



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**  
**SB2143**

Introduced 1/14/2004, by Susan Garrett

**SYNOPSIS AS INTRODUCED:**

750 ILCS 5/504

from Ch. 40, par. 504

Amends the Illinois Marriage and Dissolution of Marriage Act. Provides that any maintenance obligation including any unallocated maintenance and child support obligation that becomes due and remains unpaid for 30 days or more shall accrue simple interest at the rate of 9% per annum.

LRB093 15561 LCB 41168 b

1 AN ACT concerning family 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 Section 504 as follows:

6 (750 ILCS 5/504) (from Ch. 40, par. 504)

7 Sec. 504. Maintenance.

8 (a) In a proceeding for dissolution of marriage or legal  
9 separation or declaration of invalidity of marriage, or a  
10 proceeding for maintenance following dissolution of the  
11 marriage by a court which lacked personal jurisdiction over the  
12 absent spouse, the court may grant a temporary or permanent  
13 maintenance award for either spouse in amounts and for periods  
14 of time as the court deems just, without regard to marital  
15 misconduct, in gross or for fixed or indefinite periods of  
16 time, and the maintenance may be paid from the income or  
17 property of the other spouse after consideration of all  
18 relevant factors, including:

19 (1) the income and property of each party, including  
20 marital property apportioned and non-marital property  
21 assigned to the party seeking maintenance;

22 (2) the needs of each party;

23 (3) the present and future earning capacity of each  
24 party;

25 (4) any impairment of the present and future earning  
26 capacity of the party seeking maintenance due to that party  
27 devoting time to domestic duties or having forgone or  
28 delayed education, training, employment, or career  
29 opportunities due to the marriage;

30 (5) the time necessary to enable the party seeking  
31 maintenance to acquire appropriate education, training,  
32 and employment, and whether that party is able to support

1           himself or herself through appropriate employment or is the  
2           custodian of a child making it appropriate that the  
3           custodian not seek employment;

4           (6) the standard of living established during the  
5           marriage;

6           (7) the duration of the marriage;

7           (8) the age and the physical and emotional condition of  
8           both parties;

9           (9) the tax consequences of the property division upon  
10          the respective economic circumstances of the parties;

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

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

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

17          (b) (Blank).

18          (b-5) Any maintenance obligation including any unallocated  
19          maintenance and child support obligation, or any portion of any  
20          support obligation, that becomes due and remains unpaid for 30  
21          days or more shall accrue simple interest at the rate of 9% per  
22          annum.

23          (c) The court may grant and enforce the payment of  
24          maintenance during the pendency of an appeal as the court shall  
25          deem reasonable and proper.

26          (d) No maintenance shall accrue during the period in which  
27          a party is imprisoned for failure to comply with the court's  
28          order for the payment of such maintenance.

29          (e) When maintenance is to be paid through the clerk of the  
30          court in a county of 1,000,000 inhabitants or less, the order  
31          shall direct the obligor to pay to the clerk, in addition to  
32          the maintenance payments, all fees imposed by the county board  
33          under paragraph (3) of subsection (u) of Section 27.1 of the  
34          Clerks of Courts Act. Unless paid in cash or pursuant to an  
35          order for withholding, the payment of the fee shall be by a  
36          separate instrument from the support payment and shall be made

1 to the order of the Clerk.

2 (Source: P.A. 91-357, eff. 7-29-99.)