



Sen. John G. Mulroe

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1 AMENDMENT TO HOUSE BILL 1452

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1452 by replacing  
3 everything after the enacting clause with the following:

4 "ARTICLE 1. HEART BALM ACTIONS

5 Section 1-1. Findings. The majority of states have  
6 abolished heart balm actions. In Illinois, heart balm actions  
7 for alienation of affections, breach of promise to marry, and  
8 criminal conversation were permitted under the common law  
9 before the abolition of those causes of action by "An Act in  
10 relation to certain causes of action conducive to extortion and  
11 blackmail, and to declare illegal, contracts and Acts made and  
12 done in pursuance thereof", filed May 4, 1935, Laws 1935, p.  
13 716. The Illinois Supreme Court held, in Heck v. Schupp, 394  
14 Ill. 296 (1946), that the 1935 Act was unconstitutional and  
15 that the abolition of heart balm actions would infringe upon  
16 the rights of parties to remedies under Section 19 of Article

1 II of the 1870 Constitution. (Section 12 of Article I of the  
2 1970 Constitution is similar to the relevant portion of Section  
3 19 of Article II of the 1870 Constitution.) Since 1947, heart  
4 balm actions have been permitted with limited damages under the  
5 Alienation of Affections Act, the Breach of Promise Act, and  
6 the Criminal Conversation Act.

7 Society has since recognized that the amicable settlement  
8 of domestic relations disputes is beneficial. In 1977, the  
9 Illinois Marriage and Dissolution of Marriage Act became the  
10 law of this State. As stated in Section 102 of that Act, among  
11 its underlying purposes are: promoting the amicable settlement  
12 of disputes that have arisen between parties to a marriage;  
13 mitigating the potential harm to the spouses and their children  
14 caused by the process of legal dissolution of marriage; and  
15 eliminating the consideration of marital misconduct in the  
16 adjudication of rights and duties incident to the legal  
17 dissolution of marriage, legal separation and declaration of  
18 invalidity of marriage. Heart balm actions are inconsistent  
19 with these purposes.

20 Society has also realized that women and men should have  
21 equal rights under the law. Heart balm actions are rooted in  
22 the now-discredited notion that men and women are unequal.

23 Although the Alienation of Affections Act, the Breach of  
24 Promise Act, and the Criminal Conversation Act represent  
25 attempts to ameliorate some of the more odious consequences of  
26 heart balm actions, the General Assembly finds that actions for

1 alienation of affections, breach of promise to marry, and  
2 criminal conversation are contrary to the public policy of this  
3 State and those causes of action should be abolished.

4 Section 1-5. The Code of Civil Procedure is amended by  
5 changing Section 13-202 as follows:

6 (735 ILCS 5/13-202) (from Ch. 110, par. 13-202)

7 Sec. 13-202. Personal injury - Penalty. Actions for damages  
8 for an injury to the person, or for false imprisonment, or  
9 malicious prosecution, or for a statutory penalty, or for  
10 abduction, or for seduction, or for criminal conversation that  
11 may proceed pursuant to subsection (a) of Section 7.1 of the  
12 Criminal Conversation Abolition Act, except damages resulting  
13 from first degree murder or the commission of a Class X felony  
14 and the perpetrator thereof is convicted of such crime, shall  
15 be commenced within 2 years next after the cause of action  
16 accrued but such an action against a defendant arising from a  
17 crime committed by the defendant in whose name an escrow  
18 account was established under the "Criminal Victims' Escrow  
19 Account Act" shall be commenced within 2 years after the  
20 establishment of such account. If the compelling of a  
21 confession or information by imminent bodily harm or threat of  
22 imminent bodily harm results in whole or in part in a criminal  
23 prosecution of the plaintiff, the 2-year period set out in this  
24 Section shall be tolled during the time in which the plaintiff

1 is incarcerated, or until criminal prosecution has been finally  
2 adjudicated in favor of the above referred plaintiff, whichever  
3 is later. However, this provision relating to the compelling of  
4 a confession or information shall not apply to units of local  
5 government subject to the Local Governmental and Governmental  
6 Employees Tort Immunity Act.

7 (Source: P.A. 94-1113, eff. 1-1-08.)

8 Section 1-10. The Alienation of Affections Act is amended  
9 by changing the title of the Act and Section 0.01 and by adding  
10 Section 7.1 as follows:

11 (740 ILCS 5/Act title)

12 An Act relating to ~~the damages recoverable in~~ actions for  
13 alienation of affections.

14 (740 ILCS 5/0.01) (from Ch. 40, par. 1900)

15 Sec. 0.01. Short title. This Act may be cited as the  
16 Alienation of Affections Abolition Act.

17 (Source: P.A. 86-1324.)

18 (740 ILCS 5/7.1 new)

19 Sec. 7.1. Abolition; effect of repeal.

20 (a) This amendatory Act of the 98th General Assembly does  
21 not apply to any cause of action that accrued under Sections 1  
22 through 7 of this Act before their repeal, and a timely action

1 brought under those Sections shall be decided in accordance  
2 with those Sections as they existed when the cause of action  
3 accrued.

4 (b) An action may not be brought for alienation of  
5 affections based on facts occurring on or after the effective  
6 date of this amendatory Act of the 98th General Assembly.

7 (740 ILCS 5/1 rep.)

8 (740 ILCS 5/2 rep.)

9 (740 ILCS 5/3 rep.)

10 (740 ILCS 5/4 rep.)

11 (740 ILCS 5/5 rep.)

12 (740 ILCS 5/6 rep.)

13 (740 ILCS 5/7 rep.)

14 Section 1-15. The Alienation of Affections Act is amended  
15 by repealing Sections 1, 2, 3, 4, 5, 6, and 7.

16 Section 1-20. The Breach of Promise Act is amended by  
17 changing Section 0.01 and by adding Section 10.1 as follows:

18 (740 ILCS 15/0.01) (from Ch. 40, par. 1800)

19 Sec. 0.01. Short title. This Act may be cited as the Breach  
20 of Promise Abolition Act.

21 (Source: P.A. 86-1324.)

22 (740 ILCS 15/10.1 new)

1       Sec. 10.1. Abolition; effect of repeal.

2       (a) This amendatory Act of the 98th General Assembly does  
3 not apply to any cause of action that accrued under Sections 1  
4 through 10 of this Act before their repeal, and a timely action  
5 brought under those Sections shall be decided in accordance  
6 with those Sections as they existed when the cause of action  
7 accrued.

8       (b) An action may not be brought for breach of promise or  
9 agreement to marry based on facts occurring on or after the  
10 effective date of this amendatory Act of the 98th General  
11 Assembly.

12       (740 ILCS 15/1 rep.)

13       (740 ILCS 15/2 rep.)

14       (740 ILCS 15/3 rep.)

15       (740 ILCS 15/4 rep.)

16       (740 ILCS 15/5 rep.)

17       (740 ILCS 15/6 rep.)

18       (740 ILCS 15/7 rep.)

19       (740 ILCS 15/8 rep.)

20       (740 ILCS 15/9 rep.)

21       (740 ILCS 15/10 rep.)

22       Section 1-25. The Breach of Promise Act is amended by  
23 repealing Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10.

24       Section 1-30. The Criminal Conversation Act is amended by

1 changing the title of the Act and Section 0.01 and by adding  
2 Section 7.1 as follows:

3 (740 ILCS 50/Act title)

4 An Act relating to ~~the damages recoverable in~~ actions for  
5 criminal conversation.

6 (740 ILCS 50/0.01) (from Ch. 40, par. 1950)

7 Sec. 0.01. Short title. This Act may be cited as the  
8 Criminal Conversation Abolition Act.

9 (Source: P.A. 86-1324.)

10 (740 ILCS 50/7.1 new)

11 Sec. 7.1. Abolition; effect of repeal.

12 (a) This amendatory Act of the 98th General Assembly does  
13 not apply to any cause of action that accrued under Sections 1  
14 through 7 of this Act before their repeal, and a timely action  
15 brought under those Sections shall be decided in accordance  
16 with those Sections as they existed when the cause of action  
17 accrued.

18 (b) An action may not be brought for criminal conversation  
19 based on facts occurring on or after the effective date of this  
20 amendatory Act of the 98th General Assembly.

21 (740 ILCS 50/1 rep.)

22 (740 ILCS 50/2 rep.)

1 (740 ILCS 50/3 rep.)

2 (740 ILCS 50/4 rep.)

3 (740 ILCS 50/5 rep.)

4 (740 ILCS 50/6 rep.)

5 (740 ILCS 50/7 rep.)

6 Section 1-35. The Criminal Conversation Act is amended by  
7 repealing Sections 1, 2, 3, 4, 5, 6, and 7.

8 ARTICLE 5. OTHER AMENDATORY PROVISIONS

9 Section 5-5. The Intergovernmental Missing Child Recovery  
10 Act of 1984 is amended by changing Section 7.1 as follows:

11 (325 ILCS 40/7.1) (from Ch. 23, par. 2257.1)

12 Sec. 7.1. In addition to any requirement of Section 601.2  
13 ~~601 or 611~~ of the Illinois Marriage and Dissolution of Marriage  
14 Act or applicable provisions of the Uniform Child-Custody  
15 Jurisdiction and Enforcement Act regarding a parental  
16 responsibility allocation ~~custody~~ proceeding of an  
17 out-of-state party, every court in this State, prior to  
18 granting or modifying a parental responsibility allocation  
19 ~~custody~~ judgment, shall inquire with LEADS and the National  
20 Crime Information Center to ascertain whether the child or  
21 children in question have been reported missing or have been  
22 involved in or are the victims of a parental or noncustodial  
23 abduction. Such inquiry may be conducted with any law



1 enforcement agency in this State that maintains a LEADS  
2 terminal or has immediate access to one on a 24-hour-per-day,  
3 7-day-per-week basis through a written agreement with another  
4 law enforcement agency.

5 (Source: P.A. 93-108, eff. 1-1-04.)

6 Section 5-10. The Code of Criminal Procedure of 1963 is  
7 amended by changing Section 112A-23 as follows:

8 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

9 Sec. 112A-23. Enforcement of orders of protection.

10 (a) When violation is crime. A violation of any order of  
11 protection, whether issued in a civil, quasi-criminal  
12 proceeding, shall be enforced by a criminal court when:

13 (1) The respondent commits the crime of violation of an  
14 order of protection pursuant to Section 12-3.4 or 12-30 of  
15 the Criminal Code of 1961 or the Criminal Code of 2012, by  
16 having knowingly violated:

17 (i) remedies described in paragraphs (1), (2),  
18 (3), (14), or (14.5) of subsection (b) of Section  
19 112A-14,

20 (ii) a remedy, which is substantially similar to  
21 the remedies authorized under paragraphs (1), (2),  
22 (3), (14) or (14.5) of subsection (b) of Section 214 of  
23 the Illinois Domestic Violence Act of 1986, in a valid  
24 order of protection, which is authorized under the laws

1 of another state, tribe or United States territory,

2 (iii) or any other remedy when the act constitutes  
3 a crime against the protected parties as defined by the  
4 Criminal Code of 1961 or the Criminal Code of 2012.

5 Prosecution for a violation of an order of protection  
6 shall not bar concurrent prosecution for any other crime,  
7 including any crime that may have been committed at the  
8 time of the violation of the order of protection; or

9 (2) The respondent commits the crime of child abduction  
10 pursuant to Section 10-5 of the Criminal Code of 1961 or  
11 the Criminal Code of 2012, by having knowingly violated:

12 (i) remedies described in paragraphs (5), (6) or  
13 (8) of subsection (b) of Section 112A-14, or

14 (ii) a remedy, which is substantially similar to  
15 the remedies authorized under paragraphs (1), (5),  
16 (6), or (8) of subsection (b) of Section 214 of the  
17 Illinois Domestic Violence Act of 1986, in a valid  
18 order of protection, which is authorized under the laws  
19 of another state, tribe or United States territory.

20 (b) When violation is contempt of court. A violation of any  
21 valid order of protection, whether issued in a civil or  
22 criminal proceeding, may be enforced through civil or criminal  
23 contempt procedures, as appropriate, by any court with  
24 jurisdiction, regardless where the act or acts which violated  
25 the order of protection were committed, to the extent  
26 consistent with the venue provisions of this Article. Nothing

1 in this Article shall preclude any Illinois court from  
2 enforcing any valid order of protection issued in another  
3 state. Illinois courts may enforce orders of protection through  
4 both criminal prosecution and contempt proceedings, unless the  
5 action which is second in time is barred by collateral estoppel  
6 or the constitutional prohibition against double jeopardy.

7 (1) In a contempt proceeding where the petition for a  
8 rule to show cause sets forth facts evidencing an immediate  
9 danger that the respondent will flee the jurisdiction,  
10 conceal a child, or inflict physical abuse on the  
11 petitioner or minor children or on dependent adults in  
12 petitioner's care, the court may order the attachment of  
13 the respondent without prior service of the rule to show  
14 cause or the petition for a rule to show cause. Bond shall  
15 be set unless specifically denied in writing.

16 (2) A petition for a rule to show cause for violation  
17 of an order of protection shall be treated as an expedited  
18 proceeding.

19 (c) Violation of custody, allocation of parental  
20 responsibility, or support orders. A violation of remedies  
21 described in paragraphs (5), (6), (8), or (9) of subsection (b)  
22 of Section 112A-14 may be enforced by any remedy provided by  
23 Section 607.5 ~~611~~ of the Illinois Marriage and Dissolution of  
24 Marriage Act. The court may enforce any order for support  
25 issued under paragraph (12) of subsection (b) of Section  
26 112A-14 in the manner provided for under Parts V and VII of the

1 Illinois Marriage and Dissolution of Marriage Act.

2 (d) Actual knowledge. An order of protection may be  
3 enforced pursuant to this Section if the respondent violates  
4 the order after respondent has actual knowledge of its contents  
5 as shown through one of the following means:

6 (1) By service, delivery, or notice under Section  
7 112A-10.

8 (2) By notice under Section 112A-11.

9 (3) By service of an order of protection under Section  
10 112A-22.

11 (4) By other means demonstrating actual knowledge of  
12 the contents of the order.

13 (e) The enforcement of an order of protection in civil or  
14 criminal court shall not be affected by either of the  
15 following:

16 (1) The existence of a separate, correlative order  
17 entered under Section 112A-15.

18 (2) Any finding or order entered in a conjoined  
19 criminal proceeding.

20 (f) Circumstances. The court, when determining whether or  
21 not a violation of an order of protection has occurred, shall  
22 not require physical manifestations of abuse on the person of  
23 the victim.

24 (g) Penalties.

25 (1) Except as provided in paragraph (3) of this  
26 subsection, where the court finds the commission of a crime

1 or contempt of court under subsections (a) or (b) of this  
2 Section, the penalty shall be the penalty that generally  
3 applies in such criminal or contempt proceedings, and may  
4 include one or more of the following: incarceration,  
5 payment of restitution, a fine, payment of attorneys' fees  
6 and costs, or community service.

7 (2) The court shall hear and take into account evidence  
8 of any factors in aggravation or mitigation before deciding  
9 an appropriate penalty under paragraph (1) of this  
10 subsection.

11 (3) To the extent permitted by law, the court is  
12 encouraged to:

13 (i) increase the penalty for the knowing violation  
14 of any order of protection over any penalty previously  
15 imposed by any court for respondent's violation of any  
16 order of protection or penal statute involving  
17 petitioner as victim and respondent as defendant;

18 (ii) impose a minimum penalty of 24 hours  
19 imprisonment for respondent's first violation of any  
20 order of protection; and

21 (iii) impose a minimum penalty of 48 hours  
22 imprisonment for respondent's second or subsequent  
23 violation of an order of protection

24 unless the court explicitly finds that an increased penalty  
25 or that period of imprisonment would be manifestly unjust.

26 (4) In addition to any other penalties imposed for a

1 violation of an order of protection, a criminal court may  
2 consider evidence of any violations of an order of  
3 protection:

4 (i) to increase, revoke or modify the bail bond on  
5 an underlying criminal charge pursuant to Section  
6 110-6;

7 (ii) to revoke or modify an order of probation,  
8 conditional discharge or supervision, pursuant to  
9 Section 5-6-4 of the Unified Code of Corrections;

10 (iii) to revoke or modify a sentence of periodic  
11 imprisonment, pursuant to Section 5-7-2 of the Unified  
12 Code of Corrections.

13 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

14 Section 5-15. The Illinois Marriage and Dissolution of  
15 Marriage Act is amended by changing Sections 102, 104, 105,  
16 107, 209, 219, 401, 402, 403, 404, 405, 409, 411, 413, 452,  
17 453, 501, 501.1, 502, 503, 504, 505, 505.1, 508, 510, 512, 513,  
18 602.3 and the heading of Part VI and by adding Sections 513.5,  
19 600, 601.2, 602.5, 602.7, 602.8, 602.9, 602.10, 603.5, 603.10,  
20 604.10, 606.5, 606.10, 607.5, 609.2, 610.5, and 612 as follows:

21 (750 ILCS 5/102) (from Ch. 40, par. 102)

22 Sec. 102. Purposes; Rules of Construction. This Act shall  
23 be liberally construed and applied to promote its underlying  
24 purposes, which are to:

1 (1) provide adequate procedures for the solemnization and  
2 registration of marriage;

3 (2) strengthen and preserve the integrity of marriage and  
4 safeguard family relationships;

5 (3) promote the amicable settlement of disputes that have  
6 arisen between parties to a marriage;

7 (4) mitigate the potential harm to ~~the~~ spouses and their  
8 children caused by the process of an action brought under this  
9 Act, and protect children from exposure to conflict and  
10 violence ~~legal dissolution of marriage~~;

11 (5) ensure predictable decision-making for the care of  
12 children and for the allocation of parenting time and other  
13 parental responsibilities, and avoid prolonged uncertainty by  
14 expeditiously resolving issues involving children;

15 (6) recognize the right of children to a healthy  
16 relationship with parents, and the responsibility of parents to  
17 ensure such a relationship;

18 (7) acknowledge that the determination of children's best  
19 interests, and the allocation of parenting time and significant  
20 decision-making responsibilities, are among the paramount  
21 responsibilities of our system of justice, and to that end:

22 (A) recognize children's right to a strong and healthy  
23 relationship with parents, and parents' concomitant right  
24 and responsibility to create and maintain such  
25 relationships;

26 (B) recognize that, in the absence of domestic violence

1       or any other factor that the court expressly finds to be  
2       relevant, proximity to, and frequent contact with, both  
3       parents promotes healthy development of children;

4       (C) facilitate parental planning and agreement about  
5       the children's upbringing and allocation of parenting time  
6       and other parental responsibilities;

7       (D) continue existing parent-child relationships, and  
8       secure the maximum involvement and cooperation of parents  
9       regarding the physical, mental, moral, and emotional  
10       well-being of the children during and after the litigation;  
11       and

12       (E) promote or order parents to participate in programs  
13       designed to educate parents to:

14               (i) minimize or eliminate rancor and the  
15               detrimental effect of litigation in any proceeding  
16               involving children; and

17               (ii) facilitate the maximum cooperation of parents  
18               in raising their children;

19       (8) ~~(5)~~ make reasonable provision for support spouses and  
20       ~~minor children~~ during and after an underlying dissolution of  
21       marriage, legal separation, parentage, or parental  
22       responsibility allocation action litigation, including  
23       provision for timely advances ~~awards~~ of interim fees and costs  
24       to all attorneys, experts, and opinion witnesses including  
25       guardians ad litem and children's representatives, to achieve  
26       substantial parity in parties' access to funds for pre-judgment



1 litigation costs in an action for dissolution of marriage;

2 (9) ~~(6)~~ eliminate the consideration of marital misconduct  
3 in the adjudication of rights and duties incident to ~~the legal~~  
4 dissolution of marriage, legal separation and declaration of  
5 invalidity of marriage; and

6 ~~(7) secure the maximum involvement and cooperation of both~~  
7 ~~parents regarding the physical, mental, moral and emotional~~  
8 ~~well being of the children during and after the litigation; and~~

9 (10) ~~(8)~~ make provision for the preservation and  
10 conservation of marital assets during the litigation.

11 (Source: P.A. 89-712, eff. 6-1-97.)

12 (750 ILCS 5/104) (from Ch. 40, par. 104)

13 Sec. 104. Venue.† The proceedings shall be had in the  
14 county where the plaintiff or defendant resides, except as  
15 otherwise provided herein, but process may be directed to any  
16 county in the State. Objection to venue is barred if not made  
17 within such time as the defendant's response is due. In no  
18 event shall venue be deemed jurisdictional.

19 In any case brought pursuant to this Act where neither the  
20 petitioner nor respondent resides in the county in which the  
21 initial pleading is filed, the petitioner shall file with the  
22 initial pleading a written motion, which shall be set for  
23 hearing and ruled upon before any other issue is taken up,  
24 advising that the forum selected is not one of proper venue and  
25 seeking an appropriate order from the court allowing a waiver

1 of the venue requirements of this Section.

2 (Source: P.A. 82-716.)

3 (750 ILCS 5/105) (from Ch. 40, par. 105)

4 Sec. 105. Application of Civil Practice Law.† (a) The  
5 provisions of the Civil Practice Law shall apply to all  
6 proceedings under this Act, except as otherwise provided in  
7 this Act.

8 (b) A proceeding for dissolution of marriage, legal  
9 separation or declaration of invalidity of marriage shall be  
10 entitled "In re the Marriage of ... and ...". A parental  
11 responsibility allocation ~~custody~~ or support proceeding shall  
12 be entitled "In re the (Parental Responsibility ~~Custody~~)  
13 (Support) of ...".

14 (c) The initial pleading in all proceedings under this Act  
15 shall be denominated a petition. A responsive pleading shall be  
16 denominated a response. If new matter by way of defense is  
17 pleaded in the response, a reply may be filed by the  
18 petitioner, but the failure to reply is not an admission of the  
19 legal sufficiency of the new matter. All other pleadings under  
20 this Act shall be denominated as provided in the Civil Practice  
21 Law.

22 (d) As used in this Section, "pleadings" includes any  
23 petition or motion filed in the dissolution of marriage case  
24 which, if independently filed, would constitute a separate  
25 cause of action, including, but not limited to, actions for

1 declaratory judgment, injunctive relief, and orders of  
2 protection. Actions under this subsection are subject to  
3 motions filed pursuant to Sections 2-615 and 2-619 of the Code  
4 of Civil Procedure.

5 (Source: P.A. 82-783.)

6 (750 ILCS 5/107) (from Ch. 40, par. 107)

7 Sec. 107. Order of protection; status. Whenever relief is  
8 sought under Part V, Part VI or Part VII of this Act, the court  
9 should inquire and parties shall advise the court,~~before~~  
10 ~~granting relief, shall determine~~ whether any order of  
11 protection has previously been entered in the instant  
12 proceeding or any other proceeding in which any party, or a  
13 child of any party, or both, if relevant, has been designated  
14 as either a petitioner, respondent, or a protected person.

15 (Source: P.A. 87-743.)

16 (750 ILCS 5/209) (from Ch. 40, par. 209)

17 (Text of Section after amendment by P.A. 98-597)

18 Sec. 209. Solemnization and Registration.†

19 (a) A marriage may be solemnized by a judge of a court of  
20 record, by a retired judge of a court of record, unless the  
21 retired judge was removed from office by the Judicial Inquiry  
22 Board, except that a retired judge shall not receive any  
23 compensation from the State, a county or any unit of local  
24 government in return for the solemnization of a marriage and

1 there shall be no effect upon any pension benefits conferred by  
2 the Judges Retirement System of Illinois, by a judge of the  
3 Court of Claims, by a county clerk in counties having 2,000,000  
4 or more inhabitants, by a public official whose powers include  
5 solemnization of marriages, or in accordance with the  
6 prescriptions of any religious denomination, Indian Nation or  
7 Tribe or Native Group, provided that when such prescriptions  
8 require an officiant, the officiant be in good standing with  
9 his or her religious denomination, Indian Nation or Tribe or  
10 Native Group. Either the person solemnizing the marriage, or,  
11 if no individual acting alone solemnized the marriage, both  
12 parties to the marriage, shall complete the marriage  
13 certificate form and forward it to the county clerk within 10  
14 days after such marriage is solemnized.

15 (a-5) Nothing in this Act shall be construed to require any  
16 religious denomination or Indian Nation or Tribe or Native  
17 Group, or any minister, clergy, or officiant acting as a  
18 representative of a religious denomination or Indian Nation or  
19 Tribe or Native Group, to solemnize any marriage. Instead, any  
20 religious denomination or Indian Nation or Tribe or Native  
21 Group, or any minister, clergy, or officiant acting as a  
22 representative of a religious denomination or Indian Nation or  
23 Tribe or Native Group is free to choose which marriages it will  
24 solemnize. Notwithstanding any other law to the contrary, a  
25 refusal by a religious denomination or Indian Nation or Tribe  
26 or Native Group, or any minister, clergy, or officiant acting

1 as a representative of a religious denomination or Indian  
2 Nation or Tribe or Native Group to solemnize any marriage under  
3 this Act shall not create or be the basis for any civil,  
4 administrative, or criminal penalty, claim, or cause of action.

5 (a-10) No church, mosque, synagogue, temple,  
6 nondenominational ministry, interdenominational or ecumenical  
7 organization, mission organization, or other organization  
8 whose principal purpose is the study, practice, or advancement  
9 of religion is required to provide religious facilities for the  
10 solemnization ceremony or celebration associated with the  
11 solemnization ceremony of a marriage if the solemnization  
12 ceremony or celebration associated with the solemnization  
13 ceremony is in violation of its religious beliefs. An entity  
14 identified in this subsection (a-10) shall be immune from any  
15 civil, administrative, criminal penalty, claim, or cause of  
16 action based on its refusal to provide religious facilities for  
17 the solemnization ceremony or celebration associated with the  
18 solemnization ceremony of a marriage if the solemnization  
19 ceremony or celebration associated with the solemnization  
20 ceremony is in violation of its religious beliefs. As used in  
21 this subsection (a-10), "religious facilities" means  
22 sanctuaries, parish halls, fellowship halls, and similar  
23 facilities. "Religious facilities" does not include facilities  
24 such as businesses, health care facilities, educational  
25 facilities, or social service agencies.

26 (b) The solemnization of the marriage is not invalidated:

1     (1) by the fact that the person solemnizing the marriage was  
2     not legally qualified to solemnize it, if a reasonable person  
3     would believe the person solemnizing the marriage to be so  
4     qualified; if either party to the marriage believed him or her  
5     ~~to be so qualified~~ or (2) by the fact that the marriage was  
6     inadvertently solemnized in a county in Illinois other than the  
7     county where the license was issued and filed.

