
4 The respective child support obligations are then offset,  
5 with the parent owing more child support paying the  
6 difference between the child support amounts. The Illinois  
7 Department of Healthcare and Family Services shall  
8 promulgate a worksheet to calculate child support in cases  
9 in which the parents have shared physical care and use the  
10 standardized tax amount to determine net income.

11 (3.9) Split physical care. When there is more than one  
12 child and each parent has physical care of at least one but  
13 not all of the children, the support is calculated by  
14 using 2 child support worksheets to determine the support  
15 each parent owes the other. The support shall be  
16 calculated as follows:

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

20 (B) compute the support the other parent would owe  
21 to the first parent as if the child in his or her care  
22 were the only child of the parties; then

23 (C) subtract the lesser support obligation from  
24 the greater.

25 The parent who owes the greater obligation shall be  
26 ordered to pay the difference in support to the other

1 parent, unless the court determines, pursuant to other  
2 provisions of this Section, that it should deviate from  
3 the guidelines.

4 (4) Health care to be addressed by the court.

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

18 (B) The court, in its discretion, may order either  
19 or both parents to contribute to the reasonable health  
20 care needs of the child not covered by insurance,  
21 including, but not limited to, unreimbursed medical,  
22 dental, orthodontic, or vision expenses and any  
23 prescription medication for the child not covered  
24 under the child's health insurance.

25 (C) If neither parent has access to appropriate  
26 private health insurance coverage, the court may

1 order:

2 (I) one or both parents to provide health  
3 insurance coverage at any time it becomes  
4 available at a reasonable cost; or

5 (II) the parent or non-parent custodian with  
6 primary physical responsibility for the child to  
7 apply for public health insurance coverage for the  
8 child and require either or both parents to pay a  
9 reasonable amount of the cost of health insurance  
10 for the child.

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

20 (D) The amount to be added to the basic child  
21 support obligation shall be the actual amount of the  
22 total health insurance premium that is attributable to  
23 the child who is the subject of the order. If this  
24 amount is not available or cannot be verified, the  
25 total cost of the health insurance premium shall be  
26 divided by the total number of persons covered by the

1 policy. The cost per person derived from this  
2 calculation shall be multiplied by the number of  
3 children who are the subject of the order and who are  
4 covered under the health insurance policy. This amount  
5 shall be added to the basic child support obligation  
6 and shall be allocated between the parents in  
7 proportion to their respective net incomes.

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

22 (F) Prior to allowing the health insurance  
23 adjustment, the parent requesting the adjustment must  
24 submit proof that the child has been enrolled in a  
25 health insurance plan and must submit proof of the  
26 cost of the premium. The court shall require the



1 parent receiving the adjustment to annually submit  
2 proof of continued coverage of the child to the other  
3 parent, or as designated by the court.

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

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

20 (I) If a parent has been directed to provide  
21 health insurance pursuant to this paragraph and that  
22 parent's spouse or legally recognized partner provides  
23 the insurance for the benefit of the child either  
24 directly or through employment, a credit on the child  
25 support worksheet shall be given to that parent in the  
26 same manner as if the premium were paid by that parent.

1           (4.5) In a proceeding for child support following  
2 dissolution of the marriage or civil union by a court that  
3 lacked personal jurisdiction over the absent spouse, and  
4 in which the court is requiring payment of support for the  
5 period before the date an order for current support is  
6 entered, there is a rebuttable presumption that the  
7 obligor's net income for the prior period was the same as  
8 his or her net income at the time the order for current  
9 support is entered.

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

22           (6) If (i) the obligor was properly served with a  
23 request for discovery of financial information relating to  
24 the obligor's ability to provide child support, (ii) the  
25 obligor failed to comply with the request, despite having  
26 been ordered to do so by the court, and (iii) the obligor

1 is not present at the hearing to determine support despite  
2 having received proper notice, then any relevant financial  
3 information concerning the obligor's ability to provide  
4 child support that was obtained pursuant to subpoena and  
5 proper notice shall be admitted into evidence without the  
6 need to establish any further foundation for its  
7 admission.

