

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 503, 504, 505, and
6 510 as follows:

7 (750 ILCS 5/503) (from Ch. 40, par. 503)

8 Sec. 503. Disposition of property.

9 (a) For purposes of this Act, "marital property" means all
10 property acquired by either spouse subsequent to the marriage,
11 except the following, which is known as "non-marital property":

12 (1) property acquired by gift, legacy or descent;

13 (2) property acquired in exchange for property
14 acquired before the marriage or in exchange for property
15 acquired by gift, legacy or descent;

16 (3) property acquired by a spouse after a judgment of
17 legal separation;

18 (4) property excluded by valid agreement of the
19 parties;

20 (5) any judgment or property obtained by judgment
21 awarded to a spouse from the other spouse;

22 (6) property acquired before the marriage;

23 (7) the increase in value of property acquired by a

1 method listed in paragraphs (1) through (6) of this
2 subsection, irrespective of whether the increase results
3 from a contribution of marital property, non-marital
4 property, the personal effort of a spouse, or otherwise,
5 subject to the right of reimbursement provided in
6 subsection (c) of this Section; and

7 (8) income from property acquired by a method listed in
8 paragraphs (1) through (7) of this subsection if the income
9 is not attributable to the personal effort of a spouse.

10 (b) (1) For purposes of distribution of property pursuant to
11 this Section, all property acquired by either spouse after the
12 marriage and before a judgment of dissolution of marriage or
13 declaration of invalidity of marriage, including non-marital
14 property transferred into some form of co-ownership between the
15 spouses, is presumed to be marital property, regardless of
16 whether title is held individually or by the spouses in some
17 form of co-ownership such as joint tenancy, tenancy in common,
18 tenancy by the entirety, or community property. The presumption
19 of marital property is overcome by a showing that the property
20 was acquired by a method listed in subsection (a) of this
21 Section.

22 (2) For purposes of distribution of property pursuant to
23 this Section, all pension benefits (including pension benefits
24 under the Illinois Pension Code) acquired by either spouse
25 after the marriage and before a judgment of dissolution of
26 marriage or declaration of invalidity of the marriage are

1 presumed to be marital property, regardless of which spouse
2 participates in the pension plan. The presumption that these
3 pension benefits are marital property is overcome by a showing
4 that the pension benefits were acquired by a method listed in
5 subsection (a) of this Section. The right to a division of
6 pension benefits in just proportions under this Section is
7 enforceable under Section 1-119 of the Illinois Pension Code.

8 The value of pension benefits in a retirement system
9 subject to the Illinois Pension Code shall be determined in
10 accordance with the valuation procedures established by the
11 retirement system.

12 The recognition of pension benefits as marital property and
13 the division of those benefits pursuant to a Qualified Illinois
14 Domestic Relations Order shall not be deemed to be a
15 diminishment, alienation, or impairment of those benefits. The
16 division of pension benefits is an allocation of property in
17 which each spouse has a species of common ownership.

18 (3) For purposes of distribution of property under this
19 Section, all stock options granted to either spouse after the
20 marriage and before a judgment of dissolution of marriage or
21 declaration of invalidity of marriage, whether vested or
22 non-vested or whether their value is ascertainable, are
23 presumed to be marital property. This presumption of marital
24 property is overcome by a showing that the stock options were
25 acquired by a method listed in subsection (a) of this Section.
26 The court shall allocate stock options between the parties at

1 the time of the judgment of dissolution of marriage or
2 declaration of invalidity of marriage recognizing that the
3 value of the stock options may not be then determinable and
4 that the actual division of the options may not occur until a
5 future date. In making the allocation between the parties, the
6 court shall consider, in addition to the factors set forth in
7 subsection (d) of this Section, the following:

8 (i) All circumstances underlying the grant of the stock
9 option including but not limited to whether the grant was
10 for past, present, or future efforts, or any combination
11 thereof.

12 (ii) The length of time from the grant of the option to
13 the time the option is exercisable.