8             (c) Any marriage that meets the requirements of this  
9     Section shall be presumed valid.

10     (Source: P.A. 98-597, eff. 6-1-14.)

11             (750 ILCS 5/219) (from Ch. 40, par. 219)

12             Sec. 219. Offenses. ~~+~~ Any official issuing a license with  
13     knowledge that the parties are thus prohibited from marrying  
14     ~~intermarrying~~ and any person authorized to celebrate marriage  
15     who shall knowingly celebrate such a marriage shall be guilty  
16     of a Class B misdemeanor ~~petty offense~~.

17     (Source: P.A. 80-923.)

18             (750 ILCS 5/401) (from Ch. 40, par. 401)

19             Sec. 401. Dissolution of marriage.

20             (a) The court shall enter a judgment of dissolution of  
21     marriage when ~~if~~ at the time the action was commenced one of  
22     the spouses was a resident of this State or was stationed in  
23     this State while a member of the armed services, and the  
24     residence or military presence had been maintained for 90 days

1 next preceding the commencement of the action or the making of  
2 the finding:

3 Irreconcilable differences have caused the irretrievable  
4 breakdown of the marriage and the court determines that efforts  
5 at reconciliation have failed or that future attempts at  
6 reconciliation would be impracticable and not in the best  
7 interests of the family.

8 (a-5) If the parties are separated for 6 consecutive  
9 months, which period may commence prior to or after the filing  
10 of an action for dissolution of marriage under this Act, there  
11 is an irrebuttable presumption that the requirement of  
12 irreconcilable differences has been met.; provided, however,  
13 ~~that a finding of residence of a party in any judgment entered~~  
14 ~~under this Act from January 1, 1982 through June 30, 1982 shall~~  
15 ~~satisfy the former domicile requirements of this Act; and if~~  
16 ~~one of the following grounds for dissolution has been proved:~~

17 ~~(1) That, without cause or provocation by the~~  
18 ~~petitioner: the respondent was at the time of such~~  
19 ~~marriage, and continues to be naturally impotent; the~~  
20 ~~respondent had a wife or husband living at the time of the~~  
21 ~~marriage; the respondent had committed adultery subsequent~~  
22 ~~to the marriage; the respondent has wilfully deserted or~~  
23 ~~absented himself or herself from the petitioner for the~~  
24 ~~space of one year, including any period during which~~  
25 ~~litigation may have pended between the spouses for~~  
26 ~~dissolution of marriage or legal separation; the~~

1 ~~respondent has been guilty of habitual drunkenness for the~~  
2 ~~space of 2 years; the respondent has been guilty of gross~~  
3 ~~and confirmed habits caused by the excessive use of~~  
4 ~~addictive drugs for the space of 2 years, or has attempted~~  
5 ~~the life of the other by poison or other means showing~~  
6 ~~malice, or has been guilty of extreme and repeated physical~~  
7 ~~or mental cruelty, or has been convicted of a felony or~~  
8 ~~other infamous crime; or the respondent has infected the~~  
9 ~~other with a sexually transmitted disease. "Excessive use~~  
10 ~~of addictive drugs", as used in this Section, refers to use~~  
11 ~~of an addictive drug by a person when using the drug~~  
12 ~~becomes a controlling or a dominant purpose of his life; or~~

13 ~~(2) That the spouses have lived separate and apart for~~  
14 ~~a continuous period in excess of 2 years and irreconcilable~~  
15 ~~differences have caused the irretrievable breakdown of the~~  
16 ~~marriage and the court determines that efforts at~~  
17 ~~reconciliation have failed or that future attempts at~~  
18 ~~reconciliation would be impracticable and not in the best~~  
19 ~~interests of the family. If the spouses have lived separate~~  
20 ~~and apart for a continuous period of not less than 6 months~~  
21 ~~next preceding the entry of the judgment dissolving the~~  
22 ~~marriage, as evidenced by testimony or affidavits of the~~  
23 ~~spouses, the requirement of living separate and apart for a~~  
24 ~~continuous period in excess of 2 years may be waived upon~~  
25 ~~written stipulation of both spouses filed with the court.~~  
26 ~~At any time after the parties cease to cohabit, the~~



1 ~~following periods shall be included in the period of~~  
2 ~~separation:~~

3 ~~(A) any period of cohabitation during which the~~  
4 ~~parties attempted in good faith to reconcile and~~  
5 ~~participated in marriage counseling under the guidance~~  
6 ~~of any of the following: a psychiatrist, a clinical~~  
7 ~~psychologist, a clinical social worker, a marriage and~~  
8 ~~family therapist, a person authorized to provide~~  
9 ~~counseling in accordance with the prescriptions of any~~  
10 ~~religious denomination, or a person regularly engaged~~  
11 ~~in providing family or marriage counseling; and~~

12 ~~(B) any period of cohabitation under written~~  
13 ~~agreement of the parties to attempt to reconcile.~~

14 ~~In computing the period during which the spouses have lived~~  
15 ~~separate and apart for purposes of this Section, periods during~~  
16 ~~which the spouses were living separate and apart prior to July~~  
17 ~~1, 1984 are included.~~

18 (b) Judgment shall not be entered unless, to the extent it  
19 has jurisdiction to do so, the court has considered, approved,  
20 reserved or made provision for the allocation of parental  
21 responsibilities ~~child custody~~, the support of any child of the  
22 marriage entitled to support, the maintenance of either spouse  
23 and the disposition of property. The court shall ~~may~~ enter a  
24 judgment for dissolution that reserves any of these issues  
25 either upon (i) agreement of the parties, or (ii) motion of  
26 either party and a finding by the court that appropriate

1 circumstances exist.

2 The death of a party subsequent to entry of a judgment for  
3 dissolution but before judgment on reserved issues shall not  
4 abate the proceedings.

5 If any provision of this Section or its application shall  
6 be adjudged unconstitutional or invalid for any reason by any  
7 court of competent jurisdiction, that judgment shall not  
8 impair, affect or invalidate any other provision or application  
9 of this Section, which shall remain in full force and effect.

10 (Source: P.A. 89-187, eff. 7-19-95.)

11 (750 ILCS 5/402) (from Ch. 40, par. 402)

12 Sec. 402. Legal Separation.→

13 (a) Any person living separate and apart from his or her  
14 spouse ~~without fault~~ may have a remedy for reasonable support  
15 and maintenance while they so live apart.

16 (b) Such action shall be brought in the circuit court of  
17 the county in which the petitioner or respondent resides or in  
18 which the parties last resided together as husband and wife. ~~In~~  
19 ~~the event the respondent cannot be found within the State, the~~  
20 ~~action may be brought in the circuit court of the county in~~  
21 ~~which the petitioner resides.~~ Commencement of the action,  
22 temporary relief and trials shall be the same as in actions for  
23 dissolution of marriage, except that temporary relief in an  
24 action for legal separation shall be limited to the relief set  
25 forth in subdivision (a)(1) and items (ii), (iii), and (iv) of

1 subdivision (a)(2) of Section 501. If the court deems it  
2 appropriate to enter a judgment for legal separation, the court  
3 shall consider the applicable factors in Section 504 in  
4 awarding maintenance. If the court deems it appropriate to  
5 enter a judgment for legal separation, the court may approve a  
6 property settlement agreement that the parties have requested  
7 the court to incorporate into the judgment, subject to the  
8 following provisions:-

9 (1) the court may not value or allocate property in the  
10 absence of such an agreement;

11 (2) the court may disapprove such an agreement only if  
12 it finds that the agreement is unconscionable; and

13 (3) such an agreement is final and non-modifiable.

14 (c) A proceeding or judgment for legal separation shall not  
15 bar either party from instituting an action for dissolution of  
16 marriage, and if the party so moving has met the requirements  
17 of Section 401, a judgment for dissolution shall be granted.  
18 Absent an agreement set forth in a separation agreement that  
19 provides for non-modifiable permanent maintenance, if a party  
20 to a judgment for legal separation files an action for  
21 dissolution of marriage, the issues of temporary and permanent  
22 maintenance shall be decided de novo.

23 (Source: P.A. 82-716.)

24 (750 ILCS 5/403) (from Ch. 40, par. 403)

25 Sec. 403. Pleadings - Commencement - Abolition of Existing

1 Defenses - Procedure.†

2 (a) The complaint or petition for dissolution of marriage  
3 or legal separation shall be verified and shall minimally set  
4 forth:

5 (1) the age, occupation and residence of each party and  
6 his length of residence in this State;

7 (2) the date of the marriage and the place at which it  
8 was registered;

9 (2.5) whether a petition for dissolution of marriage is  
10 pending in any other county or state;

11 (3) that the jurisdictional requirements of subsection  
12 (a) of Section 401 have been met and that irreconcilable  
13 differences have caused the irretrievable breakdown of the  
14 marriage; and that there exist grounds for dissolution of  
15 marriage or legal separation. The petitioner need only  
16 allege the name of the particular grounds relied upon,  
17 which shall constitute a legally sufficient allegation of  
18 the grounds; and the respondent shall be entitled to demand  
19 a bill of particulars prior to trial setting forth the  
20 facts constituting the grounds, if he so chooses. The  
21 petition must also contain:

22 (4) the names, ages and addresses of all living  
23 children of the marriage, and whether the wife is pregnant, and,  
24 if there are children born of the marriage, the wife  
25 shall allege whether she believes the husband is the father  
26 of the children;

1 (5) any arrangements as to support, allocation of  
2 parental responsibility, and parenting time ~~custody and~~  
3 ~~visitation~~ of the children and maintenance of a spouse; and

4 (6) the relief sought.

5 (b) Either or both parties to the marriage may initiate the  
6 proceeding.

7 (c) (Blank). ~~The previously existing defense of~~  
8 ~~recrimination is abolished. The defense of condonation is~~  
9 ~~abolished only as to condonations occurring after a proceeding~~  
10 ~~is filed under this Act and after the court has acquired~~  
11 ~~jurisdiction over the respondent.~~

12 (d) The court may join additional parties necessary and  
13 proper for the exercise of its authority under this Act.

14 (e) Contested trials shall be on a bifurcated basis with  
15 the issue of whether irreconcilable differences have caused the  
16 irretrievable breakdown of the marriage, as described in  
17 Section 401, grounds being tried first, regardless of whether  
18 that issue is contested or uncontested. Upon the court  
19 determining that irreconcilable differences have caused the  
20 irretrievable breakdown of the marriage ~~the grounds exist~~, the  
21 court may allow additional time for the parties to settle  
22 amicably the remaining issues before resuming the trial, or may  
23 proceed immediately to trial on the remaining issues. The court  
24 has the discretion to use the date of the trial or such other  
25 date as agreed upon by the parties, or ordered by the court  
26 within its discretion, for purposes of determining the value of

1 assets or property. In cases where the requirements of Section  
2 401 ~~the grounds~~ are uncontested and proved as in cases of  
3 default, the trial on all other remaining issues shall proceed  
4 immediately, if so ordered by the court or if the parties so  
5 stipulate, ~~issue on the pleadings notwithstanding.~~ Except as  
6 provided in Section 401, the court shall enter a judgment of  
7 dissolution of marriage, including an order dissolving the  
8 marriage, incorporation of a marital settlement agreement if  
9 applicable, and any other appropriate findings or orders, only  
10 at the conclusion of the case and not after hearing only the  
11 testimony as to whether irreconcilable differences have caused  
12 the irretrievable breakdown of the marriage.

13 (f) (Blank). ~~Even if no bill of particulars shall have been~~  
14 ~~filed demanding the specification of the particular facts~~  
15 ~~underlying the allegation of the grounds, the court shall~~  
16 ~~nonetheless require proper and sufficient proof of the~~  
17 ~~existence of the grounds.~~

18 (Source: P.A. 90-174, eff. 10-1-97.)

19 (750 ILCS 5/404) (from Ch. 40, par. 404)

20 Sec. 404. Conciliation, ~~mediation.~~

21 (a) If the court concludes that there is a prospect of  
22 reconciliation, the court, at the request of either party, or  
23 on its own motion, may order a conciliation conference. The  
24 conciliation conference and counseling shall take place at the  
25 established court conciliation service of that judicial

1 district or at any similar service or facility where no court  
2 conciliation service has been established.

3 (b) The facts adduced at any conciliation conference  
4 resulting from a referral hereunder, shall not be considered in  
5 the adjudication of a pending or subsequent action, nor shall  
6 any report resulting from such conference become part of the  
7 record of the case unless the parties have stipulated in  
8 writing to the contrary.

9 The court, upon good cause shown, may prohibit  
10 conciliation,~~mediation~~ or other process that requires the  
11 parties to meet and confer without counsel.

12 (Source: P.A. 87-1255.)

13 (750 ILCS 5/405) (from Ch. 40, par. 405)

14 Sec. 405. Hearing on Default - Notice.✝ If the respondent  
15 is in default, the court shall proceed to hear the cause upon  
16 testimony of petitioner taken in open court, and in no case of  
17 default shall the court grant a dissolution of marriage or  
18 legal separation or declaration of invalidity of marriage,  
19 unless the judge is satisfied that all proper means have been  
20 taken to notify the respondent of the pendency of the suit.  
21 Whenever the judge is satisfied that the interests of the  
22 respondent require it, the court may order such additional  
23 notice as may be required. All of the provisions of the Code of  
24 Civil Procedure relating to default hearings are applicable to  
25 hearings on default.

1 (Source: P.A. 80-923.)

2 (750 ILCS 5/409) (from Ch. 40, par. 409)

3 Sec. 409. Proof of Foreign Marriage.† A marriage which may  
4 have been celebrated or had in any foreign state or country,  
5 may be proved by the acknowledgment of the parties, their  
6 cohabitation, and other evidence. Certified copies of records  
7 of a marriage performed in any foreign state or country  
8 obtained from an embassy or consulate may be admitted as an  
9 exception to the hearsay rule ~~circumstantial testimony.~~

10 (Source: P.A. 80-923.)

11 (750 ILCS 5/411) (from Ch. 40, par. 411)

12 Sec. 411. Commencement of Action.† (a) Actions for  
13 dissolution of marriage or legal separation shall be commenced  
14 as in other civil cases or, at the option of petitioner, by  
15 filing a praecipe for summons with the clerk of the court and  
16 paying the regular filing fees, in which latter case, a  
17 petition shall be filed within 6 months thereafter, or any  
18 extension for good cause shown granted by the court.

19 (b) When a praecipe for summons is filed without the  
20 petition, the summons shall recite that petitioner has  
21 commenced suit for dissolution of marriage or legal separation  
22 and shall require the respondent to file his or her appearance  
23 not later than 30 days from the day the summons is served and  
24 to plead to the petitioner's petition within 30 days from the



1 day the petition is filed.

2           Until a petition has been filed, the court, pursuant to  
3 subsections (c) and (d) herein, may dismiss the suit, order the  
4 filing of a petition, or grant leave to the respondent to file  
5 a petition in the nature of a counter petition.

6           After the filing of the petition, the party filing the same  
7 shall, within 2 days, serve a copy thereof upon the other  
8 party, in the manner provided by rule of the Supreme Court for  
9 service of notices in other civil cases.

10           (c) Unless a respondent voluntarily files an appearance, a  
11 praecipe for summons filed without the petition shall be served  
12 on the respondent not later than 30 days after its issuance,  
13 and upon failure to obtain service upon the respondent within  
14 the 30 day period, or any extension for good cause shown  
15 granted by the court, the court shall dismiss the suit.

16           (d) An action for dissolution of marriage or legal  
17 separation commenced by the filing a praecipe for summons  
18 without the petition ~~may shall~~ be dismissed ~~if unless~~ a  
19 petition for dissolution of marriage or legal separation has  
20 not been filed within 6 months after the commencement of the  
21 action.

22           (e) The filing of a praecipe for summons under this Section  
23 constitutes the commencement of an action that serves as  
24 grounds for involuntary dismissal under subdivision (a)(3) of  
25 Section 2-619 of the Code of Civil Procedure of a subsequently  
26 filed petition for dissolution of marriage or legal separation

1 in another county.

2 (Source: P.A. 86-630.)

3 (750 ILCS 5/413) (from Ch. 40, par. 413)

4 Sec. 413. Judgment.†

5 (a) A judgment of dissolution of marriage or of legal  
6 separation or of declaration of invalidity of marriage shall be  
7 entered within 60 days of the closing of proofs; however, if  
8 the court enters an order specifying good cause as to why the  
9 court needs an additional 30 days, the judgment shall be  
10 entered within 90 days of the closing of proofs, including any  
11 hearing under subsection (j) of Section 503 of this Act and  
12 submission of closing arguments. A judgment of dissolution of  
13 marriage or of legal separation or of declaration of invalidity  
14 of marriage is final when entered, subject to the right of  
15 appeal. An appeal from the judgment of dissolution of marriage  
16 that does not challenge the finding as to grounds does not  
17 delay the finality of that provision of the judgment which  
18 dissolves the marriage, beyond the time for appealing from that  
19 provision, and either of the parties may remarry pending  
20 appeal. An order requiring maintenance or support of a spouse  
21 or a minor child or children entered under this Act or any  
22 other law of this State shall not be suspended or the  
23 enforcement thereof stayed pending the filing and resolution of  
24 post-judgment motions or an appeal.

25 (b) The clerk of the court shall give notice of the entry

1 of a judgment of dissolution of marriage or legal separation or  
2 a declaration of invalidity of marriage:

3 (1) if the marriage is registered in this State, to the  
4 county clerk of the county where the marriage is  
5 registered, who shall enter the fact of dissolution of  
6 marriage or legal separation or declaration of invalidity  
7 of marriage in the marriage registry; and within 45 days  
8 after the close of the month in which the judgment is  
9 entered, the clerk shall forward the certificate to the  
10 Department of Public Health on a form furnished by the  
11 Department; or

12 (2) if the marriage is registered in another  
13 jurisdiction, to the appropriate official of that  
14 jurisdiction, with the request that he enter the fact of  
15 dissolution of marriage or legal separation or declaration  
16 of invalidity of marriage in the appropriate record.

17 (c) Upon request by a wife whose marriage is dissolved or  
18 declared invalid, the court shall order her maiden name or a  
19 former name restored.

20 (d) A judgment of dissolution of marriage or legal  
21 separation, if made, shall be awarded to both of the parties,  
22 and shall provide that it affects the status previously  
23 existing between the parties in the manner adjudged.

24 (Source: P.A. 96-1072, eff. 1-1-11.)

1           Sec. 452. Petition. The parties to a dissolution proceeding  
2 may file a joint petition for simplified dissolution if they  
3 certify that all of the following conditions exist when the  
4 proceeding is commenced:

5           (a) Neither party is dependent on the other party for  
6 support or each party is willing to waive the right to  
7 support; and the parties understand that consultation with  
8 attorneys may help them determine eligibility for spousal  
9 support.

10           (b) Either party has met the residency requirement of  
11 Section 401 of this Act.

12           (c) The requirements of Section 401 regarding  
13 residence or military presence and proof of irreconcilable  
14 differences have been met. ~~Irreconcilable differences have~~  
15 ~~caused the irretrievable breakdown of the marriage and the~~  
16 ~~parties have been separated 6 months or more and efforts at~~  
17 ~~reconciliation have failed or future attempts at~~  
18 ~~reconciliation would be impracticable and not in the best~~  
19 ~~interests of the family.~~

20           (d) No children were born of the relationship of the  
21 parties or adopted by the parties during the marriage, and  
22 the wife, to her knowledge, is not pregnant by the husband.

23           (e) The duration of the marriage does not exceed 8  
24 years.

25           (f) Neither party has any interest in real property or  
26 retirement benefits unless the retirement benefits are

1 exclusively held in individual retirement accounts and the  
2 combined value of the accounts is less than \$10,000.

3 (g) The parties waive any rights to maintenance.

4 (h) The total fair market value of all marital  
5 property, after deducting all encumbrances, is less than  
6 \$50,000 ~~\$10,000~~, the combined gross annualized income from  
7 all sources is less than \$60,000 ~~\$35,000~~, and neither party  
8 has a gross annualized income from all sources in excess of  
9 \$30,000 ~~\$20,000~~.

10 (i) The parties have disclosed to each other all assets  
11 and liabilities and their tax returns for all years of the  
12 marriage.

13 (j) The parties have executed a written agreement  
14 dividing all assets in excess of \$100 in value and  
15 allocating responsibility for debts and liabilities  
16 between the parties.

17 (Source: P.A. 90-731, eff. 7-1-99.)

18 (750 ILCS 5/453)

19 Sec. 453. Procedure; Judgment. The parties shall use the  
20 forms, including a form for the affidavit required under  
21 Section 454, provided by the circuit court clerk, and the clerk  
22 shall submit the petition to the court. The court shall  
23 expeditiously consider the cause. Both parties shall appear in  
24 person before the court and, if the court so directs, testify.  
25 The court, after examination of the petition and the parties

1 and finding the agreement of the parties not unconscionable,  
2 shall enter a judgment granting the dissolution if the  
3 requirements of this Part IV-A have been met and the parties  
4 have submitted the affidavit required under Section 454. No  
5 transcript of proceedings shall be required.

6 (Source: P.A. 88-39.)

7 (750 ILCS 5/501) (from Ch. 40, par. 501)

8 Sec. 501. Temporary Relief. ~~→~~ In all proceedings under this  
9 Act, temporary relief shall be as follows:

10 (a) Either party may petition or move for:

11 (1) temporary maintenance or temporary support of a  
12 child of the marriage entitled to support, accompanied by  
13 an affidavit as to the factual basis for the relief  
14 requested. One form of financial affidavit, as determined  
15 by the Supreme Court, shall be used statewide. The  
16 financial affidavit shall be supported by documentary  
17 evidence including, but not limited to, income tax returns,  
18 pay stubs, and banking statements. Unless the court  
19 otherwise directs, any affidavit or supporting documentary  
20 evidence submitted pursuant to this paragraph shall not be  
21 made part of the public record of the proceedings but shall  
22 be available to the court or an appellate court in which  
23 the proceedings are subject to review, to the parties,  
24 their attorneys, and such other persons as the court may  
25 direct. Upon motion of a party, a court may hold a hearing

1       to determine whether and why there is a disparity between a  
2       party's sworn affidavit and the supporting documentation.  
3       If a party intentionally or recklessly files an inaccurate  
4       or misleading financial affidavit, the court shall impose  
5       significant penalties and sanctions including, but not  
6       limited to, costs and attorney's fees;

7           (2) a temporary restraining order or preliminary  
8       injunction, accompanied by affidavit showing a factual  
9       basis for any of the following relief:

10           (i) restraining any person from transferring,  
11       encumbering, concealing or otherwise disposing of any  
12       property except in the usual course of business or for  
13       the necessities of life, and, if so restrained,  
14       requiring him to notify the moving party and his  
15       attorney of any proposed extraordinary expenditures  
16       made after the order is issued; however, an order need  
17       not include an exception for transferring,  
18       encumbering, or otherwise disposing of property in the  
19       usual course of business or for the necessities of life  
20       if the court enters appropriate orders that enable the  
21       parties to pay their necessary personal and business  
22       expenses including, but not limited to, appropriate  
23       professionals to assist the court pursuant to  
24       subsection (1) of Section 503 to administer the payment  
25       and accounting of such living and business expenses;

26           (ii) enjoining a party from removing a child from

1 the jurisdiction of the court;

2 (iii) enjoining a party from striking or  
3 interfering with the personal liberty of the other  
4 party or of any child; or

5 (iv) providing other injunctive relief proper in  
6 the circumstances; or

7 (3) other appropriate temporary relief including, in  
8 the discretion of the court, ordering the purchase or sale  
9 of assets and requiring that a party or parties borrow  
10 funds in the appropriate circumstances.

11 Issues concerning temporary maintenance or temporary  
12 support of a child entitled to support shall be dealt with on a  
13 summary basis based on financial affidavits, tax returns, pay  
14 stubs, banking statements, and other relevant documentation,  
15 except an evidentiary hearing may be held upon a showing of  
16 good cause. Under appropriate circumstances, the recipient may  
17 be required to account for the use of funds awarded in the same  
18 manner as may otherwise be required to justify the use or  
19 expenditure of marital funds or property. If a party  
20 intentionally or recklessly files an inaccurate or misleading  
21 financial affidavit, the court shall impose significant  
22 penalties and sanctions including, but not limited to, costs  
23 and attorney's fees resulting from the improper  
24 representation.

25 (b) The court may issue a temporary restraining order  
26 without requiring notice to the other party only if it finds,



1 on the basis of the moving affidavit or other evidence, that  
2 irreparable injury will result to the moving party if no order  
3 is issued until the time for responding has elapsed.

4 (c) A response hereunder may be filed within 21 days after  
5 service of notice of motion or at the time specified in the  
6 temporary restraining order.

7 (c-1) As used in this subsection (c-1), "interim attorney's  
8 fees and costs" means attorney's fees and costs assessed from  
9 time to time while a case is pending, in favor of the  
10 petitioning party's current counsel, for reasonable fees and  
11 costs either already incurred or to be incurred, and "interim  
12 award" means an award of interim attorney's fees and costs.  
13 Interim awards shall be governed by the following:

14 (1) Except for good cause shown, a proceeding for (or  
15 relating to) interim attorney's fees and costs in a  
16 pre-judgment dissolution proceeding shall be  
17 nonevidentiary and summary in nature. All hearings for or  
18 relating to interim attorney's fees and costs under this  
19 subsection shall be scheduled expeditiously by the court.  
20 When a party files a petition for interim attorney's fees  
21 and costs supported by one or more affidavits that  
22 delineate relevant factors, the court (or a hearing  
23 officer) shall assess an interim award after affording the  
24 opposing party a reasonable opportunity to file a  
25 responsive pleading. A responsive pleading shall set out  
26 the amount of each retainer or other payment or payments,

1 or both, previously paid to the responding party's counsel  
2 by or on behalf of the responding party. A responsive  
3 pleading shall include costs incurred, and shall indicate  
4 whether the costs are paid or unpaid. In assessing an  
5 interim award, the court shall consider all relevant  
6 factors, as presented, that appear reasonable and  
7 necessary, including to the extent applicable:

8 (A) the income and property of each party,  
9 including alleged marital property within the sole  
10 control of one party and alleged non-marital property  
11 within access to a party;

12 (B) the needs of each party;

13 (C) the realistic earning capacity of each party;

14 (D) any impairment to present earning capacity of  
15 either party, including age and physical and emotional  
16 health;

17 (E) the standard of living established during the  
18 marriage;

19 (F) the degree of complexity of the issues,  
20 including allocation of parental responsibility  
21 ~~custody~~, valuation or division (or both) of closely  
22 held businesses, and tax planning, as well as  
23 reasonable needs for expert investigations or expert  
24 witnesses, or both;

25 (G) each party's access to relevant information;

26 (H) the amount of the payment or payments made or

1 reasonably expected to be made to the attorney for the  
2 other party; and

3 (I) any other factor that the court expressly finds  
4 to be just and equitable.