8 (a-3) Life insurance to secure support. At the discretion  
9 of the court, a child support obligation pursuant to this  
10 Section and Sections 510, 513, and 513.5 of this Act may be  
11 secured, in whole or in part, by reasonably affordable life  
12 insurance on the life of one or both parents on such terms as  
13 the parties agree or as the court orders. The court may require  
14 such insurance remain in full force and effect until the  
15 termination of all obligations of support, subject to the  
16 following:

17 (1) Existing life insurance. The court shall be  
18 apprised through evidence, stipulation, or otherwise as to  
19 the level, ownership, and type of existing life insurance  
20 death benefit coverage available to one or both parents,  
21 the cost of the premiums, cost ratings, and escalations  
22 and assignment of the policy, if applicable, and all other  
23 relevant circumstances. The court shall make findings  
24 relative thereto.

25 (2) New life insurance. The court shall be apprised  
26 through evidence, stipulation, or otherwise as to the

1 availability of obtaining reasonably affordable new life  
2 insurance. To the extent the court determines that the  
3 support obligations should be secured, in whole or in  
4 part, by new life insurance on the life of one or both  
5 parents, the court may order that one or both parents  
6 comply with all requirements to obtain such new life  
7 insurance through employment, trade union, fraternal  
8 organizations, associations, or individual means.

9 In determining the level and type of death benefits  
10 coverage to be obtained by a parent, the court shall  
11 consider access and availability of life insurance to that  
12 parent, the cost of the premium, cost ratings, and  
13 escalations, if applicable, and all other relevant  
14 circumstances.

15 (3) Other security. If life insurance is unavailable  
16 to a parent, the court, in its discretion, or as agreed to  
17 by the parties, may order other equitable and reasonable  
18 means to secure a child support obligation.

19 (a-5) In an action to enforce an order for child support  
20 based on the obligor's failure to make support payments as  
21 required by the order, notice of proceedings to hold the  
22 obligor in contempt for that failure may be served on the  
23 obligor by personal service or by regular mail addressed to  
24 the last known address of the obligor. The last known address  
25 of the obligor may be determined from records of the clerk of  
26 the court, from the Federal Case Registry of Child Support

1 Orders, or by any other reasonable means.

2 (b) Failure of either parent to comply with an order to pay  
3 support shall be punishable as in other cases of contempt. In  
4 addition to other penalties provided by law the court may,  
5 after finding the parent guilty of contempt, order that the  
6 parent be:

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

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

13 (A) work; or

14 (B) conduct a business or other self-employed  
15 occupation.

16 The court may further order any part or all of the earnings  
17 of a parent during a sentence of periodic imprisonment paid to  
18 the Clerk of the Circuit Court or to the parent having physical  
19 possession of the child or to the non-parent custodian having  
20 custody of the child of the sentenced parent for the support of  
21 the child until further order of the court.

22 If a parent who is found guilty of contempt for failure to  
23 comply with an order to pay support is a person who conducts a  
24 business or who is self-employed, the court in addition to  
25 other penalties provided by law may order that the parent do  
26 one or more of the following: (i) provide to the court monthly

1 financial statements showing income and expenses from the  
2 business or the self-employment; (ii) seek employment and  
3 report periodically to the court with a diary, listing, or  
4 other memorandum of his or her employment search efforts; or  
5 (iii) report to the Department of Employment Security for job  
6 search services to find employment that will be subject to  
7 withholding for child support.

8 If there is a unity of interest and ownership sufficient  
9 to render no financial separation between an obligor and  
10 another person or persons or business entity, the court may  
11 pierce the ownership veil of the person, persons, or business  
12 entity to discover assets of the obligor held in the name of  
13 that person, those persons, or that business entity. The  
14 following circumstances are sufficient to authorize a court to  
15 order discovery of the assets of a person, persons, or  
16 business entity and to compel the application of any  
17 discovered assets toward payment on the judgment for support:

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

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

23 (3) the obligor transfers assets to the person,  
24 persons, or business entity with the intent to perpetrate  
25 a fraud on the obligee.