14 (b-5) As to any policy of life insurance insuring the life
15 of either spouse, or any interest in such policy, that
16 constitutes marital property, whether whole life, term life,
17 group term life, universal life, or other form of life
18 insurance policy, and whether or not the value is
19 ascertainable, the court shall allocate ownership, death
20 benefits or the right to assign death benefits, and the
21 obligation for premium payments, if any, equitably between the
22 parties at the time of the judgment for dissolution or
23 declaration of invalidity of marriage.

24 (c) Commingled marital and non-marital property shall be
25 treated in the following manner, unless otherwise agreed by the
26 spouses:

1 (1) When marital and non-marital property are
2 commingled by contributing one estate of property into
3 another resulting in a loss of identity of the contributed
4 property, the classification of the contributed property
5 is transmuted to the estate receiving the contribution,
6 subject to the provisions of paragraph (2) of this
7 subsection; provided that if marital and non-marital
8 property are commingled into newly acquired property
9 resulting in a loss of identity of the contributing
10 estates, the commingled property shall be deemed
11 transmuted to marital property, subject to the provisions
12 of paragraph (2) of this subsection.

13 (2) When one estate of property makes a contribution to
14 another estate of property, or when a spouse contributes
15 personal effort to non-marital property, the contributing
16 estate shall be reimbursed from the estate receiving the
17 contribution notwithstanding any transmutation; provided,
18 that no such reimbursement shall be made with respect to a
19 contribution which is not retraceable by clear and
20 convincing evidence, or was a gift, or, in the case of a
21 contribution of personal effort of a spouse to non-marital
22 property, unless the effort is significant and results in
23 substantial appreciation of the non-marital property.
24 Personal effort of a spouse shall be deemed a contribution
25 by the marital estate. The court may provide for
26 reimbursement out of the marital property to be divided or

1 by imposing a lien against the non-marital property which
2 received the contribution.

3 (d) In a proceeding for dissolution of marriage or
4 declaration of invalidity of marriage, or in a proceeding for
5 disposition of property following dissolution of marriage by a
6 court which lacked personal jurisdiction over the absent spouse
7 or lacked jurisdiction to dispose of the property, the court
8 shall assign each spouse's non-marital property to that spouse.
9 It also shall divide the marital property without regard to
10 marital misconduct in just proportions considering all
11 relevant factors, including:

12 (1) the contribution of each party to the acquisition,
13 preservation, or increase or decrease in value of the
14 marital or non-marital property, including (i) any such
15 decrease attributable to a payment deemed to have been an
16 advance from the parties' marital estate under subsection
17 (c-1)(2) of Section 501 and (ii) the contribution of a
18 spouse as a homemaker or to the family unit;

19 (2) the dissipation by each party of the marital or
20 non-marital property;

21 (3) the value of the property assigned to each spouse;

22 (4) the duration of the marriage;

23 (5) the relevant economic circumstances of each spouse
24 when the division of property is to become effective,
25 including the desirability of awarding the family home, or
26 the right to live therein for reasonable periods, to the

1 spouse having custody of the children;

2 (6) any obligations and rights arising from a prior
3 marriage of either party;

4 (7) any antenuptial agreement of the parties;

5 (8) the age, health, station, occupation, amount and
6 sources of income, vocational skills, employability,
7 estate, liabilities, and needs of each of the parties;

8 (9) the custodial provisions for any children;

9 (10) whether the apportionment is in lieu of or in
10 addition to maintenance;

11 (11) the reasonable opportunity of each spouse for
12 future acquisition of capital assets and income; and

13 (12) the tax consequences of the property division upon
14 the respective economic circumstances of the parties.

15 (e) Each spouse has a species of common ownership in the
16 marital property which vests at the time dissolution
17 proceedings are commenced and continues only during the
18 pendency of the action. Any such interest in marital property
19 shall not encumber that property so as to restrict its
20 transfer, assignment or conveyance by the title holder unless
21 such title holder is specifically enjoined from making such
22 transfer, assignment or conveyance.