5 (2) Any assessment of an interim award (including one  
6 pursuant to an agreed order) shall be without prejudice to  
7 any final allocation and without prejudice as to any claim  
8 or right of either party or any counsel of record at the  
9 time of the award. Any such claim or right may be presented  
10 by the appropriate party or counsel at a hearing on  
11 contribution under subsection (j) of Section 503 or a  
12 hearing on counsel's fees under subsection (c) of Section  
13 508. Unless otherwise ordered by the court at the final  
14 hearing between the parties or in a hearing under  
15 subsection (j) of Section 503 or subsection (c) of Section  
16 508, interim awards, as well as the aggregate of all other  
17 payments by each party to counsel and related payments to  
18 third parties, shall be deemed to have been advances from  
19 the parties' marital estate. Any portion of any interim  
20 award constituting an overpayment shall be remitted back to  
21 the appropriate party or parties, or, alternatively, to  
22 successor counsel, as the court determines and directs,  
23 after notice in a form designated by the Supreme Court. An  
24 order for the award of interim attorney's fees shall be a  
25 standardized form order and labeled "Interim Fee Award  
26 Order".

1           (3) In any proceeding under this subsection (c-1), the  
2 court (or hearing officer) shall assess an interim award  
3 against an opposing party in an amount necessary to enable  
4 the petitioning party to participate adequately in the  
5 litigation, upon findings that the party from whom  
6 attorney's fees and costs are sought has the financial  
7 ability to pay reasonable amounts and that the party  
8 seeking attorney's fees and costs lacks sufficient access  
9 to assets or income to pay reasonable amounts. In  
10 determining an award, the court shall consider whether  
11 adequate participation in the litigation requires  
12 expenditure of more fees and costs for a party that is not  
13 in control of assets or relevant information. Except for  
14 good cause shown, an interim award shall not be less than  
15 payments made or reasonably expected to be made to the  
16 counsel for the other party. If the court finds that both  
17 parties lack financial ability or access to assets or  
18 income for reasonable attorney's fees and costs, the court  
19 (or hearing officer) shall enter an order that allocates  
20 available funds for each party's counsel, including  
21 retainers or interim payments, or both, previously paid, in  
22 a manner that achieves substantial parity between the  
23 parties.

24           (4) The changes to this Section 501 made by this  
25 amendatory Act of 1996 apply to cases pending on or after  
26 June 1, 1997, except as otherwise provided in Section 508.

1       (c-2) Allocation of use of marital residence. Where there  
2 is on file a verified complaint or verified petition seeking  
3 temporary eviction from the marital residence, the court may,  
4 during the pendency of the proceeding, only in cases where the  
5 physical or mental well-being of either spouse or his or her  
6 children is jeopardized by occupancy of the marital residence  
7 by both spouses, and only upon due notice and full hearing,  
8 unless waived by the court on good cause shown, enter orders  
9 granting the exclusive possession of the marital residence to  
10 either spouse, by eviction from, or restoration of, the marital  
11 residence, until the final determination of the cause. The  
12 order may also provide for the nesting of children with the  
13 children having exclusive possession of the residence and the  
14 spouses alternating occupancy if the nesting arrangement is in  
15 the children's best interests pursuant to the factors listed in  
16 Section 602.7 of this Act. No such order shall in any manner  
17 affect any estate in homestead property of either party. In  
18 entering orders under this subsection (c-2), the court shall  
19 balance hardships to the parties.

20       (d) A temporary order entered under this Section:

21           (1) does not prejudice the rights of the parties or the  
22           child which are to be adjudicated at subsequent hearings in  
23           the proceeding;

24           (2) may be revoked or modified before final judgment,  
25           on a showing by affidavit and upon hearing; and

26           (3) terminates when the final judgment is entered or

1 when the petition for dissolution of marriage or legal  
2 separation or declaration of invalidity of marriage is  
3 dismissed.

4 (e) The fees or costs of mediation under this Section shall  
5 be borne by the parties and may be assessed by the court as it  
6 deems equitable without prejudice and are subject to  
7 reallocation at the conclusion of the case.

8 (Source: P.A. 96-583, eff. 1-1-10.)

9 (750 ILCS 5/501.1) (from Ch. 40, par. 501.1)

10 Sec. 501.1. Dissolution action stay.

11 (a) Upon service of a summons and petition or praecipe  
12 filed under the Illinois Marriage and Dissolution of Marriage  
13 Act or upon the filing of the respondent's appearance in the  
14 proceeding, whichever first occurs, a dissolution action stay  
15 shall be in effect against both parties ~~and their agents and~~  
16 ~~employees~~, without bond or further notice, until a final  
17 judgement is entered, the proceeding is dismissed, or until  
18 further order of the court, ~~÷~~

19 ~~(1) restraining both parties from transferring,~~  
20 ~~encumbering, concealing, destroying, spending, damaging, or in~~  
21 ~~any way disposing of any property, without the consent of the~~  
22 ~~other party or an order of the court, except in the usual~~  
23 ~~course of business, for the necessities of life, or for~~  
24 ~~reasonable costs, expenses, and attorney's fees arising from~~  
25 ~~the proceeding, as well as requiring each party to provide~~

1 ~~written notice to the other party and his or her attorney of~~  
2 ~~any proposed extraordinary expenditure or transaction;~~

3 ~~(2) restraining both parties from physically abusing,~~  
4 ~~harassing, intimidating, striking, or interfering with the~~  
5 ~~personal liberty of the other party or the minor children of~~  
6 ~~either party. ~~and~~~~

7 ~~(3) restraining both parties from removing any minor~~  
8 ~~child of either party from the State of Illinois or from~~  
9 ~~concealing any such child from the other party, without the~~  
10 ~~consent of the other party or an order of the court.~~

11 The restraint provided in this subsection (a) does not  
12 operate to make unavailable any of the remedies provided in the  
13 Illinois Domestic Violence Act of 1986.

14 ~~A restraint of the parties' actions under this Section does~~  
15 ~~not affect the rights of a bona fide purchaser or mortgagee~~  
16 ~~whose interest in real property or whose beneficial interest in~~  
17 ~~real property under an Illinois land trust was acquired before~~  
18 ~~the filing of a lis pendens notice under Section 2-1901 of the~~  
19 ~~Code of Civil Procedure.~~

20 (b) (Blank). ~~Notice of any proposed extraordinary~~  
21 ~~expenditure or transaction, as required by subsection (a),~~  
22 ~~shall be given as soon as practicable, but not less than 7 days~~  
23 ~~before the proposed date for the carrying out or commencement~~  
24 ~~of the carrying out of the extraordinary expenditure or~~  
25 ~~transaction, except in an emergency, in which event notice~~  
26 ~~shall be given as soon as practicable under the circumstances.~~

1 ~~If proper notice is given and if the party receiving the notice~~  
2 ~~does not object by filing a petition for injunctive relief~~  
3 ~~under the Code of Civil Procedure within 7 days of receipt of~~  
4 ~~the notice, the carrying out of the proposed extraordinary~~  
5 ~~expenditure or transaction is not a violation of the~~  
6 ~~dissolution action stay. The dissolution action stay shall~~  
7 ~~remain in full force and effect against both parties for 14~~  
8 ~~days after the date of filing of a petition for injunctive~~  
9 ~~relief by the objecting party (or a shorter period if the court~~  
10 ~~so orders); and no extension beyond that 14 day period shall be~~  
11 ~~granted by the court. For good cause shown, a party may file a~~  
12 ~~petition for a reduction in time with respect to any 7 day~~  
13 ~~notice requirement under this subsection.~~

14 (c) (Blank). ~~A party making any extraordinary expenditure~~  
15 ~~or carrying out any extraordinary transaction after a~~  
16 ~~dissolution action stay is in effect shall account promptly to~~  
17 ~~the court and to the other party for all of those expenditures~~  
18 ~~and transactions. This obligation to account applies~~  
19 ~~throughout the pendency of the proceeding, irrespective of (i)~~  
20 ~~any notice given by any party as to any proposed extraordinary~~  
21 ~~expenditure or transaction, (ii) any filing of an objection and~~  
22 ~~petition under this Section or the absence of any such filing,~~  
23 ~~or (iii) any court ruling as to an issue presented to it by~~  
24 ~~either party.~~

25 (d) (Blank). ~~If the party making an extraordinary~~  
26 ~~expenditure or transaction fails to provide proper notice or if~~



1 ~~despite proper notice the other party filed a petition and~~  
2 ~~prevailed on that petition, and the extraordinary expenditure~~  
3 ~~or transaction results in a loss of income or reduction in the~~  
4 ~~amount or in the value of property, there is a presumption of~~  
5 ~~dissipation of property, equal to the amount of the loss or~~  
6 ~~reduction, charged against the party for purposes of property~~  
7 ~~distribution under Section 503.~~

8 (e) In a proceeding filed under this Act, the summons shall  
9 provide notice of the entry of the automatic dissolution action  
10 stay in a form as required by applicable rules.

11 (Source: P.A. 87-881; 88-24.)

12 (750 ILCS 5/502) (from Ch. 40, par. 502)

13 Sec. 502. Agreement. (a) To promote amicable settlement of  
14 disputes between parties to a marriage attendant upon the  
15 dissolution of their marriage, the parties may enter into an a  
16 ~~written or oral~~ agreement containing provisions for  
17 disposition of any property owned by either of them,  
18 maintenance of either of them, and support, parental  
19 responsibility and parenting time allocation ~~custody and~~  
20 ~~visitation~~ of their children, and support of their children as  
21 provided in Section 513 after the children attain majority. Any  
22 agreement pursuant to this Section must be in writing, except  
23 for good cause shown with the approval of the court, before  
24 proceeding to an oral prove up.

25 (b) The terms of the agreement, except those providing for

1 the support, parental responsibility and parenting time  
2 allocation ~~custody and visitation~~ of children, are binding upon  
3 the court unless it finds, after considering the economic  
4 circumstances of the parties and any other relevant evidence  
5 produced by the parties, on their own motion or on request of  
6 the court, that the agreement is unconscionable. The terms of  
7 the agreement incorporated into the judgment are binding if  
8 there is any conflict between the terms of the agreement and  
9 any testimony made at an uncontested prove-up hearing on the  
10 grounds or the substance of the agreement.

11 (c) If the court finds the agreement unconscionable, it may  
12 request the parties to submit a revised agreement or upon  
13 hearing, may make orders for the disposition of property,  
14 maintenance, child support and other matters.

15 (d) Unless the agreement provides to the contrary, its  
16 terms shall be set forth in the judgment, and the parties shall  
17 be ordered to perform under such terms, or if the agreement  
18 provides that its terms shall not be set forth in the judgment,  
19 the judgment shall identify the agreement and state that the  
20 court has approved its terms.

21 (e) Terms of the agreement set forth in the judgment are  
22 enforceable by all remedies available for enforcement of a  
23 judgment, including contempt, and are enforceable as contract  
24 terms.

25 (f) Child ~~Except for terms concerning the~~ support, support  
26 of children as provided in Section 513 after the children

1 attain majority, and parental responsibility and parenting  
2 time allocation of children may be modified upon a showing of a  
3 substantial change in circumstances. The parties may provide  
4 that maintenance is non-modifiable in amount, duration, or  
5 both. If the parties do not provide that maintenance is  
6 non-modifiable in amount, duration, or both, then those terms  
7 are modifiable upon a substantial change of circumstances.  
8 Property provisions of an agreement are never modifiable. The  
9 ~~e custody or visitation of children, the~~ judgment may expressly  
10 preclude or limit modification of other terms set forth in the  
11 judgment if the agreement so provides. Otherwise, terms of an  
12 agreement set forth in the judgment are automatically modified  
13 by modification of the judgment.

14 (Source: P.A. 83-216.)

15 (750 ILCS 5/503) (from Ch. 40, par. 503)

16 Sec. 503. Disposition of property and debts.

17 (a) For purposes of this Act, "marital property" means all  
18 property, including debts and other obligations, acquired by  
19 either spouse subsequent to the marriage, except the following,  
20 which is known as "non-marital property":

21 (1) property acquired by gift, legacy or descent or  
22 property acquired in exchange for such property;

23 (2) property acquired in exchange for property  
24 acquired before the marriage ~~or in exchange for property~~  
25 ~~acquired by gift, legacy or descent;~~

1 (3) property acquired by a spouse after a judgment of  
2 legal separation;

3 (4) property excluded by valid agreement of the  
4 parties, including a premarital agreement or a postnuptial  
5 agreement;

6 (5) any judgment or property obtained by judgment  
7 awarded to a spouse from the other spouse except, however,  
8 when a spouse is required to sue the other spouse in order  
9 to obtain insurance coverage or otherwise recover from a  
10 third party and the recovery is directly related to amounts  
11 advanced by the marital estate, the judgment shall be  
12 considered marital property;

13 (6) property acquired before the marriage, except as it  
14 relates to retirement plans that may have both marital and  
15 non-marital characteristics;

16 (6.5) all property acquired by a spouse by the sole use  
17 of non-marital property as collateral for a loan that then  
18 is used to acquire property during the marriage; to the  
19 extent that the marital estate repays any portion of the  
20 loan, it shall be considered a contribution from the  
21 marital estate to the non-marital estate subject to  
22 reimbursement;

23 (7) the increase in value of non-marital property  
24 ~~acquired by a method listed in paragraphs (1) through (6)~~  
25 ~~of this subsection,~~ irrespective of whether the increase  
26 results from a contribution of marital property,

1 non-marital property, the personal effort of a spouse, or  
2 otherwise, subject to the right of reimbursement provided  
3 in subsection (c) of this Section; and

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

7 Property acquired prior to a marriage that would otherwise  
8 be non-marital property shall not be deemed to be marital  
9 property solely because the property was acquired in  
10 contemplation of marriage. The court shall make specific  
11 factual findings as to its classification of assets as marital  
12 or non-marital property, values, and other factual findings  
13 supporting its property award.

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

1 this Section or was done for estate or tax planning purposes or  
2 for other reasons that establish that the transfer was not  
3 intended to be a gift.

4 (2) For purposes of distribution of property pursuant to  
5 this Section, all pension benefits (including pension benefits  
6 under the Illinois Pension Code, defined benefit plans, defined  
7 contribution plans and accounts, individual retirement  
8 accounts, and non-qualified plans) acquired by or participated  
9 in by either spouse after the marriage and before a judgment of  
10 dissolution of marriage or declaration of invalidity of the  
11 marriage are presumed to be marital property, ~~regardless of~~  
12 ~~which spouse participates in the pension plan.~~ A spouse may  
13 overcome the ~~The~~ presumption that these pension benefits are  
14 marital property ~~is overcome~~ by a showing through clear and  
15 convincing evidence that the pension benefits were acquired by  
16 a method listed in subsection (a) of this Section. The right to  
17 a division of pension benefits in just proportions under this  
18 Section is enforceable under Section 1-119 of the Illinois  
19 Pension Code.

20 The value of pension benefits in a retirement system  
21 subject to the Illinois Pension Code shall be determined in  
22 accordance with the valuation procedures established by the  
23 retirement system.

24 The recognition of pension benefits as marital property and  
25 the division of those benefits pursuant to a Qualified Illinois  
26 Domestic Relations Order shall not be deemed to be a

1 diminishment, alienation, or impairment of those benefits. The  
2 division of pension benefits is an allocation of property in  
3 which each spouse has a species of common ownership.

4 (3) For purposes of distribution of property under this  
5 Section, all stock options and restricted stock or similar form  
6 of benefit granted to either spouse after the marriage and  
7 before a judgment of dissolution of marriage or declaration of  
8 invalidity of marriage, whether vested or non-vested or whether  
9 their value is ascertainable, are presumed to be marital  
10 property. This presumption of marital property is overcome by a  
11 showing that the stock options or restricted stock or similar  
12 form of benefit were acquired by a method listed in subsection  
13 (a) of this Section. The court shall allocate stock options and  
14 restricted stock or similar form of benefit between the parties  
15 at the time of the judgment of dissolution of marriage or  
16 declaration of invalidity of marriage recognizing that the  
17 value of the stock options and restricted stock or similar form  
18 of benefit may not be then determinable and that the actual  
19 division of the options may not occur until a future date. In  
20 making the allocation between the parties, the court shall  
21 consider, in addition to the factors set forth in subsection  
22 (d) of this Section, the following:

23 (i) All circumstances underlying the grant of the stock  
24 option and restricted stock or similar form of benefit  
25 including but not limited to the vesting schedule, whether  
26 the grant was for past, present, or future efforts, whether

1       the grant is designed to promote future performance, or any  
2       combination thereof.

3           (ii) The length of time from the grant of the option to  
4       the time the option is exercisable.

5       (b-5) As to any existing policy of life insurance insuring  
6       the life of either spouse, or any interest in such policy, that  
7       constitutes marital property, whether whole life, term life,  
8       group term life, universal life, or other form of life  
9       insurance policy, and whether or not the value is  
10      ascertainable, the court shall allocate ownership, death  
11      benefits or the right to assign death benefits, and the  
12      obligation for premium payments, if any, equitably between the  
13      parties at the time of the judgment for dissolution or  
14      declaration of invalidity of marriage.

15      (c) Commingled marital and non-marital property shall be  
16      treated in the following manner, unless otherwise agreed by the  
17      spouses:

18           (1) (A) If marital and non-marital property are  
19           commingled by one estate being contributed into the other,  
20           the following shall apply:

21                   (i) If the contributed property loses its  
22                   identity, the contributed property transmutes to the  
23                   estate receiving the property, subject to the  
24                   provisions of paragraph (2) of this subsection (c).

25                   (ii) If the contributed property retains its  
26                   identity, it does not transmute and remains property of



1           the contributing estate.

2           (B) If marital and non-marital property are commingled  
3 into newly acquired property resulting in a loss of  
4 identity of the contributing estates, the commingled  
5 property shall be deemed transmuted to marital property,  
6 subject to the provisions of paragraph (2) of this  
7 subsection (c).

8           (2) (A) When one estate of property makes a contribution  
9 to another estate of property, the contributing estate  
10 shall be reimbursed from the estate receiving the  
11 contribution notwithstanding any transmutation. No such  
12 reimbursement shall be made with respect to a contribution  
13 that is not traceable by clear and convincing evidence or  
14 that was a gift. The court may provide for reimbursement  
15 out of the marital property to be divided or by imposing a  
16 lien against the non-marital property that received the  
17 contribution.

18           (B) When a spouse contributes personal effort to  
19 non-marital property, it shall be deemed a contribution  
20 from the marital estate, which shall receive reimbursement  
21 for the efforts if the efforts are significant and result  
22 in substantial appreciation to the non-marital property  
23 except that if the spouse has been properly compensated for  
24 his or her efforts, it shall not be deemed a contribution  
25 to the marital estate and there shall be no reimbursement  
26 to the marital estate. The court may provide for

1        reimbursement out of the marital property to be divided or  
2        by imposing a lien against the non-marital property which  
3        received the contribution.

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

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

1 ~~Personal effort of a spouse shall be deemed a contribution~~  
2 ~~by the marital estate. The court may provide for~~  
3 ~~reimbursement out of the marital property to be divided or~~  
4 ~~by imposing a lien against the non-marital property which~~  
5 ~~received the contribution.~~

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

15 (1) each party's ~~the~~ contribution ~~of each party~~ to the  
16 acquisition, preservation, or increase or decrease in  
17 value of the marital or non-marital property, including (i)  
18 any ~~such~~ decrease attributable to ~~a payment deemed to have~~  
19 ~~been~~ an advance from the parties' marital estate under  
20 subsection (c-1)(2) of Section 501; ~~and~~ (ii) the  
21 contribution of a spouse as a homemaker or to the family  
22 unit; and (iii) whether the contribution is after the  
23 commencement of a proceeding for dissolution of marriage or  
24 declaration of invalidity of marriage;

25 (2) the dissipation by each party of the marital ~~or~~  
26 ~~non-marital~~ property, provided that a party's claim of

1           dissipation is subject to the following conditions:

2                   (i) a notice of intent to claim dissipation shall  
3           be given no later than 60 days before trial or 30 days  
4           after discovery closes, whichever is later;

5                   (ii) the notice of intent to claim dissipation  
6           shall contain, at a minimum, a date or period of time  
7           during which the marriage began undergoing an  
8           irretrievable breakdown, an identification of the  
9           property dissipated, and a date or period of time  
10          during which the dissipation occurred;

11                   (iii) the notice of intent to claim dissipation  
12          shall be filed with the clerk of the court and be  
13          served pursuant to applicable rules;

14                   (iv) no dissipation shall be deemed to have  
15          occurred prior to 5 years before the filing of the  
16          petition for dissolution of marriage, or 3 years after  
17          the party claiming dissipation knew or should have  
18          known of the dissipation;

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

20                   (4) the duration of the marriage;

21                   (5) the relevant economic circumstances of each spouse  
22          when the division of property is to become effective,  
23          including the desirability of awarding the family home, or  
24          the right to live therein for reasonable periods, to the  
25          spouse having the primary residence ~~custody~~ of the  
26          children;

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

3           (7) any prenuptial or postnuptial ~~antenuptial~~  
4 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, has the  
4 discretion to use the date of the trial or such other date as  
5 agreed upon by the parties, or ordered by the court within its  
6 discretion, for purposes of determining the value of assets or  
7 property shall value the property as of the date of trial or  
8 some other date as close to the date of trial as is  
9 practicable.

10 (g) The court if necessary to protect and promote the best  
11 interests of the children may set aside a portion of the  
12 jointly or separately held estates of the parties in a separate  
13 fund or trust for the support, maintenance, education, physical  
14 and mental health, and general welfare of any minor, dependent,  
15 or incompetent child of the parties. In making a determination  
16 under this subsection, the court may consider, among other  
17 things, the conviction of a party of any of the offenses set  
18 forth in Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,  
19 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-13, 12-14, 12-14.1,  
20 12-15, or 12-16, or Section 12-3.05 except for subdivision  
21 (a) (4) or (g) (1), of the Criminal Code of 1961 or the Criminal  
22 Code of 2012 if the victim is a child of one or both of the  
23 parties, and there is a need for, and cost of, care, healing  
24 and counseling for the child who is the victim of the crime.

25 (h) Unless specifically directed by a reviewing court, or  
26 upon good cause shown, the court shall not on remand consider

1 any increase or decrease in the value of any "marital" or  
2 "non-marital" property occurring since the assessment of such  
3 property at the original trial or hearing, but shall use only  
4 that assessment made at the original trial or hearing.

5 (i) The court may make such judgments affecting the marital  
6 property as may be just and may enforce such judgments by  
7 ordering a sale of marital property, with proceeds therefrom to  
8 be applied as determined by the court.

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

15 (1) A petition for contribution, if not filed before  
16 the final hearing on other issues between the parties,  
17 shall be filed no later than 14 ~~30~~ days after the closing  
18 of proofs in the final hearing or within such other period  
19 as the court orders.

20 (2) Any award of contribution to one party from the  
21 other party shall be based on the criteria for division of  
22 marital property under this Section 503 and, if maintenance  
23 has been awarded, on the criteria for an award of  
24 maintenance under Section 504.

25 (3) The filing of a petition for contribution shall not  
26 be deemed to constitute a waiver of the attorney-client

1 privilege between the petitioning party and current or  
2 former counsel; and such a waiver shall not constitute a  
3 prerequisite to a hearing for contribution. If either  
4 party's presentation on contribution, however, includes  
5 evidence within the scope of the attorney-client  
6 privilege, the disclosure or disclosures shall be narrowly  
7 construed and shall not be deemed by the court to  
8 constitute a general waiver of the privilege as to matters  
9 beyond the scope of the presentation.

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

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

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



1       (k) In determining the value of assets or property under  
2 this Section, the court shall employ a fair market value  
3 standard. The date of valuation for the purposes of division of  
4 assets shall be the date of trial or such other date as agreed  
5 by the parties or ordered by the court, within its discretion.  
6 If the court grants a petition brought under Section 2-1401 of  
7 the Code of Civil Procedure, then the court has the discretion  
8 to use the date of the trial or such other date as agreed upon  
9 by the parties, or ordered by the court within its discretion,  
10 for purposes of determining the value of assets or property.

11       (l) The court may seek the advice of financial experts or  
12 other professionals, whether or not employed by the court on a  
13 regular basis. The advice given shall be in writing and made  
14 available by the court to counsel. Counsel may examine as a  
15 witness any professional consulted by the court designated as  
16 the court's witness. Costs of a professional shall be allocated  
17 by the court between the parties.

18       (m) The changes made to this Section by this amendatory Act  
19 of the 97th General Assembly apply only to petitions for  
20 dissolution of marriage filed on or after the effective date of  
21 this amendatory Act of the 97th General Assembly.

22       (Source: P.A. 96-583, eff. 1-1-10; 96-1551, Article 1, Section  
23 985, eff. 7-1-11; 96-1551, Article 2, Section 1100, eff.  
24 7-1-11; 97-608, eff. 1-1-12; 97-941, eff. 1-1-13; 97-1109, eff.  
25 1-1-13; 97-1150, eff. 1-25-13.)

1 (750 ILCS 5/504) (from Ch. 40, par. 504)

2 Sec. 504. Maintenance.

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

14 (1) the income and property of each party, including  
15 marital property apportioned and non-marital property  
16 assigned to the party seeking maintenance as well as all  
17 financial obligations imposed on the parties as a result of  
18 the dissolution of marriage;

19 (2) the needs of each party;

20 (3) the realistic present and the realistic future  
21 earning capacity of each party;

22 (4) any impairment of the present and future earning  
23 capacity of the party seeking maintenance due to that party  
24 devoting time to domestic duties or having forgone or  
25 delayed education, training, employment, or career  
26 opportunities due to the marriage. The court shall consider

1       any impairment of the realistic present or the realistic  
2       future earning capacity of the party against whom  
3       maintenance is sought;

4           (5) the time necessary to enable the party seeking  
5       maintenance to acquire appropriate education, training,  
6       and employment, and whether that party is able to support  
7       himself or herself through appropriate employment or is the  
8       custodian of a child making it appropriate that the  
9       custodian not seek employment;

10          (6) the standard of living established during the  
11       marriage;

12          (7) the duration of the marriage;

13          (8) the age, health, station, occupation, amount and  
14       sources of income, vocational skills, employability,  
15       estate, liabilities, and needs of each of the parties ~~the~~  
16       ~~age and the physical and emotional condition of both~~  
17       ~~parties;~~

18          (8.5) any parental responsibility arrangements;

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

21          (9.5) whether maintenance is in lieu of or in addition  
22       to the property allocation;

23          (10) contributions and services by the party seeking  
24       maintenance to the education, training, career or career  
25       potential, or license of the other spouse;

26          (10.5) contributions made to the marriage, including,

1 without limitation, domestic duties, homemaker  
2 contributions, and other financial and non-financial  
3 contribution to the marriage;

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

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

7 The court shall make specific factual findings as to the  
8 type, amount, nature, and duration of the maintenance.

9 (b) (Blank).