26 With respect to assets which are real property, no order

1 entered under this paragraph shall affect the rights of bona  
2 fide purchasers, mortgagees, judgment creditors, or other lien  
3 holders who acquire their interests in the property prior to  
4 the time a notice of lis pendens pursuant to the Code of Civil  
5 Procedure or a copy of the order is placed of record in the  
6 office of the recorder of deeds for the county in which the  
7 real property is located.

8 The court may also order in cases where the parent is 90  
9 days or more delinquent in payment of support or has been  
10 adjudicated in arrears in an amount equal to 90 days  
11 obligation or more, that the parent's Illinois driving  
12 privileges be suspended until the court determines that the  
13 parent is in compliance with the order of support. The court  
14 may also order that the parent be issued a family financial  
15 responsibility driving permit that would allow limited driving  
16 privileges for employment and medical purposes in accordance  
17 with Section 7-702.1 of the Illinois Vehicle Code. The Clerk  
18 of the Circuit Court shall certify the order suspending the  
19 driving privileges of the parent or granting the issuance of a  
20 family financial responsibility driving permit to the  
21 Secretary of State on forms prescribed by the Secretary of  
22 State. Upon receipt of the authenticated documents, the  
23 Secretary of State shall suspend the parent's driving  
24 privileges until further order of the court and shall, if  
25 ordered by the court, subject to the provisions of Section  
26 7-702.1 of the Illinois Vehicle Code, issue a family financial

1 responsibility driving permit to the parent.

2 In addition to the penalties or punishment that may be  
3 imposed under this Section, any person whose conduct  
4 constitutes a violation of Section 15 of the Non-Support  
5 Punishment Act may be prosecuted under that Act, and a person  
6 convicted under that Act may be sentenced in accordance with  
7 that Act. The sentence may include but need not be limited to a  
8 requirement that the person perform community service under  
9 Section 50 of that Act or participate in a work alternative  
10 program under Section 50 of that Act. A person may not be  
11 required to participate in a work alternative program under  
12 Section 50 of that Act if the person is currently  
13 participating in a work program pursuant to Section 505.1 of  
14 this Act.

15 A support obligation, or any portion of a support  
16 obligation, which becomes due and remains unpaid as of the end  
17 of each month, excluding the child support that was due for  
18 that month to the extent that it was not paid in that month,  
19 shall accrue simple interest as set forth in Section 12-109 of  
20 the Code of Civil Procedure. An order for support entered or  
21 modified on or after January 1, 2006 shall contain a statement  
22 that a support obligation required under the order, or any  
23 portion of a support obligation required under the order, that  
24 becomes due and remains unpaid as of the end of each month,  
25 excluding the child support that was due for that month to the  
26 extent that it was not paid in that month, shall accrue simple



1 interest as set forth in Section 12-109 of the Code of Civil  
2 Procedure. Failure to include the statement in the order for  
3 support does not affect the validity of the order or the  
4 accrual of interest as provided in this Section.

5 (c) A one-time charge of 20% is imposable upon the amount  
6 of past-due child support owed on July 1, 1988 which has  
7 accrued under a support order entered by the court. The charge  
8 shall be imposed in accordance with the provisions of Section  
9 10-21 of the Illinois Public Aid Code and shall be enforced by  
10 the court upon petition.

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

24 (e) When child support is to be paid through the Clerk of  
25 the Court in a county of 500,000 inhabitants or less, the order  
26 shall direct the obligor to pay to the Clerk, in addition to

1 the child support payments, all fees imposed by the county  
2 board under paragraph (2) of subsection (j-5) of Section 27.1b  
3 ~~paragraph (4) of subsection (bb) of Section 27.1a~~ of the  
4 Clerks of Courts Act. When child support is to be paid through  
5 the clerk of the court in a county of more than 500,000 but  
6 less than 3,000,000 inhabitants, the order shall direct the  
7 obligor to pay to the clerk, in addition to the child support  
8 payments, all fees imposed by the county board under paragraph  
9 (4) of subsection (bb) of Section 27.2 of the Clerks of Courts  
10 Act. Unless paid pursuant to an Income Withholding  
11 Order/Notice for Support, the payment of the fee shall be by  
12 payment acceptable to the clerk and shall be made to the order  
13 of the Clerk.