23 (f) In a proceeding for dissolution of marriage or
24 declaration of invalidity of marriage or in a proceeding for
25 disposition of property following dissolution of marriage by a
26 court that lacked personal jurisdiction over the absent spouse

1 or lacked jurisdiction to dispose of the property, the court,
2 in determining the value of the marital and non-marital
3 property for purposes of dividing the property, shall value the
4 property as of the date of trial or some other date as close to
5 the date of trial as is practicable.

6 (g) The court if necessary to protect and promote the best
7 interests of the children may set aside a portion of the
8 jointly or separately held estates of the parties in a separate
9 fund or trust for the support, maintenance, education, physical
10 and mental health, and general welfare of any minor, dependent,
11 or incompetent child of the parties. In making a determination
12 under this subsection, the court may consider, among other
13 things, the conviction of a party of any of the offenses set
14 forth in Section 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-13,
15 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 if
16 the victim is a child of one or both of the parties, and there
17 is a need for, and cost of, care, healing and counseling for
18 the child who is the victim of the crime.

19 (h) Unless specifically directed by a reviewing court, or
20 upon good cause shown, the court shall not on remand consider
21 any increase or decrease in the value of any "marital" or
22 "non-marital" property occurring since the assessment of such
23 property at the original trial or hearing, but shall use only
24 that assessment made at the original trial or hearing.

25 (i) The court may make such judgments affecting the marital
26 property as may be just and may enforce such judgments by

1 ordering a sale of marital property, with proceeds therefrom to
2 be applied as determined by the court.

3 (j) After proofs have closed in the final hearing on all
4 other issues between the parties (or in conjunction with the
5 final hearing, if all parties so stipulate) and before judgment
6 is entered, a party's petition for contribution to fees and
7 costs incurred in the proceeding shall be heard and decided, in
8 accordance with the following provisions:

9 (1) A petition for contribution, if not filed before
10 the final hearing on other issues between the parties,
11 shall be filed no later than 30 days after the closing of
12 proofs in the final hearing or within such other period as
13 the court orders.

14 (2) Any award of contribution to one party from the
15 other party shall be based on the criteria for division of
16 marital property under this Section 503 and, if maintenance
17 has been awarded, on the criteria for an award of
18 maintenance under Section 504.

19 (3) The filing of a petition for contribution shall not
20 be deemed to constitute a waiver of the attorney-client
21 privilege between the petitioning party and current or
22 former counsel; and such a waiver shall not constitute a
23 prerequisite to a hearing for contribution. If either
24 party's presentation on contribution, however, includes
25 evidence within the scope of the attorney-client
26 privilege, the disclosure or disclosures shall be narrowly

1 construed and shall not be deemed by the court to
2 constitute a general waiver of the privilege as to matters
3 beyond the scope of the presentation.

4 (4) No finding on which a contribution award is based
5 or denied shall be asserted against counsel or former
6 counsel for purposes of any hearing under subsection (c) or
7 (e) of Section 508.

8 (5) A contribution award (payable to either the
9 petitioning party or the party's counsel, or jointly, as
10 the court determines) may be in the form of either a set
11 dollar amount or a percentage of fees and costs (or a
12 portion of fees and costs) to be subsequently agreed upon
13 by the petitioning party and counsel or, alternatively,
14 thereafter determined in a hearing pursuant to subsection
15 (c) of Section 508 or previously or thereafter determined
16 in an independent proceeding under subsection (e) of
17 Section 508.

18 (6) The changes to this Section 503 made by this
19 amendatory Act of 1996 apply to cases pending on or after
20 June 1, 1997, except as otherwise provided in Section 508.

21 (Source: P.A. 95-374, eff. 1-1-08; 96-583, eff. 1-1-10.)

22 (750 ILCS 5/504) (from Ch. 40, par. 504)
23 Sec. 504. Maintenance.