10 (b-1) The court may order that the following types of  
11 maintenance be paid:

12 (1) temporary maintenance under Section 501;

13 (2) rehabilitative maintenance for a period of time,  
14 subject to a review;

15 (3) maintenance in gross;

16 (4) permanent maintenance;

17 (5) non-modifiable as to duration maintenance in  
18 marriages that lasted 10 years or less at the time the  
19 action was commenced.

20 For a marriage that lasted more than 10 years at the time  
21 the action was commenced, a fixed-term maintenance award is  
22 barred.

23 (b-2) Unless agreed to by the parties, an order for  
24 unallocated maintenance and child support may not be entered on  
25 or after the effective date of this amendatory Act of the 98th  
26 General Assembly. This subsection (b-2) does not affect an

1 order for unallocated maintenance and child support that was  
2 entered before the effective date of this amendatory Act of the  
3 98th General Assembly.

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

8 (b-7) Any ~~new or existing~~ maintenance order including any  
9 unallocated maintenance and child support order entered by the  
10 court under this Section shall be deemed to be a series of  
11 judgments against the person obligated to pay support  
12 thereunder. Each such judgment to be in the amount of each  
13 payment or installment of support and each such judgment to be  
14 deemed entered as of the date the corresponding payment or  
15 installment becomes due under the terms of the support order,  
16 except no judgment shall arise as to any installment coming due  
17 after the termination of maintenance as provided by Section 510  
18 of the Illinois Marriage and Dissolution of Marriage Act or the  
19 provisions of any order for maintenance. Each such judgment  
20 shall have the full force, effect and attributes of any other  
21 judgment of this State, including the ability to be enforced.  
22 Notwithstanding any other State or local law to the contrary, a  
23 lien arises by operation of law against the real and personal  
24 property of the obligor for each installment of overdue support  
25 owed by the obligor.

26 (c) The court may grant and enforce the payment of

1 maintenance during the pendency of an appeal as the court shall  
2 deem reasonable and proper.

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

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

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

22 (1) With respect to existing life insurance, provided  
23 the court is apprised through evidence, stipulation, or  
24 otherwise as to level of death benefits, premium, and other  
25 relevant data and makes findings relative thereto, the  
26 court may allocate death benefits, the right to assign

1 death benefits, or the obligation for future premium  
2 payments between the parties as it deems just.

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

6 (i) that the payor cooperate on all appropriate  
7 steps for the payee to obtain such new life insurance;  
8 and

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

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

25 (3) (Blank). ~~A judgment shall expressly set forth that~~  
26 ~~all death benefits paid under life insurance on a payor's~~

1 ~~life maintained or obtained pursuant to this subsection to~~  
2 ~~secure maintenance are designated as excludable from the~~  
3 ~~gross income of the maintenance payee under Section~~  
4 ~~71(b)(1)(B) of the Internal Revenue Code, unless an~~  
5 ~~agreement or stipulation of the parties otherwise~~  
6 ~~provides.~~

7 (4) Life insurance may be awarded only at the time of  
8 the initial judgment.

9 (5) The payee shall have the sole obligation to pay the  
10 premiums.

11 (6) All applications shall be made at the time of the  
12 initial judgment and the court shall be limited to an in  
13 camera review of the application in determining whether the  
14 application was made in good faith.

15 (7) The court must consider the ability of the insured  
16 spouse to obtain additional insurance.

17 (Source: P.A. 97-186, eff. 7-22-11; 97-608, eff. 1-1-12;  
18 97-813, eff. 7-13-12.)

19 (750 ILCS 5/505) (from Ch. 40, par. 505)

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

21 (a) In a proceeding for dissolution of marriage, legal  
22 separation, declaration of invalidity of marriage, a  
23 proceeding for child support following dissolution of the  
24 marriage by a court that lacked personal jurisdiction over the  
25 absent spouse, a proceeding for modification of a previous



1 order for child support under Section 510 of this Act, or any  
 2 proceeding authorized under Section 501 or 601 of this Act, the  
 3 court may order either or both parents owing a duty of support  
 4 to a child of the marriage to pay an amount reasonable and  
 5 necessary for the support of the child, without regard to  
 6 marital misconduct. The duty of support owed to a child  
 7 includes the obligation to provide for the reasonable and  
 8 necessary educational, physical, mental and emotional health  
 9 needs of the child. For purposes of this Section, the term  
 10 "child" shall include any child under age 18 and any child  
 11 under age 19 who is still attending high school. For purposes  
 12 of this Section, the term "supporting parent" means the parent  
 13 obligated to pay support to the other parent.

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

Number of Children	Percent of Supporting Party's Net Income
1	20%
2	28%
3	32%
4	40%
5	45%
6 or more	50%

24 (2) The above guidelines shall be applied in each case  
 25 unless the court finds that a deviation from the guidelines  
 26 is appropriate after considering the best interest of the

1 child in light of the evidence, including, but not limited  
2 to, one or more of the following relevant factors:

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

4 (b) the financial resources and needs of the  
5 custodial parent;

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

8 (d) the physical, mental, and emotional needs of  
9 the child;

10 (d-5) the educational needs of the child; and

11 (e) the financial resources and needs of the  
12 supporting non-custodial parent.

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

18 (2.5) The court, in its discretion, in addition to  
19 setting child support pursuant to the guidelines and  
20 factors, may order either or both parents owing a duty of  
21 support to a child of the marriage to contribute to the  
22 following expenses, if determined by the court to be  
23 reasonable:

24 (a) health needs not covered by insurance;

25 (b) child care;

26 (c) education; and

1 (d) extracurricular activities.

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

4 (a) Federal income tax (properly calculated  
5 withholding or estimated payments);

6 (b) State income tax (properly calculated  
7 withholding or estimated payments);

8 (c) Social Security (FICA payments);

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

11 (e) Union dues;

12 (f) Dependent and individual  
13 health/hospitalization insurance premiums and premiums  
14 for life insurance ordered by the court to reasonably  
15 secure payment of ordered child support;

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

18 (h) Expenditures for repayment of debts that  
19 represent reasonable and necessary expenses for the  
20 production of income, medical expenditures necessary  
21 to preserve life or health, reasonable expenditures  
22 for the benefit of the child and the other parent,  
23 exclusive of gifts. The court shall reduce net income  
24 in determining the minimum amount of support to be  
25 ordered only for the period that such payments are due  
26 and shall enter an order containing provisions for its

1 self-executing modification upon termination of such  
2 payment period;

3 (i) Foster care payments paid by the Department of  
4 Children and Family Services for providing licensed  
5 foster care to a foster child.

6 (4) In cases where the court order provides for  
7 health/hospitalization insurance coverage pursuant to  
8 Section 505.2 of this Act, the premiums for that insurance,  
9 or that portion of the premiums for which the supporting  
10 party is responsible in the case of insurance provided  
11 through an employer's health insurance plan where the  
12 employer pays a portion of the premiums, shall be  
13 subtracted from net income in determining the minimum  
14 amount of support to be ordered.

15 (4.5) In a proceeding for child support following  
16 dissolution of the marriage by a court that lacked personal  
17 jurisdiction over the absent spouse, and in which the court  
18 is requiring payment of support for the period before the  
19 date an order for current support is entered, there is a  
20 rebuttable presumption that the supporting party's net  
21 income for the prior period was the same as his or her net  
22 income at the time the order for current support is  
23 entered.

24 (5) If the net income cannot be determined because of  
25 default or any other reason, the court shall order support  
26 in an amount considered reasonable in the particular case.

1 The final order in all cases shall state the support level  
2 in dollar amounts. However, if the court finds that the  
3 child support amount cannot be expressed exclusively as a  
4 dollar amount because all or a portion of the payor's net  
5 income is uncertain as to source, time of payment, or  
6 amount, the court may order a percentage amount of support  
7 in addition to a specific dollar amount and enter such  
8 other orders as may be necessary to determine and enforce,  
9 on a timely basis, the applicable support ordered.

10 (6) If (i) the supporting ~~non-custodial~~ parent was  
11 properly served with a request for discovery of financial  
12 information relating to the supporting ~~non-custodial~~  
13 parent's ability to provide child support, (ii) the  
14 supporting ~~non-custodial~~ parent failed to comply with the  
15 request, despite having been ordered to do so by the court,  
16 and (iii) the supporting ~~non-custodial~~ parent is not  
17 present at the hearing to determine support despite having  
18 received proper notice, then any relevant financial  
19 information concerning the supporting ~~non-custodial~~  
20 parent's ability to provide child support that was obtained  
21 pursuant to subpoena and proper notice shall be admitted  
22 into evidence without the need to establish any further  
23 foundation for its admission.

24 (a-5) In an action to enforce an order for support based on  
25 the respondent's failure to make support payments as required  
26 by the order, notice of proceedings to hold the respondent in

1 contempt for that failure may be served on the respondent by  
2 personal service or by regular mail addressed to the  
3 respondent's last known address. The respondent's last known  
4 address may be determined from records of the clerk of the  
5 court, from the Federal Case Registry of Child Support Orders,  
6 or by any other reasonable means.

7 (b) Failure of either parent to comply with an order to pay  
8 support shall be punishable as in other cases of civil  
9 contempt. In addition to other penalties provided by law the  
10 Court may, after finding the parent guilty of contempt, order  
11 that the parent be:

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

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

18 (A) work; or

19 (B) conduct a business or other self-employed  
20 occupation.

21 The Court may further order any part or all of the earnings  
22 of a parent during a sentence of periodic imprisonment paid to  
23 the Clerk of the Circuit Court or to the parent having the  
24 majority of residential responsibility ~~custody~~ or to the  
25 guardian having the majority of residential responsibility  
26 ~~custody~~ of the children of the sentenced parent for the support

1 of said children until further order of the Court.

2 If a parent who is found guilty of contempt for failure to  
3 comply with an order to pay support is a person who conducts a  
4 business or who is self-employed, the court in addition to  
5 other penalties provided by law may order that the parent do  
6 one or more of the following: (i) provide to the court monthly  
7 financial statements showing income and expenses from the  
8 business or the self-employment; (ii) seek employment and  
9 report periodically to the court with a diary, listing, or  
10 other memorandum of his or her employment search efforts; or  
11 (iii) report to the Department of Employment Security for job  
12 search services to find employment that will be subject to  
13 withholding for child support.

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

25 (1) the supporting ~~non-custodial~~ parent and the  
26 person, persons, or business entity maintain records

1 together.

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

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

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

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



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

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

24 A support obligation, or any portion of a support  
25 obligation, which becomes due and remains unpaid as of the end  
26 of each month, excluding the child support that was due for

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

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

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

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

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

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

1 minors shall be included, and (iii) of any new residential or  
2 mailing address or telephone number of the supporting  
3 ~~non-custodial~~ parent. In any subsequent action to enforce a  
4 support order, upon a sufficient showing that a diligent effort  
5 has been made to ascertain the location of the supporting  
6 ~~non-custodial~~ parent, service of process or provision of notice  
7 necessary in the case may be made at the last known address of  
8 the supporting ~~non-custodial~~ parent in any manner expressly  
9 provided by the Code of Civil Procedure or this Act, which  
10 service shall be sufficient for purposes of due process.

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

24 (g-5) If there is an unpaid arrearage or delinquency (as  
25 those terms are defined in the Income Withholding for Support  
26 Act) equal to at least one month's support obligation on the

1 termination date stated in the order for support or, if there  
2 is no termination date stated in the order, on the date the  
3 child attains the age of majority or is otherwise emancipated,  
4 the periodic amount required to be paid for current support of  
5 that child immediately prior to that date shall automatically  
6 continue to be an obligation, not as current support but as  
7 periodic payment toward satisfaction of the unpaid arrearage or  
8 delinquency. That periodic payment shall be in addition to any  
9 periodic payment previously required for satisfaction of the  
10 arrearage or delinquency. The total periodic amount to be paid  
11 toward satisfaction of the arrearage or delinquency may be  
12 enforced and collected by any method provided by law for  
13 enforcement and collection of child support, including but not  
14 limited to income withholding under the Income Withholding for  
15 Support Act. Each order for support entered or modified on or  
16 after the effective date of this amendatory Act of the 93rd  
17 General Assembly must contain a statement notifying the parties  
18 of the requirements of this subsection. Failure to include the  
19 statement in the order for support does not affect the validity  
20 of the order or the operation of the provisions of this  
21 subsection with regard to the order. This subsection shall not  
22 be construed to prevent or affect the establishment or  
23 modification of an order for support of a minor child or the  
24 establishment or modification of an order for support of a  
25 non-minor child or educational expenses under Section 513 of  
26 this Act.

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

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

25           (Source: P.A. 97-186, eff. 7-22-11; 97-608, eff. 1-1-12;  
26 97-813, eff. 7-13-12; 97-878, eff. 8-2-12; 97-941, eff. 1-1-13;

1 97-1029, eff. 1-1-13; 98-463, eff. 8-16-13.)

2 (750 ILCS 5/508) (from Ch. 40, par. 508)

3 Sec. 508. Attorney's Fees; Client's Rights and  
4 Responsibilities Respecting Fees and Costs.

5 (a) The court from time to time, after due notice and  
6 hearing, and after considering the financial resources of the  
7 parties, may order any party to pay a reasonable amount for his  
8 own or the other party's costs and attorney's fees. Interim  
9 attorney's fees and costs may be awarded from the opposing  
10 party, in a pre-judgment dissolution proceeding in accordance  
11 with subsection (c-1) of Section 501 and in any other  
12 proceeding under this subsection. At the conclusion of any  
13 pre-judgment dissolution proceeding under this subsection,  
14 contribution to attorney's fees and costs may be awarded from  
15 the opposing party in accordance with subsection (j) of Section  
16 503 and in any other proceeding under this subsection. Fees and  
17 costs may be awarded in any proceeding to counsel from a former  
18 client in accordance with subsection (c) of this Section.  
19 Awards may be made in connection with the following:

20 (1) The maintenance or defense of any proceeding under  
21 this Act.

22 (2) The enforcement or modification of any order or  
23 judgment under this Act.

24 (3) The defense of an appeal of any order or judgment  
25 under this Act, including the defense of appeals of

1 post-judgment orders.

2 (3.1) The prosecution of any claim on appeal (if the  
3 prosecuting party has substantially prevailed).

4 (4) The maintenance or defense of a petition brought  
5 under Section 2-1401 of the Code of Civil Procedure seeking  
6 relief from a final order or judgment under this Act. Fees  
7 incurred with respect to motions under Section 2-1401 of  
8 the Code of Civil Procedure may be granted only if the  
9 underlying motion is granted.

10 (5) The costs and legal services of an attorney  
11 rendered in preparation of the commencement of the  
12 proceeding brought under this Act.

13 (6) Ancillary litigation incident to, or reasonably  
14 connected with, a proceeding under this Act.

15 (7) Costs and attorney's fees incurred in an action  
16 under the Hague Convention on the Civil Aspects of  
17 International Child Abduction.

18 All petitions for or relating to interim fees and costs  
19 under this subsection shall be accompanied by an affidavit as  
20 to the factual basis for the relief requested and all hearings  
21 relative to any such petition shall be scheduled expeditiously  
22 by the court. All provisions for contribution under this  
23 subsection shall also be subject to paragraphs (3), (4), and  
24 (5) of subsection (j) of Section 503.

25 The court may order that the award of attorney's fees and  
26 costs (including an interim or contribution award) shall be



1 paid directly to the attorney, who may enforce the order in his  
2 or her name, or that it shall be paid to the appropriate party.  
3 Judgment may be entered and enforcement had accordingly. Except  
4 as otherwise provided in subdivision (e)(1) of this Section,  
5 subsection (c) of this Section is exclusive as to the right of  
6 any counsel (or former counsel) of record to petition a court  
7 for an award and judgment for final fees and costs during the  
8 pendency of a proceeding under this Act.

9 A petition for temporary attorney's fees in a post-judgment  
10 case shall be heard on a non-evidentiary, summary basis.

11 (b) In every proceeding for the enforcement of an order or  
12 judgment when the court finds that the failure to comply with  
13 the order or judgment was without compelling cause or  
14 justification, the court shall order the party against whom the  
15 proceeding is brought to pay promptly the costs and reasonable  
16 attorney's fees of the prevailing party. If non-compliance is  
17 with respect to a discovery order, the non-compliance is  
18 presumptively without compelling cause or justification, and  
19 the presumption may only be rebutted by clear and convincing  
20 evidence. If at any time a court finds that a hearing under  
21 this Act was precipitated or conducted for any improper  
22 purpose, the court shall allocate fees and costs of all parties  
23 for the hearing to the party or counsel found to have acted  
24 improperly. Improper purposes include, but are not limited to,  
25 harassment, unnecessary delay, or other acts needlessly  
26 increasing the cost of litigation.

1           (c) Final hearings for attorney's fees and costs against an  
2 attorney's own client, pursuant to a Petition for Setting Final  
3 Fees and Costs of either a counsel or a client, shall be  
4 governed by the following:

5           (1) No petition of a counsel of record may be filed  
6 against a client unless the filing counsel previously has  
7 been granted leave to withdraw as counsel of record or has  
8 filed a motion for leave to withdraw as counsel. On receipt  
9 of a petition of a client under this subsection (c), the  
10 counsel of record shall promptly file a motion for leave to  
11 withdraw as counsel. If the client and the counsel of  
12 record agree, however, a hearing on the motion for leave to  
13 withdraw as counsel filed pursuant to this subdivision  
14 (c)(1) may be deferred until completion of any alternative  
15 dispute resolution procedure under subdivision (c)(4). As  
16 to any Petition for Setting Final Fees and Costs against a  
17 client or counsel over whom the court has not obtained  
18 jurisdiction, a separate summons shall issue. Whenever a  
19 separate summons is not required, original notice as to a  
20 Petition for Setting Final Fees and Costs may be given, and  
21 documents served, in accordance with Illinois Supreme  
22 Court Rules 11 and 12.

23           (2) No final hearing under this subsection (c) is  
24 permitted unless: (i) the counsel and the client had  
25 entered into a written engagement agreement at the time the  
26 client retained the counsel (or reasonably soon

1 thereafter) and the agreement meets the requirements of  
2 subsection (f); (ii) the written engagement agreement is  
3 attached to an affidavit of counsel that is filed with the  
4 petition or with the counsel's response to a client's  
5 petition; (iii) judgment in any contribution hearing on  
6 behalf of the client has been entered or the right to a  
7 contribution hearing under subsection (j) of Section 503  
8 has been waived; (iv) the counsel has withdrawn as counsel  
9 of record; and (v) the petition seeks adjudication of all  
10 unresolved claims for fees and costs between the counsel  
11 and the client. Irrespective of a Petition for Setting  
12 Final Fees and Costs being heard in conjunction with an  
13 original proceeding under this Act, the relief requested  
14 under a Petition for Setting Final Fees and Costs  
15 constitutes a distinct cause of action. A pending but  
16 undetermined Petition for Setting Final Fees and Costs  
17 shall not affect appealability of any judgment or other  
18 adjudication in the original proceeding.

19 (3) The determination of reasonable attorney's fees  
20 and costs either under this subsection (c), whether  
21 initiated by a counsel or a client, or in an independent  
22 proceeding for services within the scope of subdivisions  
23 (1) through (5) of subsection (a), is within the sound  
24 discretion of the trial court. The court shall first  
25 consider the written engagement agreement and, if the court  
26 finds that the former client and the filing counsel,

1       pursuant to their written engagement agreement, entered  
2       into a contract which meets applicable requirements of  
3       court rules and addresses all material terms, then the  
4       contract shall be enforceable in accordance with its terms,  
5       subject to the further requirements of this subdivision  
6       (c)(3). Before ordering enforcement, however, the court  
7       shall consider the performance pursuant to the contract.  
8       Any amount awarded by the court must be found to be fair  
9       compensation for the services, pursuant to the contract,  
10      that the court finds were reasonable and necessary. Quantum  
11      meruit principles shall govern any award for legal services  
12      performed that is not based on the terms of the written  
13      engagement agreement (except that, if a court expressly  
14      finds in a particular case that aggregate billings to a  
15      client were unconscionably excessive, the court in its  
16      discretion may reduce the award otherwise determined  
17      appropriate or deny fees altogether).

18           (4) No final hearing under this subsection (c) is  
19      permitted unless any controversy over fees and costs (that  
20      is not otherwise subject to some form of alternative  
21      dispute resolution) has first been submitted to mediation,  
22      arbitration, or any other court approved alternative  
23      dispute resolution procedure, except as follows:

24           (A) In any circuit court for a single county with a  
25      population in excess of 1,000,000, the requirement of  
26      the controversy being submitted to an alternative

1           dispute resolution procedure is mandatory unless the  
2           client and the counsel both affirmatively opt out of  
3           such procedures; or

4           (B) In any other circuit court, the requirement of  
5           the controversy being submitted to an alternative  
6           dispute resolution procedure is mandatory only if  
7           neither the client nor the counsel affirmatively opts  
8           out of such procedures.

9           After completion of any such procedure (or after one or  
10          both sides has opted out of such procedures), if the  
11          dispute is unresolved, any pending motion for leave to  
12          withdraw as counsel shall be promptly granted and a final  
13          hearing under this subsection (c) shall be expeditiously  
14          set and completed.

15          (5) A petition (or a praecipe for fee hearing without  
16          the petition) shall be filed no later than the end of the  
17          period in which it is permissible to file a motion pursuant  
18          to Section 2-1203 of the Code of Civil Procedure. A  
19          praecipe for fee hearing shall be dismissed if a Petition  
20          for Setting Final Fees and Costs is not filed within 60  
21          days after the filing of the praecipe. A counsel who  
22          becomes a party by filing a Petition for Setting Final Fees  
23          and Costs, or as a result of the client filing a Petition  
24          for Setting Final Fees and Costs, shall not be entitled to  
25          exercise the right to a substitution of a judge without  
26          cause under subdivision (a)(2) of Section 2-1001 of the

1 Code of Civil Procedure. Each of the foregoing deadlines  
2 for the filing of a praecipe or a petition shall be:

3 (A) tolled if a motion is filed under Section 2-1203 of  
4 the Code of Civil Procedure, in which instance a petition  
5 (or a praecipe) shall be filed no later than 30 days  
6 following disposition of all Section 2-1203 motions; or

7 (B) tolled if a notice of appeal is filed, in which  
8 instance a petition (or praecipe) shall be filed no later  
9 than 30 days following the date jurisdiction on the issue  
10 appealed is returned to the trial court.

11 If a praecipe has been timely filed, then by timely filed  
12 written stipulation between counsel and client (or former  
13 client), the deadline for the filing of a petition may be  
14 extended for a period of up to one year.

15 (d) A consent judgment, in favor of a current counsel of  
16 record against his or her own client for a specific amount in a  
17 marital settlement agreement, dissolution judgment, or any  
18 other instrument involving the other litigant, is prohibited. A  
19 consent judgment between client and counsel, however, is  
20 permissible if it is entered pursuant to a verified petition  
21 for entry of consent judgment, supported by an affidavit of the  
22 counsel of record that includes the counsel's representation  
23 that the client has been provided an itemization of the billing  
24 or billings to the client, detailing hourly costs, time spent,  
25 and tasks performed, and by an affidavit of the client  
26 acknowledging receipt of that documentation, awareness of the

1 right to a hearing, the right to be represented by counsel  
2 (other than counsel to whom the consent judgment is in favor),  
3 and the right to be present at the time of presentation of the  
4 petition, and agreement to the terms of the judgment. The  
5 petition may be filed at any time during which it is  
6 permissible for counsel of record to file a petition (or a  
7 praecipe) for a final fee hearing, except that no such petition  
8 for entry of consent judgment may be filed before adjudication  
9 (or waiver) of the client's right to contribution under  
10 subsection (j) of Section 503 or filed after the filing of a  
11 petition (or a praecipe) by counsel of record for a fee hearing  
12 under subsection (c) if the petition (or praecipe) remains  
13 pending. No consent security arrangement between a client and a  
14 counsel of record, pursuant to which assets of a client are  
15 collateralized to secure payment of legal fees or costs, is  
16 permissible unless approved in advance by the court as being  
17 reasonable under the circumstances.

18 (e) Counsel may pursue an award and judgment against a  
19 former client for legal fees and costs in an independent  
20 proceeding in the following circumstances:

21 (1) While a case under this Act is still pending, a  
22 former counsel may pursue such an award and judgment at any  
23 time subsequent to 90 days after the entry of an order  
24 granting counsel leave to withdraw; and

25 (2) After the close of the period during which a  
26 petition (or praecipe) may be filed under subdivision

1 (c) (5), if no such petition (or praecipe) for the counsel  
2 remains pending, any counsel or former counsel may pursue  
3 such an award and judgment in an independent proceeding.

4 In an independent proceeding, the prior applicability of this  
5 Section shall in no way be deemed to have diminished any other  
6 right of any counsel (or former counsel) to pursue an award and  
7 judgment for legal fees and costs on the basis of remedies that  
8 may otherwise exist under applicable law; and the limitations  
9 period for breach of contract shall apply. In an independent  
10 proceeding under subdivision (e) (1) in which the former counsel  
11 had represented a former client in a dissolution case that is  
12 still pending, the former client may bring in his or her spouse  
13 as a third-party defendant, provided on or before the final  
14 date for filing a petition (or praecipe) under subsection (c),  
15 the party files an appropriate third-party complaint under  
16 Section 2-406 of the Code of Civil Procedure. In any such case,  
17 any judgment later obtained by the former counsel shall be  
18 against both spouses or ex-spouses, jointly and severally  
19 (except that, if a hearing under subsection (j) of Section 503  
20 has already been concluded and the court hearing the  
21 contribution issue has imposed a percentage allocation between  
22 the parties as to fees and costs otherwise being adjudicated in  
23 the independent proceeding, the allocation shall be applied  
24 without deviation by the court in the independent proceeding  
25 and a separate judgment shall be entered against each spouse  
26 for the appropriate amount). After the period for the



1 commencement of a proceeding under subsection (c), the  
2 provisions of this Section (other than the standard set forth  
3 in subdivision (c)(3) and the terms respecting consent security  
4 arrangements in subsection (d) of this Section 508) shall be  
5 inapplicable.