14 (f) All orders for support, when entered or modified,  
15 shall include a provision requiring the obligor to notify the  
16 court and, in cases in which a party is receiving child and  
17 spouse services under Article X of the Illinois Public Aid  
18 Code, the Department of Healthcare and Family Services, within  
19 7 days, (i) of the name and address of any new employer of the  
20 obligor, (ii) whether the obligor has access to health  
21 insurance coverage through the employer or other group  
22 coverage and, if so, the policy name and number and the names  
23 of persons covered under the policy, except only the initials  
24 of any covered minors shall be included, and (iii) of any new  
25 residential or mailing address or telephone number of the  
26 obligor. In any subsequent action to enforce a support order,

1 upon a sufficient showing that a diligent effort has been made  
2 to ascertain the location of the obligor, service of process  
3 or provision of notice necessary in the case may be made at the  
4 last known address of the obligor in any manner expressly  
5 provided by the Code of Civil Procedure or this Act, which  
6 service shall be sufficient for purposes of due process.

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

21 (g-5) If there is an unpaid arrearage or delinquency (as  
22 those terms are defined in the Income Withholding for Support  
23 Act) equal to at least one month's support obligation on the  
24 termination date stated in the order for support or, if there  
25 is no termination date stated in the order, on the date the  
26 child attains the age of majority or is otherwise emancipated,

1 the periodic amount required to be paid for current support of  
2 that child immediately prior to that date shall automatically  
3 continue to be an obligation, not as current support but as  
4 periodic payment toward satisfaction of the unpaid arrearage  
5 or delinquency. That periodic payment shall be in addition to  
6 any periodic payment previously required for satisfaction of  
7 the arrearage or delinquency. The total periodic amount to be  
8 paid toward satisfaction of the arrearage or delinquency may  
9 be enforced and collected by any method provided by law for  
10 enforcement and collection of child support, including but not  
11 limited to income withholding under the Income Withholding for  
12 Support Act. Each order for support entered or modified on or  
13 after January 1, 2005 (the effective date of Public Act  
14 93-1061) must contain a statement notifying the parties of the  
15 requirements of this subsection. Failure to include the  
16 statement in the order for support does not affect the  
17 validity of the order or the operation of the provisions of  
18 this subsection with regard to the order. This subsection  
19 shall not be construed to prevent or affect the establishment  
20 or modification of an order for support of a minor child or the  
21 establishment or modification of an order for support of a  
22 non-minor child or educational expenses under Section 513 of  
23 this Act.

24 (h) An order entered under this Section shall include a  
25 provision requiring either parent to report to the other  
26 parent and to the Clerk of Court within 10 days each time

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

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

23 (Source: P.A. 102-823, eff. 5-13-22.)

24 (750 ILCS 5/509) (from Ch. 40, par. 509)

25 Sec. 509. Independence of Provisions of Judgment or

1 Temporary Order. If a party fails to comply with a provision of  
2 a judgment, order, or injunction, the obligation of the other  
3 party to make payments for support or maintenance or to permit  
4 visitation or parenting time is not suspended; but the other  
5 party ~~he~~ may move the court to grant an appropriate order.

6 (Source: P.A. 99-90, eff. 1-1-16.)

7 (750 ILCS 5/600)

8 Sec. 600. Definitions. For purposes of this Part VI:

9 (a) "Abuse" has the meaning ascribed to that term in  
10 Section 103 of the Illinois Domestic Violence Act of 1986.

11 (b) "Allocation judgment" means a judgment allocating  
12 parental responsibilities.