24 (a) In a proceeding for dissolution of marriage or legal
25 separation or declaration of invalidity of marriage, or a

1 proceeding for maintenance following dissolution of the
2 marriage by a court which lacked personal jurisdiction over the
3 absent spouse, the court may grant a temporary or permanent
4 maintenance award for either spouse in amounts and for periods
5 of time as the court deems just, without regard to marital
6 misconduct, in gross or for fixed or indefinite periods of
7 time, and the maintenance may be paid from the income or
8 property of the other spouse after consideration of all
9 relevant factors, including:

10 (1) the income and property of each party, including
11 marital property apportioned and non-marital property
12 assigned to the party seeking maintenance;

13 (2) the needs of each party;

14 (3) the present and future earning capacity of each
15 party;

16 (4) any impairment of the present and future earning
17 capacity of the party seeking maintenance due to that party
18 devoting time to domestic duties or having forgone or
19 delayed education, training, employment, or career
20 opportunities due to the marriage;

21 (5) the time necessary to enable the party seeking
22 maintenance to acquire appropriate education, training,
23 and employment, and whether that party is able to support
24 himself or herself through appropriate employment or is the
25 custodian of a child making it appropriate that the
26 custodian not seek employment;

1 (6) the standard of living established during the
2 marriage;

3 (7) the duration of the marriage;

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

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

8 (10) 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 (11) any valid agreement of the parties; and

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

14 (b) (Blank).

15 (b-5) Any maintenance obligation including any unallocated
16 maintenance and child support obligation, or any portion of any
17 support obligation, that becomes due and remains unpaid shall
18 accrue simple interest as set forth in Section 505 of this Act.

19 (b-7) Any new or existing maintenance order including any
20 unallocated maintenance and child support order entered by the
21 court under this Section shall be deemed to be a series of
22 judgments against the person obligated to pay support
23 thereunder. Each such judgment to be in the amount of each
24 payment or installment of support and each such judgment to be
25 deemed entered as of the date the corresponding payment or
26 installment becomes due under the terms of the support order,

1 except no judgment shall arise as to any installment coming due
2 after the termination of maintenance as provided by Section 510
3 of the Illinois Marriage and Dissolution of Marriage Act or the
4 provisions of any order for maintenance. Each such judgment
5 shall have the full force, effect and attributes of any other
6 judgment of this State, including the ability to be enforced. A
7 lien arises by operation of law against the real and personal
8 property of the obligor for each installment of overdue support
9 owed by the obligor.

10 (c) The court may grant and enforce the payment of
11 maintenance during the pendency of an appeal as the court shall
12 deem reasonable and proper.

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

16 (e) When maintenance is to be paid through the clerk of the
17 court in a county of 1,000,000 inhabitants or less, the order
18 shall direct the obligor to pay to the clerk, in addition to
19 the maintenance payments, all fees imposed by the county board
20 under paragraph (3) of subsection (u) of Section 27.1 of the
21 Clerks of Courts Act. Unless paid in cash or pursuant to an
22 order for withholding, the payment of the fee shall be by a
23 separate instrument from the support payment and shall be made
24 to the order of the Clerk.

25 (f) An award ordered by a court upon entry of a dissolution
26 judgment or upon entry of an award of maintenance following a

1 reservation of maintenance in a dissolution judgment may be
2 reasonably secured, in whole or in part, by life insurance on
3 the payor's life on terms as to which the parties agree, or, if
4 they do not agree, on such terms determined by the court,
5 subject to the following:

6 (1) With respect to existing life insurance, provided
7 the court is apprised through evidence, stipulation, or
8 otherwise as to level of death benefits, premium, and other
9 relevant data and makes findings relative thereto, the
10 court may allocate death benefits, the right to assign
11 death benefits, or the obligation for future premium
12 payments between the parties as it deems just.

13 (2) To the extent the court determines that its award
14 should be secured, in whole or in part, by new life
15 insurance on the payor's life, the court may only order:

16 (i) that the payor cooperate on all appropriate
17 steps for the payee to obtain such new life insurance;
18 and

19 (ii) that the payee, at his or her sole option and
20 expense, may obtain such new life insurance on the
21 payor's life up to a maximum level of death benefit
22 coverage, or descending death benefit coverage, as is
23 set by the court, such level not to exceed a reasonable
24 amount in light of the court's award, with the payee or
25 the payee's designee being the beneficiary of such life
26 insurance.