6 The changes made by this amendatory Act of the 94th General  
7 Assembly are declarative of existing law.

8 (f) Unless the Supreme Court by rule addresses the matters  
9 set out in this subsection (f), a written engagement agreement  
10 within the scope of subdivision (c)(2) shall have appended to  
11 it verbatim the following Statement:

12 "STATEMENT OF CLIENT'S RIGHTS AND RESPONSIBILITIES

13 (1) WRITTEN ENGAGEMENT AGREEMENT. The written engagement  
14 agreement, prepared by the counsel, shall clearly address the  
15 objectives of representation and detail the fee arrangement,  
16 including all material terms. If fees are to be based on  
17 criteria apart from, or in addition to, hourly rates, such  
18 criteria (e.g., unique time demands and/or utilization of  
19 unique expertise) shall be delineated. The client shall receive  
20 a copy of the written engagement agreement and any additional  
21 clarification requested and is advised not to sign any such  
22 agreement which the client finds to be unsatisfactory or does  
23 not understand.

24 (2) REPRESENTATION. Representation will commence upon the  
25 signing of the written engagement agreement. The counsel will

1 provide competent representation, which requires legal  
2 knowledge, skill, thoroughness and preparation to handle those  
3 matters set forth in the written engagement agreement. Once  
4 employed, the counsel will act with reasonable diligence and  
5 promptness, as well as use his best efforts on behalf of the  
6 client, but he cannot guarantee results. The counsel will abide  
7 by the client's decision concerning the objectives of  
8 representation, including whether or not to accept an offer of  
9 settlement, and will endeavor to explain any matter to the  
10 extent reasonably necessary to permit the client to make  
11 informed decisions regarding representation. During the course  
12 of representation and afterwards, the counsel may not use or  
13 reveal a client's confidence or secrets, except as required or  
14 permitted by law.

15 (3) COMMUNICATION. The counsel will keep the client  
16 reasonably informed about the status of representation and will  
17 promptly respond to reasonable requests for information,  
18 including any reasonable request for an estimate respecting  
19 future costs of the representation or an appropriate portion of  
20 it. The client shall be truthful in all discussions with the  
21 counsel and provide all information or documentation required  
22 to enable the counsel to provide competent representation.  
23 During representation, the client is entitled to receive all  
24 pleadings and substantive documents prepared on behalf of the  
25 client and every document received from any other counsel of  
26 record. At the end of the representation and on written request

1 from the client, the counsel will return to the client all  
2 original documents and exhibits. In the event that the counsel  
3 withdraws from representation, or is discharged by the client,  
4 the counsel will turn over to the substituting counsel (or, if  
5 no substitutions, to the client) all original documents and  
6 exhibits together with complete copies of all pleadings and  
7 discovery within thirty (30) days of the counsel's withdrawal  
8 or discharge.

9 (4) ETHICAL CONDUCT. The counsel cannot be required to  
10 engage in conduct which is illegal, unethical, or fraudulent.  
11 In matters involving minor children, the counsel may refuse to  
12 engage in conduct which, in the counsel's professional  
13 judgment, would be contrary to the best interest of the  
14 client's minor child or children. A counsel who cannot  
15 ethically abide by his client's directions shall be allowed to  
16 withdraw from representation.

17 (5) FEES. The counsel's fee for services may not be  
18 contingent upon the securing of a dissolution of marriage or ~~7~~  
19 upon being allocated parental responsibility ~~obtaining~~  
20 ~~custody,~~ or be based upon the amount of maintenance, child  
21 support, or property settlement received, except as  
22 specifically permitted under Supreme Court rules. The counsel  
23 may not require a non-refundable retainer fee, but must remit  
24 back any overpayment at the end of the representation. The  
25 counsel may enter into a consensual security arrangement with  
26 the client whereby assets of the client are pledged to secure

1 payment of legal fees or costs, but only if the counsel first  
2 obtains approval of the Court. The counsel will prepare and  
3 provide the client with an itemized billing statement detailing  
4 hourly rates (and/or other criteria), time spent, tasks  
5 performed, and costs incurred on a regular basis, at least  
6 quarterly. The client should review each billing statement  
7 promptly and address any objection or error in a timely manner.  
8 The client will not be billed for time spent to explain or  
9 correct a billing statement. If an appropriately detailed  
10 written estimate is submitted to a client as to future costs  
11 for a counsel's representation or a portion of the contemplated  
12 services (i.e., relative to specific steps recommended by the  
13 counsel in the estimate) and, without objection from the  
14 client, the counsel then performs the contemplated services,  
15 all such services are presumptively reasonable and necessary,  
16 as well as to be deemed pursuant to the client's direction. In  
17 an appropriate case, the client may pursue contribution to his  
18 or her fees and costs from the other party.

19 (6) DISPUTES. The counsel-client relationship is regulated  
20 by the Illinois Rules of Professional Conduct (Article VIII of  
21 the Illinois Supreme Court Rules), and any dispute shall be  
22 reviewed under the terms of such Rules."

23 (g) The changes to this Section 508 made by this amendatory  
24 Act of 1996 apply to cases pending on or after June 1, 1997,  
25 except as follows:

26 (1) Subdivisions (c) (1) and (c) (2) of this Section 508,

1 as well as provisions of subdivision (c) (3) of this Section  
2 508 pertaining to written engagement agreements, apply  
3 only to cases filed on or after June 1, 1997.

4 (2) The following do not apply in the case of a hearing  
5 under this Section that began before June 1, 1997:

6 (A) Subsection (c-1) of Section 501.

7 (B) Subsection (j) of Section 503.

8 (C) The changes to this Section 508 made by this  
9 amendatory Act of 1996 pertaining to the final setting  
10 of fees.

11 (Source: P.A. 96-583, eff. 1-1-10.)

12 (750 ILCS 5/510) (from Ch. 40, par. 510)

13 Sec. 510. Modification and termination of provisions for  
14 maintenance, support, educational expenses, and property  
15 disposition.

16 (a) Except as otherwise provided in paragraph (f) of  
17 Section 502 and in subsection (b), clause (3) of Section 505.2,  
18 the provisions of any judgment respecting maintenance or  
19 support may be modified only as to installments accruing  
20 subsequent to due notice by the moving party of the filing of  
21 the motion for modification. An order for child support may be  
22 modified as follows:

23 (1) upon a showing of a substantial change in  
24 circumstances; and

25 (2) without the necessity of showing a substantial

1 change in circumstances, as follows:

2 (A) upon a showing of an inconsistency of at least  
3 20%, but no less than \$10 per month, between the amount  
4 of the existing order and the amount of child support  
5 that results from application of the guidelines  
6 specified in Section 505 of this Act unless the  
7 inconsistency is due to the fact that the amount of the  
8 existing order resulted from a deviation from the  
9 guideline amount and there has not been a change in the  
10 circumstances that resulted in that deviation; or

11 (B) upon a showing of a need to provide for the  
12 health care needs of the child under the order through  
13 health insurance or other means. In no event shall the  
14 eligibility for or receipt of medical assistance be  
15 considered to meet the need to provide for the child's  
16 health care needs.

17 The provisions of subparagraph (a) (2) (A) shall apply only  
18 in cases in which a party is receiving child support  
19 enforcement services from the Department of Healthcare and  
20 Family Services under Article X of the Illinois Public Aid  
21 Code, and only when at least 36 months have elapsed since the  
22 order for child support was entered or last modified.

23 (a-5) An order for maintenance may be modified or  
24 terminated only upon a showing of a substantial change in  
25 circumstances. In all such proceedings, as well as in  
26 proceedings in which maintenance is being reviewed, the court

1 shall consider the applicable factors set forth in subsection  
2 (a) of Section 504 and the following factors:

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

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

8 (3) any impairment of the present and future earning  
9 capacity of either party;

10 (4) the tax consequences of the maintenance payments  
11 upon the respective economic circumstances of the parties;

12 (5) the duration of the maintenance payments  
13 previously paid (and remaining to be paid) relative to the  
14 length of the marriage;

15 (6) the property, including retirement benefits,  
16 awarded to each party under the judgment of dissolution of  
17 marriage, judgment of legal separation, or judgment of  
18 declaration of invalidity of marriage and the present  
19 status of the property;

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

23 (8) the property acquired and currently owned by each  
24 party after the entry of the judgment of dissolution of  
25 marriage, judgment of legal separation, or judgment of  
26 declaration of invalidity of marriage; and

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

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

7           (c) Unless otherwise agreed by the parties in a written  
8           agreement set forth in the judgment or otherwise approved by  
9           the court, the obligation to pay future maintenance is  
10          terminated upon the death of either party, or the remarriage of  
11          the party receiving maintenance, or if the party receiving  
12          maintenance cohabits with another person on a resident,  
13          continuing conjugal basis. Any obligation of a payor party for  
14          premium payments respecting insurance on such party's life  
15          imposed under subsection (f) of Section 504 is also terminated  
16          on the occurrence of any of the foregoing events, unless  
17          otherwise agreed by the parties. Any termination of an  
18          obligation for maintenance as a result of the death of the  
19          payor party, however, shall be inapplicable to any right of the  
20          other party or such other party's designee to receive a death  
21          benefit under such insurance on the payor party's life. A party  
22          receiving maintenance must advise the payor of his or her  
23          intention to marry at least 30 days before the remarriage,  
24          unless the decision is made within said time period. In that  
25          event, he or she must notify the other party within 72 hours of  
26          getting married. Failure to notify the payor as required by



1 this subsection allows any subsequent petition for termination  
2 to be made retroactive, to the date of marriage, with  
3 reimbursement permitted for the amount paid prior to  
4 notification.

5 (c-5) The court shall make specific factual findings as to  
6 the reason for the modification as well as the amount, nature,  
7 and duration of the modified maintenance reward.

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

24 (e) The right to petition for support or educational  
25 expenses, or both, under Sections 505 and 513 is not  
26 extinguished by the death of a parent. Upon a petition filed

1 before or after a parent's death, the court may award sums of  
2 money out of the decedent's estate for the child's support or  
3 educational expenses, or both, as equity may require. The time  
4 within which a claim may be filed against the estate of a  
5 decedent under Sections 505 and 513 and subsection (d) and this  
6 subsection shall be governed by the provisions of the Probate  
7 Act of 1975, as a barrable, noncontingent claim.

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

14 (Source: P.A. 97-608, eff. 1-1-12.)

15 (750 ILCS 5/512) (from Ch. 40, par. 512)

16 Sec. 512. Post-Judgment Venue.➤ After 30 days from the  
17 entry of a judgment of dissolution of marriage or legal  
18 separation or the last modification thereof, any further  
19 proceedings to enforce or modify the judgment shall be as  
20 follows:

21 (a) If the respondent does not then reside within this  
22 State, further proceedings shall be had either in the judicial  
23 circuit wherein the moving party resides or where the judgment  
24 was entered or last modified.

25 (b) If one or both of the parties then resides in the

1 judicial circuit wherein the judgment was entered or last  
2 modified, further proceedings shall be had in the judicial  
3 circuit that last exercised jurisdiction in the matter;  
4 provided, however, that the court may in its discretion,  
5 transfer matters involving a change in the allocation of  
6 parental responsibility ~~child custody~~ to the judicial circuit  
7 where the minor or dependent child resides.

8 (c) If neither party then resides in the judicial circuit  
9 wherein the judgment was entered or last modified, further  
10 proceedings shall be had in that circuit or in the judicial  
11 circuit wherein either party resides ~~or where the respondent is~~  
12 ~~actively employed~~; provided, however, that the court may, in  
13 its discretion, transfer matters involving a change in the  
14 allocation of parental responsibility ~~child custody~~ to the  
15 judicial circuit where the minor or dependent child resides.

16 (d) Objection to venue is waived if not made within such  
17 time as the respondent's answer is due. Counter relief shall be  
18 heard and determined by the court hearing any matter already  
19 pending.

20 (Source: P.A. 80-923.)

21 (750 ILCS 5/513) (from Ch. 40, par. 513)

22 Sec. 513. Educational Expenses ~~Support~~ for a Non-minor  
23 Child ~~Children and Educational Expenses~~.

24 (a) The court may award sums of money out of the property  
25 and income of either or both parties or the estate of a

1 deceased parent, as equity may require, for the educational  
2 expenses support of any the child or children of the parties.  
3 Unless otherwise agreed to by the parties, all educational  
4 expenses which are the subject of a petition brought pursuant  
5 to this Section shall be incurred no later than the student's  
6 23rd birthday.

7 (b) Regardless of whether an award has been made under  
8 subsection (a), the court may require both parties and the  
9 child to complete the Free Application for Federal Student Aid  
10 (FAFSA) and other financial aid forms and to submit any form of  
11 that type prior to the designated submission deadline for the  
12 form. The court may require either or both parties to provide  
13 funds for the child so as to pay for the cost of up to 5 college  
14 applications, the cost of 2 standardized college entrance  
15 examinations, and the cost of one standardized college entrance  
16 examination preparatory course.

17 (c) The authority under this Section to make provision for  
18 educational expenses extends not only to periods of college  
19 education or vocational or professional or other training after  
20 graduation from high school, but also to any period during  
21 which the child of the parties is still attending high school,  
22 even though he or she attained the age of 19.

23 (d) Educational expenses may include, but shall not be  
24 limited to, the following:

25 (1) except for good cause shown, the actual cost of the  
26 child's post-secondary expenses, including tuition and

1 fees, provided that the cost for tuition and fees does not  
2 exceed the amount of tuition and fees paid by a student at  
3 the University of Illinois at Urbana-Champaign for the same  
4 academic year;

5 (2) except for good cause shown, the actual costs of  
6 the child's housing expenses, whether on-campus and  
7 off-campus, provided that the housing expenses do not  
8 exceed the cost for the same academic year of a  
9 double-occupancy student room, with a standard meal plan,  
10 in a residence hall operated by the University of Illinois  
11 at Urbana-Champaign;

12 (3) the actual costs of the child's medical expenses,  
13 including medical insurance, and dental expenses; and

14 (4) the reasonable living expenses of the child during  
15 the academic year and periods of recess:

16 (A) if the child is a resident student attending a  
17 post-secondary educational program; or

18 (B) if the child is living with one party at that  
19 party's home and attending a post-secondary  
20 educational program as a non-resident student, in  
21 which case the living expenses include an amount that  
22 pays for the reasonable cost of the child's food,  
23 utilities, and transportation.

24 (e) Sums may be ordered payable to the child, to either  
25 party, or to the educational institution, directly or through a  
26 special account or trust created for that purpose, as the court

1 sees fit.

2 (f) If educational expenses are ordered payable, each party  
3 and the child shall sign any consent necessary for the  
4 educational institution to provide a supporting party with  
5 access to the child's academic transcripts, records, and grade  
6 reports. The consent shall not apply to any non-academic  
7 records. Failure to execute the required consent may be a basis  
8 for a modification or termination of any order entered under  
9 this Section. Unless the court specifically finds that the  
10 child's safety would be jeopardized, each party is entitled to  
11 know the name of the educational institution the child attends.

12 (g) The authority under this Section to make provision for  
13 educational expenses terminates when the child: fails to  
14 maintain a cumulative "C" grade point average, except in the  
15 event of illness or other good cause shown; attains the age of  
16 23; receives a baccalaureate degree; or marries. A child's  
17 enlisting in the armed forces, being incarcerated, or becoming  
18 pregnant does not terminate the court's authority to make  
19 provisions for the educational expenses for the child under  
20 this Section.

21 (h) An account established prior to the dissolution that is  
22 to be used for the child's post-secondary education, that is an  
23 account in a state tuition program under Section 529 of the  
24 Internal Revenue Code, or that is some other college savings  
25 plan, is to be considered by the court to be a resource of the  
26 child, provided that any post-judgment contribution made by a

1 party to such an account is to be considered a contribution  
2 from that party.

3 (i) The child is not a third party beneficiary to the  
4 settlement agreement or judgment between the parties after  
5 trial and is not entitled to file a petition for contribution.  
6 If the parties' settlement agreement describes the manner in  
7 which a child's educational expenses will be paid, or if the  
8 court makes an award pursuant to this Section, then the parties  
9 are responsible pursuant to that agreement or award for the  
10 child's educational expenses, but in no event shall the court  
11 consider the child a third party beneficiary of that provision.  
12 In the event of the death of a party who would have the right to  
13 file a petition for contribution, the child of the party may  
14 file a petition for contribution.

15 ~~who have attained majority in the following instances:~~

16 ~~(1) When the child is mentally or physically disabled~~  
17 ~~and not otherwise emancipated, an application for support~~  
18 ~~may be made before or after the child has attained~~  
19 ~~majority.~~

20 ~~(2) The court may also make provision for the~~  
21 ~~educational expenses of the child or children of the~~  
22 ~~parties, whether of minor or majority age, and an~~  
23 ~~application for educational expenses may be made before or~~  
24 ~~after the child has attained majority, or after the death~~  
25 ~~of either parent. The authority under this Section to make~~  
26 ~~provision for educational expenses extends not only to~~

1 ~~periods of college education or professional or other~~  
2 ~~training after graduation from high school, but also to any~~  
3 ~~period during which the child of the parties is still~~  
4 ~~attending high school, even though he or she attained the~~  
5 ~~age of 19. The educational expenses may include, but shall~~  
6 ~~not be limited to, room, board, dues, tuition,~~  
7 ~~transportation, books, fees, registration and application~~  
8 ~~costs, medical expenses including medical insurance,~~  
9 ~~dental expenses, and living expenses during the school year~~  
10 ~~and periods of recess, which sums may be ordered payable to~~  
11 ~~the child, to either parent, or to the educational~~  
12 ~~institution, directly or through a special account or trust~~  
13 ~~created for that purpose, as the court sees fit.~~

14 ~~If educational expenses are ordered payable, each~~  
15 ~~parent and the child shall sign any consents necessary for~~  
16 ~~the educational institution to provide the supporting~~  
17 ~~parent with access to the child's academic transcripts,~~  
18 ~~records, and grade reports. The consents shall not apply to~~  
19 ~~any non academic records. Failure to execute the required~~  
20 ~~consent may be a basis for a modification or termination of~~  
21 ~~any order entered under this Section. Unless the court~~  
22 ~~specifically finds that the child's safety would be~~  
23 ~~jeopardized, each parent is entitled to know the name of~~  
24 ~~the educational institution the child attends. This~~  
25 ~~amendatory Act of the 95th General Assembly applies to all~~  
26 ~~orders entered under this paragraph (2) on or after the~~



1 ~~effective date of this amendatory Act of the 95th General~~  
2 ~~Assembly.~~

3 ~~The authority under this Section to make provision for~~  
4 ~~educational expenses, except where the child is mentally or~~  
5 ~~physically disabled and not otherwise emancipated,~~  
6 ~~terminates when the child receives a baccalaureate degree.~~

7 (j) ~~(b)~~ In making awards under this Section ~~paragraph (1)~~  
8 ~~or (2) of subsection (a)~~, or pursuant to a petition or motion  
9 to decrease, modify, or terminate any such award, the court  
10 shall consider all relevant factors that appear reasonable and  
11 necessary, including:

12 (1) The present and future financial resources of both  
13 parties to meet their needs, including, but not limited to,  
14 savings for retirement ~~The financial resources of both~~  
15 ~~parents.~~

16 (2) The standard of living the child would have enjoyed  
17 had the marriage not been dissolved. The court may consider  
18 factors that are just and equitable.

19 (3) The financial resources of the child.

20 (4) The child's academic performance.

21 (k) Relief under this Section is retroactive only to the  
22 date of filing of a petition, and shall not apply to  
23 enforcement under this Section by either of the parties.

24 (Source: P.A. 95-954, eff. 8-29-08.)

1       Sec. 513.5. Support for a non-minor child with a  
2 disability.

3       (a) The court may award sums of money out of the property  
4 and income of either or both parties or the estate of a  
5 deceased parent, as equity may require, for the support of a  
6 child of the parties who has attained majority when the child  
7 is mentally or physically disabled and not otherwise  
8 emancipated. The sums awarded may be paid to one of the  
9 parents, to a trust created by the parties for the benefit of  
10 the non-minor child with a disability, or irrevocably to a  
11 special needs trust, established by the parties and for the  
12 sole benefit of the non-minor child with a disability, pursuant  
13 to subdivisions (d)(4)(A) or (d)(4)(C) of 42 U.S.C. 1396p,  
14 Section 15.1 of the Trusts and Trustees Act, and applicable  
15 provisions of the Social Security Administration Program  
16 Operating Manual System. An application for support for a  
17 non-minor disabled child may be made before or after the child  
18 has attained majority. Unless an application for educational  
19 expenses is made for a mentally or physically disabled child  
20 under Section 513, the disability that is the basis for the  
21 application for support must have arisen while the child was  
22 eligible for support under Section 505 or 513 of this Act.

23       (b) In making awards under this Section, or pursuant to a  
24 petition or motion to decrease, modify, or terminate any such  
25 award, the court shall consider all relevant factors that  
26 appear reasonable and necessary, including:

1           (1) the present and future financial resources of both  
2           parties to meet their needs, including, but not limited to,  
3           savings for retirement;

4           (2) the standard of living the child would have enjoyed  
5           had the marriage not been dissolved. The court may consider  
6           factors that are just and equitable;

7           (3) the financial resources of the child; and

8           (4) any financial or other resource provided to or for  
9           the child including, but not limited to, any Supplemental  
10           Security Income, any home-based support provided pursuant  
11           to the Home-Based Support Services Law for Mentally  
12           Disabled Adults, and any other State, federal, or local  
13           benefit available to the non-minor disabled child.

14           (c) As used in this Section:

15           A "disabled" individual means an individual who has a  
16           physical or mental impairment that substantially limits a major  
17           life activity, has a record of such an impairment, or is  
18           regarded as having such an impairment.

19           "Disability" means a mental or physical impairment that  
20           substantially limits a major life activity.

21           (750 ILCS 5/Pt. VI heading)

22                               PART VI

23                               ALLOCATION OF PARENTAL RESPONSIBILITIES ~~CUSTODY~~

24           (750 ILCS 5/600 new)

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

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

4       (b) "Allocation judgment" means a judgment allocating  
5 parental responsibilities.

6       (c) "Caretaking functions" means tasks that involve  
7 interaction with a child or that direct, arrange, and supervise  
8 the interaction with and care of a child provided by others, or  
9 for obtaining the resources allowing for the provision of these  
10 functions. The term includes, but is not limited to, the  
11 following:

12       (1) satisfying a child's nutritional needs; managing a  
13 child's bedtime and wake-up routines; caring for a child  
14 when the child is sick or injured; being attentive to a  
15 child's personal hygiene needs, including washing,  
16 grooming, and dressing; playing with a child and ensuring  
17 the child attends scheduled extracurricular activities;  
18 protecting a child's physical safety; and providing  
19 transportation for a child;

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

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

1           (4) ensuring the child attends school, including  
2           remedial and special services appropriate to the child's  
3           needs and interests, communicating with teachers and  
4           counselors, and supervising homework;

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

8           (6) ensuring the child attends medical appointments  
9           and is available for medical follow-up and meeting the  
10           medical needs of the child in the home;

11           (7) providing moral and ethical guidance for a child;  
12           and

13           (8) arranging alternative care for a child by a family  
14           member, babysitter, or other child care provider or  
15           facility, including investigating such alternatives,  
16           communicating with providers, and supervising such care.

17           (d) "Parental responsibilities" means both parenting time  
18           and significant decision-making responsibilities with respect  
19           to a child.

20           (e) "Parenting time" means the time during which a parent  
21           is responsible for exercising caretaking functions and  
22           non-significant decision-making responsibilities with respect  
23           to the child.

24           (f) "Parenting plan" means a written agreement that  
25           allocates significant decision-making responsibilities,  
26           parenting time, or both.

1       (g) "Relocation" means:

2           (1) a change of residence from the child's current  
3       primary residence located in the county of Cook, DuPage,  
4       Kane, Lake, McHenry, or Will to a new residence that is  
5       more than 25 miles from the child's current residence;

6           (2) a change of residence from the child's current  
7       primary residence located in a county not listed in  
8       paragraph (1) to a location within the borders of this  
9       State that is more than 50 miles from the child's current  
10       primary residence;

11           (3) a change of residence from the child's current  
12       primary residence to a residence outside the borders of  
13       this State that is more than 25 miles from the current  
14       primary residence; or

15           (4) a change of residence from the child's current  
16       primary residence to a residence outside the borders of  
17       this State that is no more than 25 miles from the child's  
18       current primary residence, regardless of the county of the  
19       child's current primary residence.

20       (h) "Religious upbringing" means the choice of religion or  
21       denomination of a religion, religious schooling, religious  
22       training, or participation in religious customs or practices.

23       (i) "Residential responsibility" means the amount of time a  
24       child spends in a parent's care.

25       (j) "Restriction of parenting time" means any limitation or  
26       condition placed on parenting time, including supervision.

1       (k) "Right of first refusal" has the meaning provided in  
2 subsection (b) of Section 602.3 of this Act.

3       (l) "Significant decision-making" means deciding issues of  
4 long-term importance in the life of a child.

5       (m) "Step-parent" means a person married to a child's  
6 parent, including a person married to the child's parent  
7 immediately prior to the parent's death.

8       (n) "Supervision" means the presence of a third party  
9 during a parent's exercise of parenting time.

10       (750 ILCS 5/601.2 new)

11       Sec. 601.2. Jurisdiction; commencement of proceeding.

12       (a) A court of this State that is competent to allocate  
13 parental responsibilities has jurisdiction to make such an  
14 allocation in original or modification proceedings as provided  
15 in Section 201 of the Uniform Child-Custody Jurisdiction and  
16 Enforcement Act as adopted by this State.

17       (b) A proceeding for allocation of parental  
18 responsibilities with respect to a child is commenced in the  
19 court:

20       (1) by filing a petition for dissolution of marriage or  
21 legal separation or declaration of invalidity of marriage;

22       (2) by filing a petition for allocation of parental  
23 responsibilities with respect to the child in the county in  
24 which the child resides;

25       (3) by a person other than a parent, by filing a

1 petition for allocation of parental responsibilities in  
2 the county in which the child is permanently resident or  
3 found, but only if he or she is not in the physical custody  
4 of one of his or her parents;

5 (4) by a step-parent, by filing a petition, if all of  
6 the following circumstances are met:

7 (A) the parent having the majority of residential  
8 responsibility is deceased or is disabled and cannot  
9 perform the duties of a parent to the child;

10 (B) the step-parent provided for the care,  
11 control, and welfare of the child prior to the  
12 initiation of proceedings for allocation of parental  
13 responsibilities;

14 (C) the child wishes to live with the step-parent;  
15 and

16 (D) it is alleged to be in the best interests and  
17 welfare of the child to live with the step-parent as  
18 provided in Section 602.5 of this Act; or

19 (5) when one of the parents is deceased, by a  
20 grandparent who is a parent or step-parent of a deceased  
21 parent, by filing a petition, if one or more of the  
22 following existed at the time of the parent's death:

23 (A) the surviving parent had been absent from the  
24 marital abode for more than one month without the  
25 spouse knowing his or her whereabouts;

26 (B) the surviving parent was in State or federal



1           custody; or

2           (C) the surviving parent had: (i) received  
3           supervision for or been convicted of any violation of  
4           Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,  
5           11-1.70, 12C-5, 12C-10, 12C-35, 12C-40, 12C-45, 18-6,  
6           19-6, or Article 12 of the Criminal Code of 1961 or the  
7           Criminal Code of 2012 directed towards the deceased  
8           parent or the child; or (ii) received supervision or  
9           been convicted of violating an order of protection  
10           entered under Section 217, 218, or 219 of the Illinois  
11           Domestic Violence Act of 1986 for the protection of the  
12           deceased parent or the child.