13 (c) "Caretaking functions" means tasks that involve  
14 interaction with a child or that direct, arrange, and  
15 supervise the interaction with and care of a child provided by  
16 others, or for obtaining the resources allowing for the  
17 provision of these functions. The term includes, but is not  
18 limited to, the following:

19 (1) satisfying a child's nutritional needs; managing a  
20 child's bedtime and wake-up routines; caring for a child  
21 when the child is sick or injured; being attentive to a  
22 child's personal hygiene needs, including washing,  
23 grooming, and dressing; playing with a child and ensuring  
24 the child attends scheduled extracurricular activities;  
25 protecting a child's physical safety; and providing

1 transportation for a child;

2 (2) directing a child's various developmental needs,  
3 including the acquisition of motor and language skills,  
4 toilet training, self-confidence, and maturation;

5 (3) providing discipline, giving instruction in  
6 manners, assigning and supervising chores, and performing  
7 other tasks that attend to a child's needs for behavioral  
8 control and self-restraint;

9 (4) ensuring the child attends school, including  
10 remedial and special services appropriate to the child's  
11 needs and interests, communicating with teachers and  
12 counselors, and supervising homework;

13 (5) helping a child develop and maintain appropriate  
14 interpersonal relationships with peers, siblings, and  
15 other family members;

16 (6) ensuring the child attends medical appointments  
17 and is available for medical follow-up and meeting the  
18 medical needs of the child in the home;

19 (7) providing moral and ethical guidance for a child;  
20 and

21 (8) arranging alternative care for a child by a family  
22 member, babysitter, or other child care provider or  
23 facility, including investigating such alternatives,  
24 communicating with providers, and supervising such care.

25 (d) "Parental responsibilities" means both parenting time  
26 and significant decision-making responsibilities with respect

1 to a child.

2 (e) "Parenting time" means the time during which a parent  
3 is responsible for exercising caretaking functions and  
4 non-significant decision-making responsibilities with respect  
5 to the child.

6 (f) "Parenting plan" means a written agreement that  
7 allocates significant decision-making responsibilities,  
8 parenting time, or both.

9 (g) "Relocation" means:

10 (1) a change of residence from the child's current  
11 primary residence located in the county of Cook, DuPage,  
12 Kane, Lake, McHenry, or Will to a new residence within  
13 this State that is more than 25 miles from the child's  
14 current residence, as measured by an Internet mapping  
15 service using surface roads;

16 (2) a change of residence from the child's current  
17 primary residence located in a county not listed in  
18 paragraph (1) to a new residence within this State that is  
19 more than 50 miles from the child's current primary  
20 residence, as measured by an Internet mapping service  
21 using surface roads; or

22 (3) a change of residence from the child's current  
23 primary residence to a residence outside the borders of  
24 this State that is more than 25 miles from the current  
25 primary residence, as measured by an Internet mapping  
26 service using surface roads.



1       If the Internet mapping service offers alternative routes,  
2       the alternative route that is the shortest distance shall be  
3       used.

4       (h) "Religious upbringing" means the choice of religion or  
5       denomination of a religion, religious schooling, religious  
6       training, or participation in religious customs or practices.

7       (i) "Restriction of parenting time" means any limitation  
8       or condition placed on parenting time, including supervision.

9       (j) "Right of first refusal" has the meaning provided in  
10       subsection (b) of Section 602.3 of this Act.

11       (k) "Significant decision-making" means deciding issues of  
12       long-term importance in the life of a child.

13       (l) "Step-parent" means a person married to a child's  
14       parent, including a person married to the child's parent  
15       immediately prior to the parent's death.

16       (m) "Supervision" means the presence of a third party  
17       during a parent's exercise of parenting time.

18       (Source: P.A. 99-90, eff. 1-1-16; 99-763, eff. 1-1-17.)

19       (750 ILCS 5/602.10)

20       Sec. 602.10. Parenting plan.

21       (a) Filing of parenting plan. All parents, within 120 days  
22       after service or filing of any petition for allocation of  
23       parental responsibilities, must file with the court, either  
24       jointly or separately, a proposed parenting plan. The time  
25       period for filing a parenting plan may be extended by the court

1 for good cause shown. If no appearance has been filed by the  
2 respondent, no parenting plan is required unless ordered by  
3 the court.