1 In determining the maximum level of death benefit coverage, the
2 court shall take into account all relevant facts and
3 circumstances, including the impact on access to life insurance
4 by the maintenance payor. If in resolving any issues under
5 paragraph (2) of this subsection (f) a court reviews any
6 submitted or proposed application for new insurance on the life
7 of a maintenance payor, the review shall be in camera.

8 (3) A judgment shall expressly set forth that all death
9 benefits paid under life insurance on a payor's life
10 maintained or obtained pursuant to this subsection to
11 secure maintenance are designated as excludable from the
12 gross income of the maintenance payee under Section
13 71(b)(1)(B) of the Internal Revenue Code, unless an
14 agreement or stipulation of the parties otherwise
15 provides.

16 (Source: P.A. 94-89, eff. 1-1-06.)

17 (750 ILCS 5/505) (from Ch. 40, par. 505)

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

19 (a) In a proceeding for dissolution of marriage, legal
20 separation, declaration of invalidity of marriage, a
21 proceeding for child support following dissolution of the
22 marriage by a court which lacked personal jurisdiction over the
23 absent spouse, a proceeding for modification of a previous
24 order for child support under Section 510 of this Act, or any
25 proceeding authorized under Section 501 or 601 of this Act, the

1 court may order either or both parents owing a duty of support
2 to a child of the marriage to pay an amount reasonable and
3 necessary for his support, without regard to marital
4 misconduct. The duty of support owed to a child includes the
5 obligation to provide for the reasonable and necessary
6 physical, mental and emotional health needs of the child. For
7 purposes of this Section, the term "child" shall include any
8 child under age 18 and any child under age 19 who is still
9 attending high school.

10 (1) The Court shall determine the minimum amount of
11 support by using the following guidelines:

12	Number of Children	Percent of Supporting Party's
13		Net Income
14	1	20%
15	2	28%
16	3	32%
17	4	40%
18	5	45%
19	6 or more	50%

20 (2) The above guidelines shall be applied in each case
21 unless the court makes a finding that application of the
22 guidelines would be inappropriate, after considering the
23 best interests of the child in light of evidence including
24 but not limited to one or more of the following relevant
25 factors:

26 (a) the financial resources and needs of the child;

1 (b) the financial resources and needs of the
2 custodial parent;

3 (c) the standard of living the child would have
4 enjoyed had the marriage not been dissolved;

5 (d) the physical and emotional condition of the
6 child, and his educational needs; and

7 (e) the financial resources and needs of the
8 non-custodial parent.

9 If the court deviates from the guidelines, the court's
10 finding shall state the amount of support that would have
11 been required under the guidelines, if determinable. The
12 court shall include the reason or reasons for the variance
13 from the guidelines.

14 (3) "Net income" is defined as the total of all income
15 from all sources, minus the following deductions:

16 (a) Federal income tax (properly calculated
17 withholding or estimated payments);

18 (b) State income tax (properly calculated
19 withholding or estimated payments);

20 (c) Social Security (FICA payments);

21 (d) Mandatory retirement contributions required by
22 law or as a condition of employment;

23 (e) Union dues;

24 (f) Dependent and individual
25 health/hospitalization insurance premiums and life
26 insurance premiums for life insurance ordered by the

1 court to reasonably secure child support or support
2 ordered pursuant to Section 513, any such order to
3 entail provisions on which the parties agree or,
4 otherwise, in accordance with the limitations set
5 forth in subsection 504(f) (1) and (2);

6 (g) Prior obligations of support or maintenance
7 actually paid pursuant to a court order;

8 (h) Expenditures for repayment of debts that
9 represent reasonable and necessary expenses for the
10 production of income, medical expenditures necessary
11 to preserve life or health, reasonable expenditures
12 for the benefit of the child and the other parent,
13 exclusive of gifts. The court shall reduce net income
14 in determining the minimum amount of support to be
15 ordered only for the period that such payments are due
16 and shall enter an order containing provisions for its
17 self-executing modification upon termination of such
18 payment period;

19 (i) Foster care payments paid by the Department of
20 Children and Family Services for providing licensed
21 foster care to a foster child.