13           (c) When a proceeding for allocation of parental  
14           responsibilities is commenced, the party commencing the action  
15           must, at least 30 days before any hearing on the petition,  
16           serve a written notice and a copy of the petition on the  
17           child's parent and on any party previously appearing in any  
18           prior proceeding for allocation of parental responsibilities  
19           with respect to the child. Nothing in this Section shall  
20           preclude a party in a proceeding for allocation of parental  
21           responsibilities from moving for a temporary order under  
22           Section 602.5.

23           (750 ILCS 5/602.3)

24           Sec. 602.3. Care of minor children; right of first refusal.

25           (a) If the court awards joint allocation of parental

1 responsibilities ~~custody~~ under Section 602.5 ~~602.1~~ or  
2 parenting time ~~visitation rights~~ under Section ~~607~~ 602.7 or  
3 602.8, the court may consider, consistent with the best  
4 interests ~~interest~~ of the child as defined in Sections 602.5  
5 and 602.7 ~~Section 602~~, whether to award to one or both of the  
6 parties the right of first refusal to provide child care for  
7 the minor child or children during the other parent's normal  
8 parenting time, unless the need for child care is attributable  
9 to an emergency.

10 (b) As used in this Section, "right of first refusal" means  
11 that if a party intends to leave the minor child or children  
12 with a substitute child-care provider for a significant period  
13 of time, that party must first offer the other party an  
14 opportunity to personally care for the minor child or children.  
15 The parties may agree to a right of first refusal that is  
16 consistent with the best interests ~~interest~~ of the minor child  
17 or children. If there is no agreement and the court determines  
18 that a right of first refusal is in the best interests ~~interest~~  
19 of the minor child or children, the court shall consider and  
20 make provisions in its order for:

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

23 (2) notification to the other parent and for his or her  
24 response;

25 (3) transportation requirements; and

26 (4) any other action necessary to protect and promote

1 the best interest of the minor child or children.

2 (c) The right of first refusal may be enforced under  
3 Section 607.5 ~~607.1~~ of this Act.

4 (d) The right of first refusal is terminated upon the  
5 termination of the allocation of parental responsibilities or  
6 parenting time ~~custody or visitation rights~~.

7 (Source: P.A. 98-462, eff. 1-1-14.)

8 (750 ILCS 5/602.5 new)

9 Sec. 602.5. Allocation of parental responsibilities:  
10 decision-making.

11 (a) Generally. The court shall allocate decision-making  
12 responsibilities according to the child's best interests.  
13 Nothing in this Act requires that each parent be allocated  
14 decision-making responsibilities.

15 (b) Allocation of significant decision-making  
16 responsibilities. Unless the parents otherwise agree in  
17 writing on an allocation of significant decision-making  
18 responsibilities, the court shall make the determination. The  
19 court shall allocate to one or both of the parents the  
20 significant decision-making responsibility for each  
21 significant issue affecting the child. Those significant  
22 issues shall include, without limitation, the following:

23 (1) Education, including the choice of schools and  
24 tutors.

25 (2) Health, including all decisions relating to the

1 medical, dental, and psychological needs of the child and  
2 to the treatments arising or resulting from those needs.

3 (3) Religion, subject to the following provisions:

4 (A) The court shall allocate parental  
5 responsibility for the child's religious upbringing in  
6 accordance with any express or implied agreement  
7 between the parents.

8 (B) The court shall consider evidence of the  
9 parents' past conduct as to the child's religious  
10 upbringing in allocating parental responsibilities  
11 consistent with demonstrated past conduct in the  
12 absence of an express or implied agreement between the  
13 parents.

14 (C) The court shall not allocate any aspect of the  
15 child's religious upbringing if it determines that the  
16 parents do not or did not have an express or implied  
17 agreement for such religious upbringing or that there  
18 is insufficient evidence to demonstrate a course of  
19 conduct regarding the child's religious upbringing  
20 that could serve as a basis for any such order.

21 (4) Extracurricular activities.

22 (c) Determination of child's best interests. In  
23 determining the child's best interests for purposes of  
24 allocating significant decision-making responsibilities, the  
25 court shall consider all relevant factors, including, without  
26 limitation, the following:

1           (1) the wishes of a child who is sufficiently mature to  
2           express reasoned and independent preferences as to  
3           significant decisions;

4           (2) the child's adjustment to his or her home, school,  
5           and community;

6           (3) the mental and physical health of all individuals  
7           involved;

8           (4) the ability of the parents to cooperate to make  
9           decisions, or the level of conflict between the parties  
10           that may affect their ability to share decision-making;

11           (5) the level of each parent's participation in past  
12           significant decision-making with respect to the child;

13           (6) any prior agreement or course of conduct between  
14           the parents relating to decision-making with respect to the  
15           child;

16           (7) the wishes of the parents;

17           (8) the child's needs in light of economic, physical,  
18           or other circumstances;

19           (9) the distance between the parents' residences, the  
20           cost and difficulty of transporting the child, each  
21           parent's and the child's daily schedules, and the ability  
22           of the parents to cooperate in the arrangement;

23           (10) whether a restriction on decision-making is  
24           appropriate under Section 603.10;

25           (11) the willingness and ability of each parent to  
26           facilitate and encourage a close and continuing

1 relationship between the other parent and the child;

2 (12) the physical violence or threat of physical  
3 violence by the child's parent, whether directed against  
4 the child or directed against another person;

5 (13) the occurrence of ongoing or repeated abuse,  
6 including, but not limited to, abuse as defined by the  
7 Illinois Domestic Violence Act of 1986 and the Abused and  
8 Neglected Child Reporting Act;

9 (14) whether one of the parents is a sex offender, and  
10 if so, the exact nature of the offense and what, if any,  
11 treatment in which the parent has successfully  
12 participated; and

13 (15) any other factor that the court expressly finds to  
14 be relevant.

15 (d) A parent shall have sole responsibility for making  
16 routine decisions with respect to the child and for emergency  
17 decisions affecting the child's health and safety during that  
18 parent's parenting time.

19 (e) In allocating significant decision-making  
20 responsibilities, the court shall not consider conduct of a  
21 parent that does not affect that parent's relationship to the  
22 child.

23 (750 ILCS 5/602.7 new)

24 Sec. 602.7. Parenting time.

25 (a) Best interests. The court shall allocate parenting time

1 according to the child's best interests.

2 (b) Allocation of parenting time. Unless the parents  
3 present a mutually agreed written parenting plan and that plan  
4 is approved by the court, the court shall allocate parenting  
5 time. It is presumed both parents are fit and the court shall  
6 not place any restrictions on parenting time as defined in  
7 Section 600 and described in Section 603.10, unless it finds by  
8 a preponderance of the evidence that a parent's exercise of  
9 parenting time would seriously endanger the child's physical,  
10 mental, moral, or emotional health.

11 In determining the child's best interests for purposes of  
12 allocating parenting time, the court shall consider all  
13 relevant factors, including, without limitation, the  
14 following:

15 (1) the wishes of each parent seeking parenting time;

16 (2) the wishes of a child who is sufficiently mature to  
17 express reasoned and independent preferences as to  
18 parenting time;

19 (3) the amount of time each parent spent performing  
20 caretaking functions with respect to the child in the 24  
21 months preceding the filing of any petition for allocation  
22 of parental responsibilities or, if the child is under 2  
23 years of age, since the child's birth;

24 (4) any prior agreement or course of conduct between  
25 the parents relating to caretaking functions with respect  
26 to the child;

1           (5) the interaction and interrelationship of the child  
2           with his or her parents and siblings and with any other  
3           person who may significantly affect the child's best  
4           interests;

5           (6) the child's adjustment to his or her home, school,  
6           and community;

7           (7) the mental and physical health of all individuals  
8           involved;

9           (8) the child's needs in light of economic, physical,  
10          or other circumstances;

11          (9) the distance between the parents' residences, the  
12          cost and difficulty of transporting the child, each  
13          parent's and the child's daily schedules, and the ability  
14          of the parents to cooperate in the arrangement;

15          (10) whether a restriction on parenting time is  
16          appropriate;

17          (11) the physical violence or threat of physical  
18          violence by a parent, whether directed against the child or  
19          directed against another person;

20          (12) the willingness and ability of each parent to  
21          place the needs of the child ahead of his or her own needs;

22          (13) the willingness and ability of each parent to  
23          facilitate and encourage a close and continuing  
24          relationship between the other parent and the child;

25          (14) the occurrence of abuse, including, but not  
26          limited to, abuse as defined in the Illinois Domestic



1 Violence Act of 1986 and the Abused and Neglected Child  
2 Reporting Act, whether against the child or another person;

3 (15) whether one of the parents is a convicted sex  
4 offender or lives with a convicted sex offender and, if so,  
5 the exact nature of the offense and what if any treatment  
6 the offender has successfully participated in; the parties  
7 are entitled to a hearing on the issues raised in this  
8 paragraph (15);

9 (16) the terms of a parent's military family-care plan  
10 that a parent must complete before deployment if a parent  
11 is a member of the United States Armed Forces who is being  
12 deployed; and

13 (17) any other factor that the court expressly finds to  
14 be relevant.

15 (c) In allocating parenting time, the court shall not  
16 consider conduct of a parent that does not affect that parent's  
17 relationship to the child.

18 (d) A parent who is not allocated parenting time is not  
19 entitled to access to the child's school or health care records  
20 unless a court finds that it is in the child's best interests  
21 to provide those records to the parent.

22 (e) Upon motion, the court may allow a parent who is  
23 deployed or who has orders to be deployed as a member of the  
24 United States Armed Forces to designate a person known to the  
25 child to exercise reasonable substitute parenting time on  
26 behalf of the deployed parent, if the court determines that

1 substitute parenting time is in the best interests of the  
2 child. In determining whether substitute parenting time is in  
3 the best interests of the child, the court shall consider all  
4 of the relevant factors listed in subsection (b) of this  
5 Section and apply those factors to the person designated as a  
6 substitute for the deployed parent for parenting time purposes.

7 (750 ILCS 5/602.8 new)

8 Sec. 602.8. Parenting time by parents not allocated  
9 parental responsibilities.

10 (a) A parent who has established parentage under the laws  
11 of this State and who is not granted parental responsibilities  
12 of a child is entitled to reasonable parenting time with the  
13 child, subject to subsections (d) and (e) of Section 603.10 of  
14 this Act, unless the court finds, after a hearing, that the  
15 parenting time would seriously endanger the child's mental,  
16 moral, or physical health or significantly impair the child's  
17 emotional development. The order setting forth parenting time  
18 shall be in the child's best interests pursuant to the factors  
19 set forth in subsection (b) of Section 602.7 of this Section.

20 (b) The court may modify an order granting or denying  
21 parenting time pursuant to Section 610.5 of this Act. The court  
22 may restrict parenting time, and modify an order restricting  
23 parenting time, pursuant to Section 603.10 of this Act.

24 (c) If the street address of the parent allocated parental  
25 responsibilities is not identified, pursuant to Section 708 of

1 this Act, the court shall require the parties to identify  
2 reasonable alternative arrangements for parenting time by a  
3 parent not allocated parental responsibilities, including but  
4 not limited to parenting time of the minor child at the  
5 residence of another person or at a local public or private  
6 facility.

7 (750 ILCS 5/602.9 new)

8 Sec. 602.9. Visitation by certain non-parents.

9 (a) As used in this Section:

10 (1) "electronic communication" means time that a  
11 grandparent, great-grandparent, sibling, or step-parent  
12 spends with a child during which the child is not in the  
13 person's actual physical custody, but which is facilitated  
14 by the use of communication tools such as the telephone,  
15 electronic mail, instant messaging, video conferencing or  
16 other wired or wireless technologies via the Internet, or  
17 another medium of communication;

18 (2) "sibling" means a brother or sister either of the  
19 whole blood or the half blood, stepbrother, or stepsister  
20 of the minor child;

21 (3) "step-parent" means a person married to a child's  
22 parent, including a person married to the child's parent  
23 immediately prior to the parent's death; and

24 (4) "visitation" means in-person time spent between a  
25 child and the child's grandparent, great-grandparent,

1 sibling, or step-parent. In appropriate circumstances,  
2 visitation may include electronic communication under  
3 conditions and at times determined by the court.

4 (b) General provisions.

5 (1) An appropriate person, as identified in subsection  
6 (c) of this Section, may bring an action in circuit court  
7 by petition, or by filing a petition in a pending  
8 dissolution proceeding or any other proceeding that  
9 involves parental responsibilities, parenting time, or  
10 visitation issues regarding the child, requesting  
11 visitation with the child pursuant to this Section. If  
12 there is not a pending proceeding involving parental  
13 responsibilities, parenting time, or visitation with the  
14 child, the petition for visitation with the child must be  
15 filed in the county in which the child resides. Notice of  
16 the petition shall be given as provided in subsection (c)  
17 of Section 601.2 of this Act.

18 (2) This Section does not apply to a child:

19 (A) in whose interests a petition is pending under  
20 Section 2-13 of the Juvenile Court Act of 1987; or

21 (B) in whose interests a petition to adopt by an  
22 unrelated person is pending under the Adoption Act; or

23 (C) who has been voluntarily surrendered by the  
24 parent or parents, except for a surrender to the  
25 Department of Children and Family Services or a foster  
26 care facility; or

1           (D) who has been previously adopted by an  
2           individual or individuals who are not related to the  
3           biological parents of the child or who is the subject  
4           of a pending adoption petition by an individual or  
5           individuals who are not related to the biological  
6           parents of the child.

7           (3) A petition for visitation may be filed under this  
8           Section only if there has been an unreasonable denial of  
9           visitation by a parent and the denial has caused the child  
10           undue mental, physical, or emotional harm.

11           (4) There is a rebuttable presumption that a fit  
12           parent's actions and decisions regarding grandparent,  
13           great-grandparent, sibling, or step-parent visitation are  
14           not harmful to the child's mental, physical, or emotional  
15           health. The burden is on the party filing a petition under  
16           this Section to prove that the parent's actions and  
17           decisions regarding visitation will cause undue harm to the  
18           child's mental, physical, or emotional health.

19           (5) In determining whether to grant visitation, the  
20           court shall consider the following:

21           (A) the preference of the child, taking into  
22           account the child's age and maturity and ability to  
23           express independent preferences as to decision-making;

24           (B) the mental and physical health of the child;

25           (C) the mental and physical health of the  
26           grandparent, great-grandparent, sibling, or

1           step-parent;

2           (D) the length and quality of the prior  
3           relationship between the child and the grandparent,  
4           great-grandparent, sibling, or step-parent;

5           (E) the good faith of the party in filing the  
6           petition;

7           (F) the good faith of the person denying  
8           visitation;

9           (G) the quantity of the visitation time requested  
10           and the potential adverse impact that visitation would  
11           have on the child's customary activities;

12           (H) any other fact that establishes that the loss  
13           of the relationship between the petitioner and the  
14           child is likely to unduly harm the child's mental,  
15           physical, or emotional health; and

16           (I) whether visitation can be structured in way to  
17           minimize the child's exposure to conflicts between the  
18           adults.

19           (6) Any visitation rights granted under this Section  
20           before the filing of a petition for adoption of the child  
21           shall automatically terminate by operation of law upon the  
22           entry of an order terminating parental rights or granting  
23           the adoption of the child, whichever is earlier. If the  
24           person or persons who adopted the child are related to the  
25           child, as defined by Section 1 of the Adoption Act, any  
26           person who was related to the child as grandparent,

1 great-grandparent, or sibling prior to the adoption shall  
2 have standing to bring an action under this Section  
3 requesting visitation with the child.

4 (7) The court may order visitation rights for the  
5 grandparent, great-grandparent, sibling, or step-parent  
6 that include reasonable access without requiring overnight  
7 or possessory visitation.

8 (c) Visitation by grandparents, great-grandparents,  
9 step-parents, and siblings.

10 (1) Grandparents, great-grandparents, step-parents,  
11 and siblings of a minor child who is one year old or older  
12 may bring a petition for visitation and electronic  
13 communication under this Section if there is an  
14 unreasonable denial of visitation by a parent that causes  
15 undue mental, physical, or emotional harm to the child and  
16 if at least one of the following conditions exists:

17 (A) the child's other parent is deceased or has  
18 been missing for at least 90 days. For the purposes of  
19 this subsection a parent is considered to be missing if  
20 the parent's location has not been determined and the  
21 parent has been reported as missing to a law  
22 enforcement agency; or

23 (B) a parent of the child is incompetent as a  
24 matter of law; or

25 (C) a parent has been incarcerated in jail or  
26 prison for a period in excess of 90 days immediately

1           prior to the filing of the petition; or

2           (D) the child's mother and father have been granted  
3           a dissolution of marriage or have been legally  
4           separated from each other or there is pending a  
5           dissolution proceeding involving a parent of the child  
6           or another court proceeding involving parental  
7           responsibilities, parenting time, or visitation of the  
8           child (other than any adoption proceeding of an  
9           unrelated child or a proceeding under Article II of the  
10           Juvenile Court Act of 1987) and at least one parent  
11           does not object to the grandparent, great-grandparent,  
12           step-parent, or sibling having visitation with the  
13           child. The visitation of the grandparent,  
14           great-grandparent, step-parent, or sibling must not  
15           diminish the parenting time of the parent who is not  
16           related to the grandparent, great-grandparent,  
17           step-parent, or sibling seeking visitation; or

18           (E) the child is born to parents who are not  
19           married to each other, the parents are not living  
20           together, and the petitioner is a grandparent,  
21           great-grandparent, step-parent, or sibling of the  
22           child, and parentage has been established by a court of  
23           competent jurisdiction.

24           (2) In addition to the factors set forth in subdivision  
25           (b) (5) of this Section, the court should consider:

26           (A) whether the child resided with the petitioner



1           for at least 6 consecutive months with or without a  
2           parent present;

3           (B) whether the child had frequent and regular  
4           contact or visitation with the petitioner for at least  
5           12 consecutive months; and

6           (C) whether the grandparent, great-grandparent,  
7           sibling, or step-parent was a primary caretaker of the  
8           child for a period of not less than 6 consecutive  
9           months within the 24-month period immediately  
10           preceding the commencement of the proceeding.

11           (3) Any order granting visitation privileges with the  
12           child to a grandparent or great-grandparent who is related  
13           to the child through a parent whose contact with the child  
14           is prohibited or restricted shall contain the following  
15           provision:

16           "If the (grandparent or great-grandparent, whichever  
17           is applicable) who has been granted visitation privileges  
18           under this order uses the visitation privileges to  
19           facilitate contact between the child and the child's parent  
20           whose contact with the child has been prohibited or  
21           restricted, the visitation privileges granted under this  
22           order shall be permanently revoked."

23           (4) A petition for visitation privileges may not be  
24           filed pursuant to this subsection (c) by the parents or  
25           grandparents of a parent of the child if parentage between  
26           the child and the related parent has not been legally

1 established.

2 (d) Modification of visitation orders.

3 (1) Unless by stipulation of the parties, no motion to  
4 modify a grandparent, great-grandparent, sibling, or  
5 step-parent visitation order may be made earlier than 2  
6 years after the date the order was filed, unless the court  
7 permits it to be made on the basis of affidavits that there  
8 is reason to believe the child's present environment may  
9 endanger seriously the child's mental, physical, or  
10 emotional health.

11 (2) The court shall not modify an order that grants  
12 visitation to a grandparent, great-grandparent, sibling,  
13 or step-parent unless it finds by clear and convincing  
14 evidence, upon the basis of facts that have arisen since  
15 the prior visitation order or that were unknown to the  
16 court at the time of entry of the prior visitation order,  
17 that a change has occurred in the circumstances of the  
18 child or his or her parent, and that the modification is  
19 necessary to protect the mental, physical, or emotional  
20 health of the child. The court shall state in its decision  
21 specific findings of fact in support of its modification or  
22 termination of the grandparent, great-grandparent,  
23 sibling, or step-parent visitation. A child's parent may  
24 always petition to modify visitation upon changed  
25 circumstances when necessary to promote the child's best  
26 interests.

1           (3) Notice of a motion requesting modification of a  
2           visitation order shall be provided as set forth in  
3           subsection (c) of Section 601.2 of this Act.

4           (4) Attorney's fees and costs shall be assessed against  
5           a party seeking modification of the visitation order if the  
6           court finds that the modification action is vexatious and  
7           constitutes harassment.

8           (5) If any court has entered an order prohibiting a  
9           parent of a child from any contact with a child or  
10           restricting the parent's contact with the child, the  
11           following provisions shall apply:

12           (A) If an order has been entered granting  
13           visitation privileges with the child to a grandparent  
14           or great-grandparent who is related to the child  
15           through the parent whose contact with the child is  
16           prohibited or restricted, the visitation privileges of  
17           the grandparent or great-grandparent may be revoked  
18           if:

19           (i) a court has entered an order prohibiting  
20           the parent from any contact with the child, and the  
21           grandparent or great-grandparent is found to have  
22           used his or her visitation privileges to  
23           facilitate contact between the child and the  
24           parent; or

25           (ii) a court has entered an order restricting  
26           the parent's contact with the child, and the

1 grandparent or great-grandparent is found to have  
2 used his or her visitation privileges to  
3 facilitate contact between the child and the  
4 parent in a manner that violates the terms of the  
5 order restricting the parent's contact with the  
6 child.

7 Nothing in this paragraph (5) limits the authority of  
8 the court to enforce its orders in any manner permitted by  
9 law.

10 (e) No child's grandparent, great-grandparent, sibling, or  
11 step-parent who was convicted of any offense involving an  
12 illegal sex act perpetrated upon a victim less than 18 years of  
13 age including, but not limited to, offenses for violations of  
14 Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-1.70,  
15 or Article 12 of the Criminal Code of 1961 or the Criminal Code  
16 of 2012, is entitled to visitation while incarcerated or while  
17 on parole, probation, conditional discharge, periodic  
18 imprisonment, or mandatory supervised release for that  
19 offense, and upon discharge from incarceration for a  
20 misdemeanor offense or upon discharge from parole, probation,  
21 conditional discharge, periodic imprisonment, or mandatory  
22 supervised release for a felony offense. Visitation shall be  
23 denied until the person successfully completes a treatment  
24 program approved by the court. Upon completion of treatment,  
25 the court may deny visitation based on the factors listed in  
26 subdivision (b) (5) of Section 607 of this Act.

1       (f) No child's grandparent, great-grandparent, sibling, or  
2 step-parent may be granted visitation under this Section if he  
3 or she has been convicted of first degree murder of a parent,  
4 grandparent, great-grandparent, or sibling of the child who is  
5 the subject of the visitation request. Pursuant to a motion to  
6 modify visitation, the court shall revoke visitation rights  
7 previously granted to any person who would otherwise be  
8 entitled to petition for visitation rights under this Section,  
9 if the person has been convicted of first degree murder of a  
10 parent, grandparent, great-grandparent, or sibling of the  
11 child who is the subject of the visitation order. Until an  
12 order is entered pursuant to this subsection, no person may  
13 visit, with the child present, a person who has been convicted  
14 of first degree murder of the parent, grandparent,  
15 great-grandparent, or sibling of the child without the consent  
16 of the child's parent, other than a parent convicted of first  
17 degree murder as set forth herein, or legal guardian.

18       (750 ILCS 5/602.10 new)

19       Sec. 602.10. Parenting plan.

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

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

4       (c) Mediation. The court shall order mediation to assist  
5 the parents in formulating or modifying a parenting plan or in  
6 implementing a parenting plan. Costs under this subsection  
7 shall be allocated between the parties pursuant to the  
8 applicable statute or Supreme Court Rule.

9       (d) Parents' agreement on parenting plan. The parents may  
10 agree on a parenting plan at any time. The parenting plan must  
11 be in writing and signed by both parents. The parents must  
12 submit the parenting plan to the court for approval within 120  
13 days after service of a petition for allocation of parental  
14 responsibilities, parenting time, or the filing of an  
15 appearance, except for good cause shown. If the court does not  
16 approve the parenting plan, the court shall make express  
17 findings of the reason or reasons for its refusal to approve  
18 the plan. The court, on its own motion, may conduct an  
19 evidentiary hearing to determine whether the parenting plan is  
20 in the child's best interests.

21       (e) Parents cannot agree on parenting plan. When parents  
22 fail to submit an agreed parenting plan, each parent must file  
23 and submit a written, signed parenting plan to the court within  
24 120 days after the filing of an appearance, except for good  
25 cause shown. The determination of residential parenting time  
26 should be based on the child's best interests. The filing of

1 the plan may be excused by the court if:

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

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

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

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

10 (1) an allocation of significant decision-making  
11 responsibilities;

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

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

16 (B) a formula or method for determining such a  
17 schedule in sufficient detail to be enforced in a  
18 subsequent proceeding;

19 (3) a mediation provision addressing any proposed  
20 revisions or disputes, except that this provision is not  
21 required if one parent is allocated all significant  
22 decision-making responsibilities;

23 (4) each parent's right of access to medical, dental,  
24 and psychological records (subject to the Mental Health and  
25 Developmental Disabilities Confidentiality Act), child  
26 care records, and school and extracurricular records,

1 reports, and schedules, unless expressly denied by a court  
2 order or denied under subsection (g) of Section 602.5;

3 (5) a designation of the parent who will be denominated  
4 as the parent with the majority of the residential  
5 responsibility for purposes of Section 606.10;

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

8 (7) each parent's residence address and phone number,  
9 and each parent's place of employment and employment  
10 address and phone number;

11 (8) a requirement that a parent changing his or her  
12 residence provide at least 60 days prior written notice of  
13 the change to any other parent under the parenting plan or  
14 allocation judgment, unless such notice is impracticable  
15 or unless otherwise ordered by the court. If such notice is  
16 impracticable, written notice shall be given at the  
17 earliest date practicable. At a minimum, the notice shall  
18 set forth the following:

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

20 and

21 (B) the address of the new residence;

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

25 (10) transportation arrangements between the parents;

26 (11) provisions for communications with the child



1 during the other parent's parenting time;

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

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

6 (14) provisions for the exercise of the right of first  
7 refusal, if so desired, that are consistent with the best  
8 interests of the minor child; provisions in the plan for  
9 the exercise of the right of first refusal must include:

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

12 (ii) notification to the other parent and for his  
13 or her response;

14 (iii) transportation requirements; and

15 (iv) any other provision related to the exercise of  
16 the right of first refusal necessary to protect and  
17 promote the best interests of the minor child; and

18 (15) any other provision that addresses the child's  
19 best interests or that will otherwise facilitate  
20 cooperation between the parents.