4 (b) No parenting plan filed. In the absence of filing of  
5 one or more parenting plans, the court must conduct an  
6 evidentiary hearing to allocate parental responsibilities.

7 (c) Mediation. The court shall order mediation to assist  
8 the parents in formulating or modifying a parenting plan or in  
9 implementing a parenting plan unless the court determines that  
10 impediments to mediation exist. Costs under this subsection  
11 shall be allocated between the parties pursuant to the  
12 applicable statute or Supreme Court Rule.

13 (d) Parents' agreement on parenting plan. The parenting  
14 plan must be in writing and signed by both parents. The parents  
15 must submit the parenting plan to the court for approval  
16 within 120 days after service of a petition for allocation of  
17 parental responsibilities or the filing of an appearance,  
18 except for good cause shown. Notwithstanding the provisions  
19 above, the parents may agree upon and submit a parenting plan  
20 at any time after the commencement of a proceeding until prior  
21 to the entry of a judgment of dissolution of marriage. The  
22 agreement is binding upon the court unless it finds, after  
23 considering the circumstances of the parties and any other  
24 relevant evidence produced by the parties, that the agreement  
25 is not in the best interests of the child. If the court does  
26 not approve the parenting plan, the court shall make express

1 findings of the reason or reasons for its refusal to approve  
2 the plan. The court, on its own motion, may conduct an  
3 evidentiary hearing to determine whether the parenting plan is  
4 in the child's best interests.

5 (e) Parents cannot agree on parenting plan. When parents  
6 fail to submit an agreed parenting plan, each parent must file  
7 and submit a written, signed parenting plan to the court  
8 within 120 days after the filing of an appearance, except for  
9 good cause shown. The court's determination of parenting time  
10 should be based on the child's best interests. The filing of  
11 the plan may be excused by the court if:

12 (1) the parties have commenced mediation for the  
13 purpose of formulating a parenting plan; or

14 (2) the parents have agreed in writing to extend the  
15 time for filing a proposed plan and the court has approved  
16 such an extension; or

17 (3) the court orders otherwise for good cause shown.

18 (f) Parenting plan contents. At a minimum, a parenting  
19 plan must set forth the following:

20 (1) an allocation of significant decision-making  
21 responsibilities;

22 (2) provisions for the child's living arrangements and  
23 for each parent's parenting time, including either:

24 (A) a schedule that designates in which parent's  
25 home the minor child will reside on given days; or

26 (B) a formula or method for determining such a

1 schedule in sufficient detail to be enforced in a  
2 subsequent proceeding;

3 (3) a mediation provision addressing any proposed  
4 reallocation of parenting time or regarding the terms of  
5 allocation of parental responsibilities, except that this  
6 provision is not required if one parent is allocated all  
7 significant decision-making responsibilities;

8 (4) each parent's right of access to medical, dental,  
9 and psychological records (subject to the Mental Health  
10 and Developmental Disabilities Confidentiality Act), child  
11 care records, and school and extracurricular records,  
12 reports, and schedules, unless expressly denied by a court  
13 order or denied under Section 602.11;

14 (5) a designation of the parent who will be  
15 denominated as the parent with the majority of parenting  
16 time for purposes of Section 606.10;

17 (6) the child's residential address for school  
18 enrollment purposes only;

19 (7) each parent's residence address and phone number,  
20 and each parent's place of employment and employment  
21 address and phone number;

22 (8) a requirement that a parent changing his or her  
23 residence provide at least 60 days prior written notice of  
24 the change to any other parent under the parenting plan or  
25 allocation judgment, unless such notice is impracticable  
26 or unless otherwise ordered by the court. If such notice

1 is impracticable, written notice shall be given at the  
2 earliest date practicable. At a minimum, the notice shall  
3 set forth the following:

4 (A) the intended date of the change of residence;

5 and

6 (B) the address of the new residence;

7 (9) provisions requiring each parent to notify the  
8 other of emergencies, health care, travel plans, or other  
9 significant child-related issues;

10 (10) transportation arrangements between the parents;

11 (11) provisions for communications, including  
12 electronic communications, with the child during the other  
13 parent's parenting time;