22 (4) In cases where the court order provides for
23 health/hospitalization insurance coverage pursuant to
24 Section 505.2 of this Act, the premiums for that insurance,
25 or that portion of the premiums for which the supporting
26 party is responsible in the case of insurance provided

1 through an employer's health insurance plan where the
2 employer pays a portion of the premiums, shall be
3 subtracted from net income in determining the minimum
4 amount of support to be ordered.

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

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

26 (6) If (i) the non-custodial parent was properly served

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

13 (a-5) In an action to enforce an order for support based on
14 the respondent's failure to make support payments as required
15 by the order, notice of proceedings to hold the respondent in
16 contempt for that failure may be served on the respondent by
17 personal service or by regular mail addressed to the
18 respondent's last known address. The respondent's last known
19 address may be determined from records of the clerk of the
20 court, from the Federal Case Registry of Child Support Orders,
21 or by any other reasonable means.

22 (b) Failure of either parent to comply with an order to pay
23 support shall be punishable as in other cases of contempt. In
24 addition to other penalties provided by law the Court may,
25 after finding the parent guilty of contempt, order that the
26 parent be:

1 (1) placed on probation with such conditions of
2 probation as the Court deems advisable;

3 (2) sentenced to periodic imprisonment for a period not
4 to exceed 6 months; provided, however, that the Court may
5 permit the parent to be released for periods of time during
6 the day or night to:

7 (A) work; or

8 (B) conduct a business or other self-employed
9 occupation.

10 The Court may further order any part or all of the earnings
11 of a parent during a sentence of periodic imprisonment paid to
12 the Clerk of the Circuit Court or to the parent having custody
13 or to the guardian having custody of the children of the
14 sentenced parent for the support of said children until further
15 order of the Court.

16 If there is a unity of interest and ownership sufficient to
17 render no financial separation between a non-custodial parent
18 and another person or persons or business entity, the court may
19 pierce the ownership veil of the person, persons, or business
20 entity to discover assets of the non-custodial parent held in
21 the name of that person, those persons, or that business
22 entity. The following circumstances are sufficient to
23 authorize a court to order discovery of the assets of a person,
24 persons, or business entity and to compel the application of
25 any discovered assets toward payment on the judgment for
26 support:

1 (1) the non-custodial parent and the person, persons,
2 or business entity maintain records together.

3 (2) the non-custodial parent and the person, persons,
4 or business entity fail to maintain an arms length
5 relationship between themselves with regard to any assets.

6 (3) the non-custodial parent transfers assets to the
7 person, persons, or business entity with the intent to
8 perpetrate a fraud on the custodial parent.

9 With respect to assets which are real property, no order
10 entered under this paragraph shall affect the rights of bona
11 fide purchasers, mortgagees, judgment creditors, or other lien
12 holders who acquire their interests in the property prior to
13 the time a notice of lis pendens pursuant to the Code of Civil
14 Procedure or a copy of the order is placed of record in the
15 office of the recorder of deeds for the county in which the
16 real property is located.

17 The court may also order in cases where the parent is 90
18 days or more delinquent in payment of support or has been
19 adjudicated in arrears in an amount equal to 90 days obligation
20 or more, that the parent's Illinois driving privileges be
21 suspended until the court determines that the parent is in
22 compliance with the order of support. The court may also order
23 that the parent be issued a family financial responsibility
24 driving permit that would allow limited driving privileges for
25 employment and medical purposes in accordance with Section
26 7-702.1 of the Illinois Vehicle Code. The clerk of the circuit

1 court shall certify the order suspending the driving privileges
2 of the parent or granting the issuance of a family financial
3 responsibility driving permit to the Secretary of State on
4 forms prescribed by the Secretary. Upon receipt of the
5 authenticated documents, the Secretary of State shall suspend
6 the parent's driving privileges until further order of the
7 court and shall, if ordered by the court, subject to the
8 provisions of Section 7-702.1 of the Illinois Vehicle Code,
9 issue a family financial responsibility driving permit to the
10 parent.