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

26 (g) The court shall conduct a trial or hearing to determine

1 a plan which it finds to be in the best interests of the child  
2 and maximizes the child's relationship and access to both  
3 parents. The court shall take the parenting plans into  
4 consideration when determining parenting time and  
5 responsibilities at trial or hearing.

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

10 (750 ILCS 5/603.5 new)

11 Sec. 603.5. Temporary orders.

12 (a) A court may order a temporary allocation of parental  
13 responsibilities in the child's best interests before the entry  
14 of a final allocation judgment. Any temporary allocation shall  
15 be made in accordance with the standards set forth in Sections  
16 602.5 and 602.7: (i) after a hearing; or (ii) if there is no  
17 objection, on the basis of a parenting plan that, at a minimum,  
18 complies with subsection (f) of Section 602.10.

19 (b) A temporary order allocating parental responsibilities  
20 shall be deemed vacated when the action in which it was granted  
21 is dismissed, unless a parent moves to continue the action for  
22 allocation of parental responsibilities filed under Section  
23 601.5.

24 (750 ILCS 5/603.10 new)

1       Sec. 603.10. Restriction of parental responsibilities.

2       (a) After a hearing, if the court finds by a preponderance  
3 of the evidence that a parent engaged in any conduct that  
4 seriously endangered the child's mental, moral, or physical  
5 health or that significantly impaired the child's emotional  
6 development, the court shall enter orders as necessary to  
7 protect the child. Such orders may include, but are not limited  
8 to, orders for one or more of the following:

9           (1) a reduction, elimination, or other adjustment of  
10 the parent's decision-making responsibilities or parenting  
11 time, or both decision-making responsibilities and  
12 parenting time;

13           (2) supervision, including ordering the Department of  
14 Children and Family Services to exercise continuing  
15 supervision under Section 5 of the Children and Family  
16 Services Act to ensure compliance with the allocation  
17 judgment;

18           (3) requiring the exchange of the child between the  
19 parents through an intermediary or in a protected setting;

20           (4) restraining a parent's communication with or  
21 proximity to the other parent or the child;

22           (5) requiring a parent to abstain from possessing or  
23 consuming alcohol or non-prescribed drugs while exercising  
24 parenting time with the child and within a specified period  
25 immediately preceding the exercise of parenting time;

26           (6) restricting the presence of specific persons while

1 a parent is exercising parenting time with the child;

2 (7) requiring a parent to post a bond to secure the  
3 return of the child following the parent's exercise of  
4 parenting time or to secure other performance required by  
5 the court;

6 (8) requiring a parent to complete a treatment program  
7 for perpetrators of abuse, for drug or alcohol abuse, or  
8 for other behavior that is the basis for restricting  
9 parental responsibilities under this Section; and

10 (9) any other constraints or conditions that the court  
11 deems necessary to provide for the child's safety or  
12 welfare.

13 (b) The court may modify an order restricting parental  
14 responsibilities if, after a hearing, the court finds by a  
15 preponderance of the evidence that a modification is in the  
16 child's best interests based on (i) a change of circumstances  
17 that occurred after the entry of an order restricting parental  
18 responsibilities; or (ii) conduct of which the court was  
19 previously unaware that seriously endangers the child. In  
20 determining whether to modify an order under this subsection,  
21 the court must consider factors that include, but need not be  
22 limited to, the following:

23 (1) abuse, neglect, or abandonment of the child as  
24 determined by any findings of the Department of Children  
25 and Family Services, including an indicated report filed  
26 under the Abused and Neglected Child Reporting Act;

1           (2) abusing or allowing abuse of another person that  
2           had an impact upon the child;

3           (3) use of drugs, alcohol, or any other substance in a  
4           way that interferes with the parent's ability to perform  
5           caretaking functions with respect to the child; and

6           (4) persistent continuing interference with the other  
7           parent's access to the child, except for actions taken with  
8           a reasonable, good-faith belief that they are necessary to  
9           protect the child's safety pending adjudication of the  
10           facts underlying that belief, provided that the  
11           interfering parent initiates a proceeding to determine  
12           those facts as soon as practicable.

13           (c) An order granting parenting time to a parent or other  
14           person may be revoked by the court if that parent is found to  
15           have knowingly used his or her parenting time to facilitate  
16           contact between the child and a parent who has been barred from  
17           contact with the child or to have knowingly used his or her  
18           parenting time to facilitate contact with the child that  
19           violates any restrictions imposed on the parent's parenting  
20           time by a court of competent jurisdiction. Nothing in this  
21           subsection limits a court's authority to enforce its orders in  
22           any other manner authorized by law.

23           (d) An order granting parenting time with a child whose  
24           parent is prohibited from contact with the child, or whose  
25           parenting time is restricted, shall contain the following  
26           provision:

1           "If a person granted parenting time under this order  
2           uses that time to facilitate contact between the child and  
3           a parent whose parenting time is restricted, or if such a  
4           person violates any restrictions placed on his or her  
5           parenting time by the court, the parenting time granted  
6           under this order shall be revoked until further order of  
7           court."

8           (e) A parent who, after a hearing, is determined by the  
9           court to have been convicted of any offense involving an  
10           illegal sex act perpetrated upon a victim less than 18 years of  
11           age, including but not limited to an offense under Article 11  
12           of the Criminal Code of 2012, is not entitled to parenting time  
13           while incarcerated or while on parole, probation, conditional  
14           discharge, periodic imprisonment, or mandatory supervised  
15           release for a felony offense, until the parent complies with  
16           such terms and conditions as the court determines are in the  
17           child's best interests, taking into account the exact nature of  
18           the offense and what, if any, treatment in which the parent  
19           successfully participated.

20           (f) A parent may not, while the child is present, visit any  
21           other parent of the child who has been convicted of first  
22           degree murder, unless the court finds, after considering all  
23           relevant factors, including those set forth in subsection (c)  
24           of Section 602.5, that it would be in the child's best  
25           interests to allow the child to be present during such a visit.

1 (750 ILCS 5/604.10 new)

2 Sec. 604.10. Interviews; evaluations; investigation.

3 (a) Court's interview of child. The court may interview the  
4 child in chambers to ascertain the child's wishes as to the  
5 allocation of parental responsibilities. Counsel shall be  
6 present at the interview unless otherwise agreed upon by the  
7 parties. The entire interview shall be recorded by a court  
8 reporter. The transcript of the interview shall be filed under  
9 seal and released only upon order of the court. The cost of the  
10 court reporter and transcript shall be paid by the court.

11 (b) Court's professional. The court may seek the advice of  
12 any professional, whether or not regularly employed by the  
13 court, to assist the court in determining the child's best  
14 interests. The advice to the court shall be in writing and sent  
15 by the professional to counsel for the parties and to the  
16 court, under seal. The writing may be admitted into evidence  
17 without testimony from its author, unless a party objects. A  
18 professional consulted by the court shall testify as the  
19 court's witness and be subject to cross-examination. The court  
20 shall order all costs and fees of the professional to be paid  
21 by one or more of the parties, subject to reallocation in  
22 accordance with subsection (a) of Section 508.

23 The professional's report must, at a minimum, set forth the  
24 following:

25 (1) a description of the procedures employed during the  
26 evaluation;

1           (2) a report of the data collected;

2           (3) all test results;

3           (4) any conclusions of the professional relating to the  
4           allocation of parental responsibilities under Sections  
5           602.5 and 602.7;

6           (5) any recommendations of the professional concerning  
7           the allocation of parental responsibilities or the child's  
8           relocation; and

9           (6) an explanation of any limitations in the evaluation  
10           or any reservations of the professional regarding the  
11           resulting recommendations.

12           The professional shall send his or her report to all  
13           attorneys of record, and to any party not represented, at least  
14           60 days before the hearing on the allocation of parental  
15           responsibilities. The court shall examine and consider the  
16           professionals report only after it has been admitted into  
17           evidence or after the parties have waived their right to  
18           cross-examine the professional.

19           (c) Evaluation by a party's retained professional. In a  
20           proceeding to allocate parental responsibilities or to  
21           relocate a child, upon notice and motion made by a parent or  
22           any party to the litigation within a reasonable time before  
23           trial, the court shall order an evaluation to assist the court  
24           in determining the child's best interests unless the court  
25           finds that an evaluation under this Section is untimely or not  
26           in the best interests of the child. The evaluation may be in



1 place of or in addition to any advice given to the court by a  
2 professional under subsection (b). A motion for an evaluation  
3 under this subsection must, at a minimum, identify the proposed  
4 evaluator and the evaluator's specialty or discipline. An order  
5 for an evaluation under this subsection must set forth the  
6 evaluator's name, address, and telephone number and the time,  
7 place, conditions, and scope of the evaluation. No person shall  
8 be required to travel an unreasonable distance for the  
9 evaluation. The party requesting the evaluation shall pay the  
10 evaluator's fees and costs unless otherwise ordered by the  
11 court.

12 The evaluator's report must, at a minimum, set forth the  
13 following:

14 (1) a description of the procedures employed during the  
15 evaluation;

16 (2) a report of the data collected;

17 (3) all test results;

18 (4) any conclusions of the evaluator relating to the  
19 allocation of parental responsibilities under Sections  
20 602.5 and 602.7;

21 (5) any recommendations of the evaluator concerning  
22 the allocation of parental responsibilities or the child's  
23 relocation; and

24 (6) an explanation of any limitations in the evaluation  
25 or any reservations of the evaluator regarding the  
26 resulting recommendations.

1       A party who retains a professional to conduct an evaluation  
2 under this subsection shall cause the evaluator's written  
3 report to be sent to the attorneys of record no less than 60  
4 days before the hearing on the allocation of parental  
5 responsibilities, unless otherwise ordered by the court; if a  
6 party fails to comply with this provision, the court may not  
7 admit the evaluator's report into evidence and may not allow  
8 the evaluator to testify.

9       The party calling an evaluator to testify at trial shall  
10 disclose the evaluator as a controlled expert witness in  
11 accordance with the Supreme Court Rules.

12       Any party to the litigation may call the evaluator as a  
13 witness. That party shall pay the evaluator's fees and costs  
14 for testifying, unless otherwise ordered by the court.

15       (d) Investigation. Upon notice and a motion by a parent or  
16 any party to the litigation, or upon the court's own motion,  
17 the court may order an investigation and report to assist the  
18 court in allocating parental responsibilities. The  
19 investigation may be made by any agency, private entity, or  
20 individual deemed appropriate by the court. The court shall  
21 specify the purpose and scope of the investigation.

22       The investigator's report must, at a minimum, set forth the  
23 following:

24           (1) a description of the procedures employed during the  
25 investigation;

26           (2) a report of the data collected;

1           (3) all test results;

2           (4) any conclusions of the investigator relating to the  
3           allocation of parental responsibilities under Sections  
4           602.5 and 602.7;

5           (5) any recommendations of the investigator concerning  
6           the allocation of parental responsibilities or the child's  
7           relocation; and

8           (6) an explanation of any limitations in the  
9           investigation or any reservations of the investigator  
10           regarding the resulting recommendations.

11           The investigator shall send his or her report to all  
12           attorneys of record, and to any party not represented, at least  
13           60 days before the hearing on the allocation of parental  
14           responsibilities. The court shall examine and consider the  
15           investigator's report only after it has been admitted into  
16           evidence or after the parties have waived their right to  
17           cross-examine the investigator.

18           The investigator shall make available to all attorneys of  
19           record, and to any party not represented, the investigator's  
20           file, and the names and addresses of all persons whom the  
21           investigator has consulted. Any party to the proceeding may  
22           call the investigator, or any person consulted by the  
23           investigator as a court's witness, for cross-examination. No  
24           fees shall be paid for any investigation by a governmental  
25           agency. The fees incurred by any other investigator shall be  
26           allocated in accordance with Section 508.

1 (750 ILCS 5/606.5 new)

2 Sec. 606.5. Hearings.

3 (a) Proceedings to allocate parental responsibilities  
4 shall receive priority in being set for hearing.

5 (b) The court, without a jury, shall determine questions of  
6 law and fact.

7 (c) Previous statements made by the child relating to any  
8 allegations that the child is an abused or neglected child  
9 within the meaning of the Abused and Neglected Child Reporting  
10 Act, or an abused or neglected minor within the meaning of the  
11 Juvenile Court Act of 1987, shall be admissible in evidence in  
12 a hearing concerning allocation of parental responsibilities  
13 in accordance with Section 11.1 of the Abused and Neglected  
14 Child Reporting Act. No such statement, however, if  
15 uncorroborated and not subject to cross examination, shall be  
16 sufficient in itself to support a finding of abuse or neglect.

17 (d) If the court finds that a public hearing may be  
18 detrimental to the child's best interests, the court shall  
19 exclude the public from the hearing, but the court may admit  
20 any person having:

21 (1) a direct and legitimate interest in the case; or

22 (2) a legitimate educational or research interest in  
23 the work of the court, but only with the permission of both  
24 parties and subject to court approval.

25 (e) The court may make an appropriate order sealing the

1 records of any interview, report, investigation, or testimony.

2 (750 ILCS 5/606.10 new)

3 Sec. 606.10. Designation of custodian for purposes of other  
4 statutes. Solely for the purposes of all State and federal  
5 statutes that require a designation or determination of custody  
6 or a custodian, a parenting plan shall designate the parent who  
7 is allocated the majority of residential responsibility. This  
8 designation shall not affect parents' rights and  
9 responsibilities under the parenting plan.

10 (750 ILCS 5/607.5 new)

11 Sec. 607.5. Abuse of allocated parenting time.

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

14 (b) An action for the enforcement of allocated parenting  
15 time may be commenced by a parent or a person appointed under  
16 Section 506 by filing a petition setting forth: (i) the  
17 petitioner's name and residence address or mailing address,  
18 except that if the petition states that disclosure of  
19 petitioner's address would risk abuse of petitioner or any  
20 member of petitioner's family or household or reveal the  
21 confidential address of a shelter for domestic violence  
22 victims, that address may be omitted from the petition; (ii)  
23 the respondent's name and place of residence, place of  
24 employment, or mailing address; (iii) the terms of the

1 parenting plan or allocation judgment then in effect; (iv) the  
2 nature of the violation of the allocation of parenting time,  
3 giving dates and other relevant information; and (v) that a  
4 reasonable attempt was made to resolve the dispute.

5 (c) If the court finds by a preponderance of the evidence  
6 that a parent has not complied with allocated parenting time  
7 according to an approved parenting plan or a court order, the  
8 court, in the child's best interests, shall issue an order that  
9 may include one or more of the following:

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

13 (2) a requirement that either or both of the parties  
14 attend a parental education program at the expense of the  
15 non-complying parent;

16 (3) a requirement that the parties participate in  
17 family or individual counseling, the expense of which shall  
18 be allocated by the court upon consideration of all  
19 relevant factors;

20 (4) a requirement that the non-complying parent post a  
21 cash bond or other security to ensure future compliance,  
22 including a provision that the bond or other security may  
23 be forfeited to the other parent for payment of expenses on  
24 behalf of the child as the court shall direct;

25 (5) a requirement that makeup parenting time be  
26 provided for the aggrieved parent or child under the

1       following conditions:

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

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

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

14              (7) an imposition on the non-complying parent of an  
15              appropriate civil fine per incident of denied parenting  
16              time;

17              (8) a requirement that the non-complying parent  
18              reimburse the other parent for all reasonable expenses  
19              incurred as a result of the violation of the parenting plan  
20              or court order; and

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

23              (d) In addition to any other order entered under subsection  
24              (c), except for good cause shown, the court shall order a  
25              parent who has failed to provide allocated parenting time or to  
26              exercise allocated parenting time to pay the aggrieved party

1 his or her reasonable attorney's fees, court costs, and  
2 expenses associated with an action brought under this Section.  
3 If the court finds that the respondent in an action brought  
4 under this Section has not violated the allocated parenting  
5 time, the court may order the petitioner to pay the  
6 respondent's reasonable attorney's fees, court costs, and  
7 expenses incurred in the action.

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

10 (f) When the court issues an order holding a party in  
11 contempt for violation of a parenting time order and finds that  
12 the party engaged in parenting time abuse, the court may order  
13 one or more of the following:

14 (1) Suspension of a party's Illinois driving  
15 privileges pursuant to Section 7-703 of the Illinois  
16 Vehicle Code until the court determines that the party is  
17 in compliance with the parenting time order. The court may  
18 also order that a party be issued a family financial  
19 responsibility driving permit that would allow limited  
20 driving privileges for employment, for medical purposes,  
21 and to transport a child to or from scheduled parenting  
22 time in order to comply with a parenting time order in  
23 accordance with subsection (a-1) of Section 7-702.1 of the  
24 Illinois Vehicle Code.

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



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

5                   (A) work; or

6                   (B) conduct a business or other self-employed  
7                   occupation.

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

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

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

23           (750 ILCS 5/609.2 new)

24           Sec. 609.2. Parent's relocation.

25           (a) A parent's relocation constitutes a substantial change

1 in circumstances for purposes of Section 610.5.

2 (b) Only a parent who has been allocated a majority of  
3 parenting time may seek to relocate with a child, except that  
4 when parents have equal parenting time, either parent may seek  
5 to relocate with a child.

6 (c) A parent intending a relocation, as that term is  
7 defined in paragraph (1), (2), or (3) of subsection (g) of  
8 Section 600 of this Act, must provide at least 60 days' prior  
9 written notice to any other parent under the parenting plan or  
10 allocation judgment unless such notice is impracticable (in  
11 which case written notice shall be given at the earliest date  
12 practicable) or unless otherwise ordered by the court. A copy  
13 of the notice required under this Section shall be filed with  
14 the clerk of the circuit court. At a minimum, the notice must  
15 set forth the following:

16 (1) the intended date of the parent's relocation;

17 (2) the address of the parent's intended new residence,  
18 if known; and

19 (3) the length of time the relocation will last, if the  
20 relocation is not for an indefinite or permanent period.

21 The court may consider a parent's failure to comply with  
22 the notice requirements of this Section without good cause (i)  
23 as a factor in determining whether the parent's relocation is  
24 in good faith; and (ii) as a basis for awarding reasonable  
25 attorney's fees and costs resulting from the parent's failure  
26 to comply with these provisions.

1       (d) If the parent who is not seeking to relocate signs the  
2 notice that was provided pursuant to subsection (c) and the  
3 relocating parent files the notice with the court, relocation  
4 shall be allowed without any further court action. If the  
5 non-relocating parent objects to or fails to sign the notice  
6 provided pursuant to subsection (c), the parent seeking  
7 relocation must file a petition seeking permission to relocate.

8       (e) The court shall modify the parenting plan or allocation  
9 judgment to accommodate a parent's relocation as agreed by the  
10 parents, as long as the agreed modification is in the child's  
11 best interests.

12       (f) The court shall modify the parenting plan or allocation  
13 judgment to accommodate the relocation without changing the  
14 proportion of parental responsibilities between the parties,  
15 if practicable, as long as such a modification is in the  
16 child's best interests.

17       (g) If a parent's relocation makes it impracticable to  
18 maintain the same proportion of parental responsibilities  
19 between the parties, the court shall modify the parenting plan  
20 or allocation judgment in accordance with the child's best  
21 interests. The court shall consider the following factors:

22           (1) the factors set forth in subsection (c) of this  
23 Section;

24           (2) the reasons, if any, why a parent is objecting to  
25 the intended relocation;

26           (3) the history and quality of each parent's

1 relationship with the child since the implementation of any  
2 previous parenting plan or allocation judgment;

3 (4) the educational opportunities for the child at the  
4 existing location and at the proposed new location;

5 (5) the presence or absence of extended family at the  
6 existing location and at the proposed new location;

7 (6) the anticipated impact of the relocation on the  
8 child;

9 (7) whether the court will be able to fashion a  
10 reasonable allocation of parental responsibilities between  
11 all parents if the relocation occurs;

12 (8) the wishes of the child after taking into  
13 consideration the child's age and maturity;

14 (9) whether the intended relocation is valid, in good  
15 faith, and to a location that is reasonable in light of the  
16 purpose;

17 (10) possible arrangements for the exercise of  
18 parental responsibilities appropriate to the parents'  
19 resources and circumstances and the developmental level of  
20 the child;

21 (11) minimization of the impairment to a parent-child  
22 relationship caused by a parent's relocation; and

23 (12) any other relevant factors bearing on the child's  
24 best interests.

25 (h) Unless the non-relocating parent demonstrates that a  
26 reallocation of parental responsibilities is necessary to

1 prevent harm to the child, the court shall deny the  
2 non-relocating parent's request for a reallocation of parental  
3 responsibilities based on relocation if the non-relocating  
4 parent either:

5 (1) failed to object to the relocation within the time  
6 allowed; or

7 (2) has substantially failed or refused to exercise the  
8 parental responsibilities allocated to him or her under the  
9 parenting plan or allocation judgment.

10 (i) If a parent is intending a relocation, as that term is  
11 defined in paragraph (4) of subsection (g) of Section 600 of  
12 this Act, the parent is not required to comply with the notice  
13 requirements of subsection (c) of this Section or seek the  
14 permission of the court to accomplish the relocation, provided  
15 that Illinois continues to be considered the home state of the  
16 child for all purposes and the court retains jurisdiction of  
17 the parties and the child.

18 (750 ILCS 5/610.5 new)

19 Sec. 610.5. Modification.

20 (a) Unless by stipulation of the parties or except as  
21 provided in subsection (b) of this Section, no motion to modify  
22 an order allocating parental responsibilities may be made  
23 earlier than 2 years after its date, unless the court permits  
24 it to be made on the basis of affidavits that there is reason  
25 to believe the child's present environment may endanger

1 seriously his or her mental, moral, or physical health or  
2 significantly impair the child's emotional development.

3 (b) A motion to modify an order allocating parental  
4 responsibilities may be made at any time by a party who has  
5 been informed of the existence of facts requiring notice to be  
6 given under Section 607.5 of this Act.

7 (c) Except in a case concerning the modification of any  
8 restriction of parental responsibilities under Section 603.10,  
9 the court shall modify a parenting plan or allocation judgment  
10 when necessary to serve the child's best interests if the court  
11 finds, by a preponderance of the evidence, that on the basis of  
12 facts that have arisen since the entry of the existing  
13 parenting plan or allocation judgment or were not anticipated  
14 therein, a substantial change has occurred in the circumstances  
15 of the child or of either parent and that a modification is  
16 necessary to serve the child's best interests.

17 (d) The court shall modify a parenting plan or allocation  
18 judgment in accordance with a parental agreement, unless it  
19 finds that the modification is not in the child's best  
20 interests.

21 (e) The court may modify a parenting plan or allocation  
22 judgment without a showing of changed circumstances if (i) the  
23 modification is in the child's best interests; and (ii) any of  
24 the following are proven as to the modification:

25 (1) the modification reflects the actual arrangement  
26 under which the child has been receiving care, without

1 parental objection, for the 6 months preceding the filing  
2 of the petition for modification, provided that the  
3 arrangement is not the result of a parent's acquiescence  
4 resulting from circumstances that negated the parent's  
5 ability to give meaningful consent;

6 (2) the modification constitutes a minor modification  
7 in the parenting plan or allocation judgment;

8 (3) the modification is necessary to modify an agreed  
9 parenting plan or allocation judgment that the court would  
10 not have ordered or approved under Section 602.5 or 602.7  
11 had the court been aware of the circumstances at the time  
12 of the order or approval; or

13 (4) the parties agree to the modification.

14 (f) Attorney's fees and costs shall be assessed against a  
15 party seeking modification if the court finds that the  
16 modification action is vexatious or constitutes harassment. If  
17 the court finds that a parent has repeatedly filed frivolous  
18 motions for modification, the court may bar the parent from  
19 filing a motion for modification for a period of time.

20 (750 ILCS 5/612 new)

21 Sec. 612. Application of provisions concerning allocation  
22 of parental responsibilities.

23 (a) The changes made by this amendatory Act of the 98th  
24 General Assembly apply to all proceedings concerning  
25 allocation of parental responsibilities commenced on or after

1 the effective date of this amendatory Act of the 98th General  
2 Assembly.

3 (b) The changes made by this amendatory Act of the 98th  
4 General Assembly apply to all actions concerning allocation of  
5 parental responsibilities pending on the effective date of this  
6 amendatory Act of the 98th General Assembly and to all  
7 proceedings concerning allocation of parental responsibilities  
8 commenced on or before that effective date with respect to  
9 issues on which a judgment has not been entered. Evidence  
10 adduced after the effective date of this amendatory Act of the  
11 98th General Assembly shall comply with the changes made by  
12 this amendatory Act of the 98th General Assembly.

13 (c) The changes made by this amendatory Act of the 98th  
14 General Assembly apply to all proceedings commenced on or after  
15 the effective date of this amendatory Act of the 98th General  
16 Assembly for the modification of a judgment or order concerning  
17 allocation of parental responsibilities entered before that  
18 effective date.

19 (d) In any action or proceeding concerning allocation of  
20 parental responsibilities in which an appeal was pending or a  
21 new trial was ordered before the effective date of this  
22 amendatory Act of the 98th General Assembly, the law in effect  
23 at the time of the order sustaining the appeal or the new trial  
24 governs the appeal, the new trial, and any subsequent trial or  
25 appeal.



1 (750 ILCS 5/406 rep.)  
2 (750 ILCS 5/407 rep.)  
3 (750 ILCS 5/408 rep.)  
4 (750 ILCS 5/412 rep.)  
5 (750 ILCS 5/514 rep.)  
6 (750 ILCS 5/515 rep.)  
7 (750 ILCS 5/516 rep.)  
8 (750 ILCS 5/517 rep.)  
9 (750 ILCS 5/601 rep.)  
10 (750 ILCS 5/601.5 rep.)  
11 (750 ILCS 5/602 rep.)  
12 (750 ILCS 5/602.1 rep.)  
13 (750 ILCS 5/603 rep.)  
14 (750 ILCS 5/604 rep.)  
15 (750 ILCS 5/604.5 rep.)  
16 (750 ILCS 5/605 rep.)  
17 (750 ILCS 5/606 rep.)  
18 (750 ILCS 5/607 rep.)  
19 (750 ILCS 5/607.1 rep.)  
20 (750 ILCS 5/608 rep.)  
21 (750 ILCS 5/609 rep.)  
22 (750 ILCS 5/610 rep.)  
23 (750 ILCS 5/611 rep.)  
24 (750 ILCS 5/701 rep.)  
25 (750 ILCS 5/703 rep.)