14 (12) provisions for resolving issues arising from a  
15 parent's future relocation, if applicable;

16 (13) provisions for future modifications of the  
17 parenting plan, if specified events occur;

18 (14) provisions for the exercise of the right of first  
19 refusal, if so desired, that are consistent with the best  
20 interests of the minor child; provisions in the plan for  
21 the exercise of the right of first refusal must include:

22 (i) the length and kind of child-care requirements  
23 invoking the right of first refusal;

24 (ii) notification to the other parent and for his  
25 or her response;

26 (iii) transportation requirements; and

1           (iv) any other provision related to the exercise  
2           of the right of first refusal necessary to protect and  
3           promote the best interests of the minor child; and

4           (15) any other provision that addresses the child's  
5           best interests or that will otherwise facilitate  
6           cooperation between the parents.

7           The personal information under items (6), (7), and (8) of  
8           this subsection is not required if there is evidence of or the  
9           parenting plan states that there is a history of domestic  
10          violence or abuse, or it is shown that the release of the  
11          information is not in the child's or parent's best interests.

12          (g) The court shall conduct a trial or hearing to  
13          determine a plan which maximizes the child's relationship and  
14          access to both parents and shall ensure that the access and the  
15          overall plan are in the best interests of the child. The court  
16          shall take the parenting plans into consideration when  
17          determining parenting time and responsibilities at trial or  
18          hearing.

19          (h) The court may consider, consistent with the best  
20          interests of the child as defined in Section 602.7 of this Act,  
21          whether to award to one or both of the parties the right of  
22          first refusal in accordance with Section 602.3 of this Act.

23          (i) If the underlying action in which the parenting plan  
24          or allocation judgment is approved or entered by the court and  
25          the underlying action is subsequently dismissed, the parenting  
26          plan or allocation judgment shall be void and unenforceable. A

1 parenting plan or allocation judgment, once approved or  
2 entered by the court, shall be considered final for purposes  
3 for modification under Section 610.5 or appeal so long as the  
4 underlying action is pending.

5 (Source: P.A. 99-90, eff. 1-1-16; 99-763, eff. 1-1-17.)

6 (750 ILCS 5/607.5)

7 Sec. 607.5. Abuse of allocated parenting time.

8 (a) The court shall provide an expedited procedure for the  
9 enforcement of allocated parenting time.

10 (b) An action for the enforcement of allocated parenting  
11 time may be commenced by a parent or a person appointed under  
12 Section 506 by filing a petition setting forth: (i) the  
13 petitioner's name and residence address or mailing address,  
14 except that if the petition states that disclosure of  
15 petitioner's address would risk abuse of petitioner or any  
16 member of petitioner's family or household or reveal the  
17 confidential address of a shelter for domestic violence  
18 victims, that address may be omitted from the petition; (ii)  
19 the respondent's name and place of residence, place of  
20 employment, or mailing address; (iii) the terms of the  
21 parenting plan or allocation judgment then in effect; (iv) the  
22 nature of the violation of the allocation of parenting time,  
23 giving dates and other relevant information; and (v) that a  
24 reasonable attempt was made to resolve the dispute.

25 (c) If the court finds by a preponderance of the evidence

1 that a parent has not complied with allocated parenting time  
2 according to an approved parenting plan or a court order, the  
3 court, in the child's best interests, shall issue an order  
4 that may include one or more of the following:

5 (1) an imposition of additional terms and conditions  
6 consistent with the court's previous allocation of  
7 parenting time or other order;

8 (2) a requirement that either or both of the parties  
9 attend a parental education program at the expense of the  
10 non-complying parent;

11 (3) upon consideration of all relevant factors,  
12 particularly a history or possibility of domestic  
13 violence, a requirement that the parties participate in  
14 family or individual counseling, the expense of which  
15 shall be allocated by the court. Counseling ordered under  
16 this Section is subject to the Mental Health and  
17 Developmental Disabilities Confidentiality Act and the  
18 federal Health Insurance Portability and Accountability  
19 Act of 1996; ~~if counseling is ordered, all counseling~~  
20 ~~sessions shall be confidential, and the communications in~~  
21 ~~counseling shall not be used in any manner in litigation~~  
22 ~~nor relied upon by an expert appointed by the court or~~  
23 ~~retained by any party;~~