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

23 A support obligation, or any portion of a support
24 obligation, which becomes due and remains unpaid as of the end
25 of each month, excluding the child support that was due for
26 that month to the extent that it was not paid in that month,

1 shall accrue simple interest as set forth in Section 12-109 of
2 the Code of Civil Procedure. An order for support entered or
3 modified on or after January 1, 2006 shall contain a statement
4 that a support obligation required under the order, or any
5 portion of a support obligation required under the order, that
6 becomes due and remains unpaid as of the end of each month,
7 excluding the child support that was due for that month to the
8 extent that it was not paid in that month, shall accrue simple
9 interest as set forth in Section 12-109 of the Code of Civil
10 Procedure. Failure to include the statement in the order for
11 support does not affect the validity of the order or the
12 accrual of interest as provided in this Section.

13 (c) A one-time charge of 20% is imposable upon the amount
14 of past-due child support owed on July 1, 1988 which has
15 accrued under a support order entered by the court. The charge
16 shall be imposed in accordance with the provisions of Section
17 10-21 of the Illinois Public Aid Code and shall be enforced by
18 the court upon petition.

19 (d) Any new or existing support order entered by the court
20 under this Section shall be deemed to be a series of judgments
21 against the person obligated to pay support thereunder, each
22 such judgment to be in the amount of each payment or
23 installment of support and each such judgment to be deemed
24 entered as of the date the corresponding payment or installment
25 becomes due under the terms of the support order. Each such
26 judgment shall have the full force, effect and attributes of

1 any other judgment of this State, including the ability to be
2 enforced. A lien arises by operation of law against the real
3 and personal property of the noncustodial parent for each
4 installment of overdue support owed by the noncustodial parent.

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

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

1 location of the non-custodial parent, service of process or
2 provision of notice necessary in the case may be made at the
3 last known address of the non-custodial parent in any manner
4 expressly provided by the Code of Civil Procedure or this Act,
5 which service shall be sufficient for purposes of due process.

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

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

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

22 (h) An order entered under this Section shall include a
23 provision requiring the obligor to report to the obligee and to
24 the clerk of court within 10 days each time the obligor obtains
25 new employment, and each time the obligor's employment is
26 terminated for any reason. The report shall be in writing and

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

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

20 (Source: P.A. 95-331, eff. 8-21-07; 96-1134, eff. 7-21-10.)

21 (750 ILCS 5/510) (from Ch. 40, par. 510)

22 Sec. 510. Modification and termination of provisions for
23 maintenance, support, educational expenses, and property
24 disposition.

25 (a) Except as otherwise provided in paragraph (f) of

1 Section 502 and in subsection (b), clause (3) of Section 505.2,
2 the provisions of any judgment respecting maintenance or
3 support may be modified only as to installments accruing
4 subsequent to due notice by the moving party of the filing of
5 the motion for modification. An order for child support may be
6 modified as follows:

7 (1) upon a showing of a substantial change in
8 circumstances; and

9 (2) without the necessity of showing a substantial
10 change in circumstances, as follows:

11 (A) upon a showing of an inconsistency of at least
12 20%, but no less than \$10 per month, between the amount
13 of the existing order and the amount of child support
14 that results from application of the guidelines
15 specified in Section 505 of this Act unless the
16 inconsistency is due to the fact that the amount of the
17 existing order resulted from a deviation from the
18 guideline amount and there has not been a change in the
19 circumstances that resulted in that deviation; or

20 (B) Upon a showing of a need to provide for the
21 health care needs of the child under the order through
22 health insurance or other means. In no event shall the
23 eligibility for or receipt of medical assistance be
24 considered to meet the need to provide for the child's
25 health care needs.

26 The provisions of subparagraph (a) (2) (A) shall apply only

1 in cases in which a party is receiving child support
2 enforcement services from the Department of Healthcare and
3 Family Services under Article X of the Illinois Public Aid
4 Code, and only when at least 36 months have elapsed since the
5 order for child support was entered or last modified.