24 (4) a requirement that the non-complying parent post a  
25 cash bond or other security to ensure future compliance,  
26 including a provision that the bond or other security may



1 be forfeited to the other parent for payment of expenses  
2 on behalf of the child as the court shall direct;

3 (5) a requirement that makeup parenting time be  
4 provided for the aggrieved parent or child under the  
5 following conditions:

6 (A) that the parenting time is of the same type and  
7 duration as the parenting time that was denied,  
8 including but not limited to parenting time during  
9 weekends, on holidays, and on weekdays and during  
10 times when the child is not in school;

11 (B) that the parenting time is made up within 6  
12 months after the noncompliance occurs, unless the  
13 period of time or holiday cannot be made up within 6  
14 months, in which case the parenting time shall be made  
15 up within one year after the noncompliance occurs;

16 (6) a finding that the non-complying parent is in  
17 contempt of court;

18 (7) an imposition on the non-complying parent of an  
19 appropriate civil fine per incident of denied parenting  
20 time;

21 (8) a requirement that the non-complying parent  
22 reimburse the other parent for all reasonable expenses  
23 incurred as a result of the violation of the parenting  
24 plan or court order; and

25 (9) any other provision that may promote the child's  
26 best interests.

1           (d) In addition to any other order entered under  
2 subsection (c), except for good cause shown, the court shall  
3 order a parent who has failed to provide allocated parenting  
4 time or to exercise allocated parenting time to pay the  
5 aggrieved party his or her reasonable attorney's fees, court  
6 costs, and expenses associated with an action brought under  
7 this Section. If the court finds that the respondent in an  
8 action brought under this Section has not violated the  
9 allocated parenting time, the court may order the petitioner  
10 to pay the respondent's reasonable attorney's fees, court  
11 costs, and expenses incurred in the action.

12           (e) Nothing in this Section precludes a party from  
13 maintaining any other action as provided by law.

14           (f) When the court issues an order holding a party in  
15 contempt for violation of a parenting time order and finds  
16 that the party engaged in parenting time abuse, the court may  
17 order one or more of the following:

18           (1) Suspension of a party's Illinois driving  
19 privileges pursuant to Section 7-703 of the Illinois  
20 Vehicle Code until the court determines that the party is  
21 in compliance with the parenting time order. The court may  
22 also order that a party be issued a family financial  
23 responsibility driving permit that would allow limited  
24 driving privileges for employment, for medical purposes,  
25 and to transport a child to or from scheduled parenting  
26 time in order to comply with a parenting time order in

1           accordance with subsection (a-1) of Section 7-702.1 of the  
2           Illinois Vehicle Code.

3           (2) Placement of a party on probation with such  
4           conditions of probation as the court deems advisable.

5           (3) Sentencing of a party to periodic imprisonment for  
6           a period not to exceed 6 months; provided, that the court  
7           may permit the party to be released for periods of time  
8           during the day or night to:

9                   (A) work; or

10                   (B) conduct a business or other self-employed  
11           occupation.

12           (4) Find that a party in engaging in parenting time  
13           abuse is guilty of a petty offense and should be fined an  
14           amount of no more than \$500 for each finding of parenting  
15           time abuse.

16           (g) When the court issues an order holding a party in  
17           contempt of court for violation of a parenting order, the  
18           clerk shall transmit a copy of the contempt order to the  
19           sheriff of the county. The sheriff shall furnish a copy of each  
20           contempt order to the Illinois State Police on a daily basis in  
21           the form and manner required by the Department. The Department  
22           shall maintain a complete record and index of the contempt  
23           orders and make this data available to all local law  
24           enforcement agencies.

25           (h) Nothing contained in this Section shall be construed  
26           to limit the court's contempt power.

1 (Source: P.A. 102-538, eff. 8-20-21.)