6 (a-5) An order for maintenance may be modified or
7 terminated only upon a showing of a substantial change in
8 circumstances. In all such proceedings, as well as in
9 proceedings in which maintenance is being reviewed, the court
10 shall consider the applicable factors set forth in subsection
11 (a) of Section 504 and the following factors:

12 (1) any change in the employment status of either party
13 and whether the change has been made in good faith;

14 (2) the efforts, if any, made by the party receiving
15 maintenance to become self-supporting, and the
16 reasonableness of the efforts where they are appropriate;

17 (3) any impairment of the present and future earning
18 capacity of either party;

19 (4) the tax consequences of the maintenance payments
20 upon the respective economic circumstances of the parties;

21 (5) the duration of the maintenance payments
22 previously paid (and remaining to be paid) relative to the
23 length of the marriage;

24 (6) the property, including retirement benefits,
25 awarded to each party under the judgment of dissolution of
26 marriage, judgment of legal separation, or judgment of

1 declaration of invalidity of marriage and the present
2 status of the property;

3 (7) the increase or decrease in each party's income
4 since the prior judgment or order from which a review,
5 modification, or termination is being sought;

6 (8) the property acquired and currently owned by each
7 party after the entry of the judgment of dissolution of
8 marriage, judgment of legal separation, or judgment of
9 declaration of invalidity of marriage; and

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

12 (b) The provisions as to property disposition may not be
13 revoked or modified, unless the court finds the existence of
14 conditions that justify the reopening of a judgment under the
15 laws of this State.

16 (c) Unless otherwise agreed by the parties in a written
17 agreement set forth in the judgment or otherwise approved by
18 the court, the obligation to pay future maintenance is
19 terminated upon the death of either party, or the remarriage of
20 the party receiving maintenance, or if the party receiving
21 maintenance cohabits with another person on a resident,
22 continuing conjugal basis. Any obligation of a payor party for
23 premium payments respecting insurance on such party's life
24 imposed under subsection (f) of Section 504 is also terminated
25 on the occurrence of any of the foregoing events, unless
26 otherwise agreed by the parties. Any termination of an

1 obligation for maintenance as a result of the death of the
2 payor party, however, shall be inapplicable to any right of the
3 other party or such other party's designee to receive a death
4 benefit under such insurance on the payor party's life.

5 (d) Unless otherwise provided in this Act, or as agreed in
6 writing or expressly provided in the judgment, provisions for
7 the support of a child are terminated by emancipation of the
8 child, or if the child has attained the age of 18 and is still
9 attending high school, provisions for the support of the child
10 are terminated upon the date that the child graduates from high
11 school or the date the child attains the age of 19, whichever
12 is earlier, but not by the death of a parent obligated to
13 support or educate the child. An existing obligation to pay for
14 support or educational expenses, or both, is not terminated by
15 the death of a parent. When a parent obligated to pay support
16 or educational expenses, or both, dies, the amount of support
17 or educational expenses, or both, may be enforced, modified,
18 revoked or commuted to a lump sum payment, as equity may
19 require, and that determination may be provided for at the time
20 of the dissolution of the marriage or thereafter.

21 (e) The right to petition for support or educational
22 expenses, or both, under Sections 505 and 513 is not
23 extinguished by the death of a parent. Upon a petition filed
24 before or after a parent's death, the court may award sums of
25 money out of the decedent's estate for the child's support or
26 educational expenses, or both, as equity may require. The time

1 within which a claim may be filed against the estate of a
2 decedent under Sections 505 and 513 and subsection (d) and this
3 subsection shall be governed by the provisions of the Probate
4 Act of 1975, as a barrable, noncontingent claim.

5 (f) A petition to modify or terminate child support,
6 custody, or visitation shall not delay any child support
7 enforcement litigation or supplementary proceeding on behalf
8 of the obligee, including, but not limited to, a petition for a
9 rule to show cause, for non-wage garnishment, or for a
10 restraining order.

11 (Source: P.A. 95-331, eff. 8-21-07.)