26 Section 5-20. The Illinois Marriage and Dissolution of

1 Marriage Act is amended by repealing Sections 406, 407, 408,  
2 412, 514, 515, 516, 517, 601, 601.5, 602, 602.1, 603, 604,  
3 604.5, 605, 606, 607, 607.1, 608, 609, 610, 611, 701, and 703.

4 Section 5-23. The Uniform Child-Custody Jurisdiction and  
5 Enforcement Act is amended by changing Section 201 as follows:

6 (750 ILCS 36/201)

7 Sec. 201. Initial Child-Custody Jurisdiction.

8 (a) Except as otherwise provided in Section 204, a court of  
9 this State has jurisdiction to make an initial child-custody  
10 determination only if:

11 (1) this State is the home state of the child on the  
12 date of the commencement of the proceeding, or was the home  
13 state of the child within six months before the  
14 commencement of the proceeding and the child is absent from  
15 this State but a parent or person acting as a parent  
16 continues to live in this State;

17 (2) a court of another state does not have jurisdiction  
18 under paragraph (1), or a court of the home state of the  
19 child has declined to exercise jurisdiction on the ground  
20 that this State is the more appropriate forum under Section  
21 207 or 208, and:

22 (A) the child and the child's parents, or the child  
23 and at least one parent or a person acting as a parent,  
24 have a significant connection with this State other

1 than mere physical presence; and

2 (B) substantial evidence is available in this  
3 State concerning the child's care, protection,  
4 training, and personal relationships;

5 (3) all courts having jurisdiction under paragraph (1)  
6 or (2) have declined to exercise jurisdiction on the ground  
7 that a court of this State is the more appropriate forum to  
8 determine the custody of the child under Section 207 or  
9 208; or

10 (4) no court of any other state would have jurisdiction  
11 under the criteria specified in paragraph (1), (2), or (3).

12 (b) Subsection (a) is the exclusive jurisdictional basis  
13 for making a child-custody determination by a court of this  
14 State; provided, however, that for purposes of this Act, this  
15 State remains the home state of the child even after a  
16 relocation, as that term is defined in paragraph (4) of  
17 subsection (g) of Section 600 of the Illinois Marriage and  
18 Dissolution of Marriage Act.

19 (c) Physical presence of, or personal jurisdiction over, a  
20 party or a child is not necessary or sufficient to make a  
21 child-custody determination.

22 (Source: P.A. 93-108, eff. 1-1-04.)

23 Section 5-25. The Illinois Domestic Violence Act of 1986 is  
24 amended by changing Sections 214 and 223 as follows:

1 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

2 Sec. 214. Order of protection; remedies.

3 (a) Issuance of order. If the court finds that petitioner  
4 has been abused by a family or household member or that  
5 petitioner is a high-risk adult who has been abused, neglected,  
6 or exploited, as defined in this Act, an order of protection  
7 prohibiting the abuse, neglect, or exploitation shall issue;  
8 provided that petitioner must also satisfy the requirements of  
9 one of the following Sections, as appropriate: Section 217 on  
10 emergency orders, Section 218 on interim orders, or Section 219  
11 on plenary orders. Petitioner shall not be denied an order of  
12 protection because petitioner or respondent is a minor. The  
13 court, when determining whether or not to issue an order of  
14 protection, shall not require physical manifestations of abuse  
15 on the person of the victim. Modification and extension of  
16 prior orders of protection shall be in accordance with this  
17 Act.

18 (b) Remedies and standards. The remedies to be included in  
19 an order of protection shall be determined in accordance with  
20 this Section and one of the following Sections, as appropriate:  
21 Section 217 on emergency orders, Section 218 on interim orders,  
22 and Section 219 on plenary orders. The remedies listed in this  
23 subsection shall be in addition to other civil or criminal  
24 remedies available to petitioner.

25 (1) Prohibition of abuse, neglect, or exploitation.

26 Prohibit respondent's harassment, interference with

1 personal liberty, intimidation of a dependent, physical  
2 abuse, or willful deprivation, neglect or exploitation, as  
3 defined in this Act, or stalking of the petitioner, as  
4 defined in Section 12-7.3 of the Criminal Code of 2012, if  
5 such abuse, neglect, exploitation, or stalking has  
6 occurred or otherwise appears likely to occur if not  
7 prohibited.

8 (2) Grant of exclusive possession of residence.  
9 Prohibit respondent from entering or remaining in any  
10 residence, household, or premises of the petitioner,  
11 including one owned or leased by respondent, if petitioner  
12 has a right to occupancy thereof. The grant of exclusive  
13 possession of the residence, household, or premises shall  
14 not affect title to real property, nor shall the court be  
15 limited by the standard set forth in Section 701 of the  
16 Illinois Marriage and Dissolution of Marriage Act.

17 (A) Right to occupancy. A party has a right to  
18 occupancy of a residence or household if it is solely  
19 or jointly owned or leased by that party, that party's  
20 spouse, a person with a legal duty to support that  
21 party or a minor child in that party's care, or by any  
22 person or entity other than the opposing party that  
23 authorizes that party's occupancy (e.g., a domestic  
24 violence shelter). Standards set forth in subparagraph  
25 (B) shall not preclude equitable relief.

26 (B) Presumption of hardships. If petitioner and

1           respondent each has the right to occupancy of a  
2           residence or household, the court shall balance (i) the  
3           hardships to respondent and any minor child or  
4           dependent adult in respondent's care resulting from  
5           entry of this remedy with (ii) the hardships to  
6           petitioner and any minor child or dependent adult in  
7           petitioner's care resulting from continued exposure to  
8           the risk of abuse (should petitioner remain at the  
9           residence or household) or from loss of possession of  
10          the residence or household (should petitioner leave to  
11          avoid the risk of abuse). When determining the balance  
12          of hardships, the court shall also take into account  
13          the accessibility of the residence or household.  
14          Hardships need not be balanced if respondent does not  
15          have a right to occupancy.

16                 The balance of hardships is presumed to favor  
17          possession by petitioner unless the presumption is  
18          rebutted by a preponderance of the evidence, showing  
19          that the hardships to respondent substantially  
20          outweigh the hardships to petitioner and any minor  
21          child or dependent adult in petitioner's care. The  
22          court, on the request of petitioner or on its own  
23          motion, may order respondent to provide suitable,  
24          accessible, alternate housing for petitioner instead  
25          of excluding respondent from a mutual residence or  
26          household.

1           (3) Stay away order and additional prohibitions. Order  
2           respondent to stay away from petitioner or any other person  
3           protected by the order of protection, or prohibit  
4           respondent from entering or remaining present at  
5           petitioner's school, place of employment, or other  
6           specified places at times when petitioner is present, or  
7           both, if reasonable, given the balance of hardships.  
8           Hardships need not be balanced for the court to enter a  
9           stay away order or prohibit entry if respondent has no  
10          right to enter the premises.

11           (A) If an order of protection grants petitioner  
12          exclusive possession of the residence, or prohibits  
13          respondent from entering the residence, or orders  
14          respondent to stay away from petitioner or other  
15          protected persons, then the court may allow respondent  
16          access to the residence to remove items of clothing and  
17          personal adornment used exclusively by respondent,  
18          medications, and other items as the court directs. The  
19          right to access shall be exercised on only one occasion  
20          as the court directs and in the presence of an  
21          agreed-upon adult third party or law enforcement  
22          officer.

23           (B) When the petitioner and the respondent attend  
24          the same public, private, or non-public elementary,  
25          middle, or high school, the court when issuing an order  
26          of protection and providing relief shall consider the

1 severity of the act, any continuing physical danger or  
2 emotional distress to the petitioner, the educational  
3 rights guaranteed to the petitioner and respondent  
4 under federal and State law, the availability of a  
5 transfer of the respondent to another school, a change  
6 of placement or a change of program of the respondent,  
7 the expense, difficulty, and educational disruption  
8 that would be caused by a transfer of the respondent to  
9 another school, and any other relevant facts of the  
10 case. The court may order that the respondent not  
11 attend the public, private, or non-public elementary,  
12 middle, or high school attended by the petitioner,  
13 order that the respondent accept a change of placement  
14 or change of program, as determined by the school  
15 district or private or non-public school, or place  
16 restrictions on the respondent's movements within the  
17 school attended by the petitioner. The respondent  
18 bears the burden of proving by a preponderance of the  
19 evidence that a transfer, change of placement, or  
20 change of program of the respondent is not available.  
21 The respondent also bears the burden of production with  
22 respect to the expense, difficulty, and educational  
23 disruption that would be caused by a transfer of the  
24 respondent to another school. A transfer, change of  
25 placement, or change of program is not unavailable to  
26 the respondent solely on the ground that the respondent



1 does not agree with the school district's or private or  
2 non-public school's transfer, change of placement, or  
3 change of program or solely on the ground that the  
4 respondent fails or refuses to consent or otherwise  
5 does not take an action required to effectuate a  
6 transfer, change of placement, or change of program.  
7 When a court orders a respondent to stay away from the  
8 public, private, or non-public school attended by the  
9 petitioner and the respondent requests a transfer to  
10 another attendance center within the respondent's  
11 school district or private or non-public school, the  
12 school district or private or non-public school shall  
13 have sole discretion to determine the attendance  
14 center to which the respondent is transferred. In the  
15 event the court order results in a transfer of the  
16 minor respondent to another attendance center, a  
17 change in the respondent's placement, or a change of  
18 the respondent's program, the parents, guardian, or  
19 legal custodian of the respondent is responsible for  
20 transportation and other costs associated with the  
21 transfer or change.

22 (C) The court may order the parents, guardian, or  
23 legal custodian of a minor respondent to take certain  
24 actions or to refrain from taking certain actions to  
25 ensure that the respondent complies with the order. In  
26 the event the court orders a transfer of the respondent

1 to another school, the parents, guardian, or legal  
2 custodian of the respondent is responsible for  
3 transportation and other costs associated with the  
4 change of school by the respondent.

5 (4) Counseling. Require or recommend the respondent to  
6 undergo counseling for a specified duration with a social  
7 worker, psychologist, clinical psychologist, psychiatrist,  
8 family service agency, alcohol or substance abuse program,  
9 mental health center guidance counselor, agency providing  
10 services to elders, program designed for domestic violence  
11 abusers or any other guidance service the court deems  
12 appropriate. The Court may order the respondent in any  
13 intimate partner relationship to report to an Illinois  
14 Department of Human Services protocol approved partner  
15 abuse intervention program for an assessment and to follow  
16 all recommended treatment.

17 (5) Physical care and possession of the minor child. In  
18 order to protect the minor child from abuse, neglect, or  
19 unwarranted separation from the person who has been the  
20 minor child's primary caretaker, or to otherwise protect  
21 the well-being of the minor child, the court may do either  
22 or both of the following: (i) grant petitioner physical  
23 care or possession of the minor child, or both, or (ii)  
24 order respondent to return a minor child to, or not remove  
25 a minor child from, the physical care of a parent or person  
26 in loco parentis.

1           If a court finds, after a hearing, that respondent has  
2 committed abuse (as defined in Section 103) of a minor  
3 child, there shall be a rebuttable presumption that  
4 awarding physical care to respondent would not be in the  
5 minor child's best interest.

6           (6) Temporary allocation of parental responsibilities  
7 ~~legal custody~~. Award temporary parental responsibility  
8 ~~legal custody~~ to petitioner in accordance with this  
9 Section, the Illinois Marriage and Dissolution of Marriage  
10 Act, the Illinois Parentage Act of 1984, and this State's  
11 Uniform Child-Custody Jurisdiction and Enforcement Act.

12           If a court finds, after a hearing, that respondent has  
13 committed abuse (as defined in Section 103) of a minor  
14 child, there shall be a rebuttable presumption that  
15 awarding temporary parental responsibility ~~legal custody~~  
16 to respondent would not be in the child's best interest.

17           (7) Parenting time ~~Visitation~~. Determine the parenting  
18 time ~~visitation rights~~, if any, of respondent in any case  
19 in which the court awards physical care or allocates  
20 temporary parental responsibility ~~legal custody~~ of a minor  
21 child to petitioner. The court shall restrict or deny  
22 respondent's parenting time ~~visitation~~ with a minor child  
23 if the court finds that respondent has done or is likely to  
24 do any of the following: (i) abuse or endanger the minor  
25 child during parenting time ~~visitation~~; (ii) use the  
26 parenting time ~~visitation~~ as an opportunity to abuse or

1 harass petitioner or petitioner's family or household  
2 members; (iii) improperly conceal or detain the minor  
3 child; or (iv) otherwise act in a manner that is not in the  
4 best interests of the minor child. The court shall not be  
5 limited by the standards set forth in Section 603.10 ~~607.1~~  
6 of the Illinois Marriage and Dissolution of Marriage Act.  
7 If the court grants parenting time ~~visitation~~, the order  
8 shall specify dates and times for the parenting time  
9 ~~visitation~~ to take place or other specific parameters or  
10 conditions that are appropriate. No order for parenting  
11 time ~~visitation~~ shall refer merely to the term "reasonable  
12 parenting time ~~visitation~~".

13 Petitioner may deny respondent access to the minor  
14 child if, when respondent arrives for parenting time  
15 ~~visitation~~, respondent is under the influence of drugs or  
16 alcohol and constitutes a threat to the safety and  
17 well-being of petitioner or petitioner's minor children or  
18 is behaving in a violent or abusive manner.

19 If necessary to protect any member of petitioner's  
20 family or household from future abuse, respondent shall be  
21 prohibited from coming to petitioner's residence to meet  
22 the minor child for parenting time ~~visitation~~, and the  
23 parties shall submit to the court their recommendations for  
24 reasonable alternative arrangements for parenting time  
25 ~~visitation~~. A person may be approved to supervise parenting  
26 time ~~visitation~~ only after filing an affidavit accepting

1 that responsibility and acknowledging accountability to  
2 the court.

3 (8) Removal or concealment of minor child. Prohibit  
4 respondent from removing a minor child from the State or  
5 concealing the child within the State.

6 (9) Order to appear. Order the respondent to appear in  
7 court, alone or with a minor child, to prevent abuse,  
8 neglect, removal or concealment of the child, to return the  
9 child to the custody or care of the petitioner or to permit  
10 any court-ordered interview or examination of the child or  
11 the respondent.

12 (10) Possession of personal property. Grant petitioner  
13 exclusive possession of personal property and, if  
14 respondent has possession or control, direct respondent to  
15 promptly make it available to petitioner, if:

16 (i) petitioner, but not respondent, owns the  
17 property; or

18 (ii) the parties own the property jointly; sharing  
19 it would risk abuse of petitioner by respondent or is  
20 impracticable; and the balance of hardships favors  
21 temporary possession by petitioner.

22 If petitioner's sole claim to ownership of the property  
23 is that it is marital property, the court may award  
24 petitioner temporary possession thereof under the  
25 standards of subparagraph (ii) of this paragraph only if a  
26 proper proceeding has been filed under the Illinois

1 Marriage and Dissolution of Marriage Act, as now or  
2 hereafter amended.

3 No order under this provision shall affect title to  
4 property.

5 (11) Protection of property. Forbid the respondent  
6 from taking, transferring, encumbering, concealing,  
7 damaging or otherwise disposing of any real or personal  
8 property, except as explicitly authorized by the court, if:

9 (i) petitioner, but not respondent, owns the  
10 property; or

11 (ii) the parties own the property jointly, and the  
12 balance of hardships favors granting this remedy.

13 If petitioner's sole claim to ownership of the property  
14 is that it is marital property, the court may grant  
15 petitioner relief under subparagraph (ii) of this  
16 paragraph only if a proper proceeding has been filed under  
17 the Illinois Marriage and Dissolution of Marriage Act, as  
18 now or hereafter amended.

19 The court may further prohibit respondent from  
20 improperly using the financial or other resources of an  
21 aged member of the family or household for the profit or  
22 advantage of respondent or of any other person.

23 (11.5) Protection of animals. Grant the petitioner the  
24 exclusive care, custody, or control of any animal owned,  
25 possessed, leased, kept, or held by either the petitioner  
26 or the respondent or a minor child residing in the

1 residence or household of either the petitioner or the  
2 respondent and order the respondent to stay away from the  
3 animal and forbid the respondent from taking,  
4 transferring, encumbering, concealing, harming, or  
5 otherwise disposing of the animal.

6 (12) Order for payment of support. Order respondent to  
7 pay temporary support for the petitioner or any child in  
8 the petitioner's care or over whom the petitioner has been  
9 allocated parental responsibility ~~custody~~, when the  
10 respondent has a legal obligation to support that person,  
11 in accordance with the Illinois Marriage and Dissolution of  
12 Marriage Act, which shall govern, among other matters, the  
13 amount of support, payment through the clerk and  
14 withholding of income to secure payment. An order for child  
15 support may be granted to a petitioner with lawful physical  
16 care ~~or custody~~ of a child, or an order or agreement for  
17 physical care of a child ~~or custody~~, prior to entry of an  
18 order allocating parental responsibility ~~for legal~~  
19 ~~custody~~. Such a support order shall expire upon entry of a  
20 valid order allocating parental responsibility differently  
21 ~~granting legal custody to another~~, unless otherwise  
22 provided in the ~~custody~~ order.

23 (13) Order for payment of losses. Order respondent to  
24 pay petitioner for losses suffered as a direct result of  
25 the abuse, neglect, or exploitation. Such losses shall  
26 include, but not be limited to, medical expenses, lost

1 earnings or other support, repair or replacement of  
2 property damaged or taken, reasonable attorney's fees,  
3 court costs and moving or other travel expenses, including  
4 additional reasonable expenses for temporary shelter and  
5 restaurant meals.

6 (i) Losses affecting family needs. If a party is  
7 entitled to seek maintenance, child support or  
8 property distribution from the other party under the  
9 Illinois Marriage and Dissolution of Marriage Act, as  
10 now or hereafter amended, the court may order  
11 respondent to reimburse petitioner's actual losses, to  
12 the extent that such reimbursement would be  
13 "appropriate temporary relief", as authorized by  
14 subsection (a) (3) of Section 501 of that Act.

15 (ii) Recovery of expenses. In the case of an  
16 improper concealment or removal of a minor child, the  
17 court may order respondent to pay the reasonable  
18 expenses incurred or to be incurred in the search for  
19 and recovery of the minor child, including but not  
20 limited to legal fees, court costs, private  
21 investigator fees, and travel costs.

22 (14) Prohibition of entry. Prohibit the respondent  
23 from entering or remaining in the residence or household  
24 while the respondent is under the influence of alcohol or  
25 drugs and constitutes a threat to the safety and well-being  
26 of the petitioner or the petitioner's children.



1 (14.5) Prohibition of firearm possession.

2 (a) Prohibit a respondent against whom an order of  
3 protection was issued from possessing any firearms  
4 during the duration of the order if the order:

5 (1) was issued after a hearing of which such  
6 person received actual notice, and at which such  
7 person had an opportunity to participate;

8 (2) restrains such person from harassing,  
9 stalking, or threatening an intimate partner of  
10 such person or child of such intimate partner or  
11 person, or engaging in other conduct that would  
12 place an intimate partner in reasonable fear of  
13 bodily injury to the partner or child; and

14 (3)(i) includes a finding that such person  
15 represents a credible threat to the physical  
16 safety of such intimate partner or child; or (ii)  
17 by its terms explicitly prohibits the use,  
18 attempted use, or threatened use of physical force  
19 against such intimate partner or child that would  
20 reasonably be expected to cause bodily injury.

21 Any Firearm Owner's Identification Card in the  
22 possession of the respondent, except as provided in  
23 subsection (b), shall be ordered by the court to be  
24 turned over to the local law enforcement agency. The  
25 local law enforcement agency shall immediately mail  
26 the card to the Department of State Police Firearm

1 Owner's Identification Card Office for safekeeping.  
2 The court shall issue a warrant for seizure of any  
3 firearm in the possession of the respondent, to be kept  
4 by the local law enforcement agency for safekeeping,  
5 except as provided in subsection (b). The period of  
6 safekeeping shall be for the duration of the order of  
7 protection. The firearm or firearms and Firearm  
8 Owner's Identification Card, if unexpired, shall at  
9 the respondent's request, be returned to the  
10 respondent at the end of the order of protection. It is  
11 the respondent's responsibility to notify the  
12 Department of State Police Firearm Owner's  
13 Identification Card Office.

14 (b) If the respondent is a peace officer as defined  
15 in Section 2-13 of the Criminal Code of 2012, the court  
16 shall order that any firearms used by the respondent in  
17 the performance of his or her duties as a peace officer  
18 be surrendered to the chief law enforcement executive  
19 of the agency in which the respondent is employed, who  
20 shall retain the firearms for safekeeping for the  
21 duration of the order of protection.

22 (c) Upon expiration of the period of safekeeping,  
23 if the firearms or Firearm Owner's Identification Card  
24 cannot be returned to respondent because respondent  
25 cannot be located, fails to respond to requests to  
26 retrieve the firearms, or is not lawfully eligible to

1 possess a firearm, upon petition from the local law  
2 enforcement agency, the court may order the local law  
3 enforcement agency to destroy the firearms, use the  
4 firearms for training purposes, or for any other  
5 application as deemed appropriate by the local law  
6 enforcement agency; or that the firearms be turned over  
7 to a third party who is lawfully eligible to possess  
8 firearms, and who does not reside with respondent.

9 (15) Prohibition of access to records. If an order of  
10 protection prohibits respondent from having contact with  
11 the minor child, or if petitioner's address is omitted  
12 under subsection (b) of Section 203, or if necessary to  
13 prevent abuse or wrongful removal or concealment of a minor  
14 child, the order shall deny respondent access to, and  
15 prohibit respondent from inspecting, obtaining, or  
16 attempting to inspect or obtain, school or any other  
17 records of the minor child who is in the care of  
18 petitioner.

19 (16) Order for payment of shelter services. Order  
20 respondent to reimburse a shelter providing temporary  
21 housing and counseling services to the petitioner for the  
22 cost of the services, as certified by the shelter and  
23 deemed reasonable by the court.

24 (17) Order for injunctive relief. Enter injunctive  
25 relief necessary or appropriate to prevent further abuse of  
26 a family or household member or further abuse, neglect, or

1 exploitation of a high-risk adult with disabilities or to  
2 effectuate one of the granted remedies, if supported by the  
3 balance of hardships. If the harm to be prevented by the  
4 injunction is abuse or any other harm that one of the  
5 remedies listed in paragraphs (1) through (16) of this  
6 subsection is designed to prevent, no further evidence is  
7 necessary that the harm is an irreparable injury.

8 (c) Relevant factors; findings.

9 (1) In determining whether to grant a specific remedy,  
10 other than payment of support, the court shall consider  
11 relevant factors, including but not limited to the  
12 following:

13 (i) the nature, frequency, severity, pattern and  
14 consequences of the respondent's past abuse, neglect  
15 or exploitation of the petitioner or any family or  
16 household member, including the concealment of his or  
17 her location in order to evade service of process or  
18 notice, and the likelihood of danger of future abuse,  
19 neglect, or exploitation to petitioner or any member of  
20 petitioner's or respondent's family or household; and

21 (ii) the danger that any minor child will be abused  
22 or neglected or improperly relocated ~~removed~~ from the  
23 jurisdiction, improperly concealed within the State or  
24 improperly separated from the child's primary  
25 caretaker.

26 (2) In comparing relative hardships resulting to the

1 parties from loss of possession of the family home, the  
2 court shall consider relevant factors, including but not  
3 limited to the following:

4 (i) availability, accessibility, cost, safety,  
5 adequacy, location and other characteristics of  
6 alternate housing for each party and any minor child or  
7 dependent adult in the party's care;

8 (ii) the effect on the party's employment; and

9 (iii) the effect on the relationship of the party,  
10 and any minor child or dependent adult in the party's  
11 care, to family, school, church and community.

12 (3) Subject to the exceptions set forth in paragraph  
13 (4) of this subsection, the court shall make its findings  
14 in an official record or in writing, and shall at a minimum  
15 set forth the following:

16 (i) That the court has considered the applicable  
17 relevant factors described in paragraphs (1) and (2) of  
18 this subsection.

19 (ii) Whether the conduct or actions of respondent,  
20 unless prohibited, will likely cause irreparable harm  
21 or continued abuse.

22 (iii) Whether it is necessary to grant the  
23 requested relief in order to protect petitioner or  
24 other alleged abused persons.

25 (4) For purposes of issuing an ex parte emergency order  
26 of protection, the court, as an alternative to or as a

1 supplement to making the findings described in paragraphs  
2 (c) (3) (i) through (c) (3) (iii) of this subsection, may use  
3 the following procedure:

4 When a verified petition for an emergency order of  
5 protection in accordance with the requirements of Sections  
6 203 and 217 is presented to the court, the court shall  
7 examine petitioner on oath or affirmation. An emergency  
8 order of protection shall be issued by the court if it  
9 appears from the contents of the petition and the  
10 examination of petitioner that the averments are  
11 sufficient to indicate abuse by respondent and to support  
12 the granting of relief under the issuance of the emergency  
13 order of protection.

14 (5) Never married parties. No rights or  
15 responsibilities for a minor child born outside of marriage  
16 attach to a putative father until a father and child  
17 relationship has been established under the Illinois  
18 Parentage Act of 1984, the Illinois Public Aid Code,  
19 Section 12 of the Vital Records Act, the Juvenile Court Act  
20 of 1987, the Probate Act of 1985, the Revised Uniform  
21 Reciprocal Enforcement of Support Act, the Uniform  
22 Interstate Family Support Act, the Expedited Child Support  
23 Act of 1990, any judicial, administrative, or other act of  
24 another state or territory, any other Illinois statute, or  
25 by any foreign nation establishing the father and child  
26 relationship, any other proceeding substantially in

1 conformity with the Personal Responsibility and Work  
2 Opportunity Reconciliation Act of 1996 (Pub. L. 104-193),  
3 or where both parties appeared in open court or at an  
4 administrative hearing acknowledging under oath or  
5 admitting by affirmation the existence of a father and  
6 child relationship. Absent such an adjudication, finding,  
7 or acknowledgement, no putative father shall be granted  
8 temporary allocation of parental responsibilities,  
9 including parenting time ~~custody of the minor child,~~  
10 ~~visitation~~ with the minor child, or physical care and  
11 possession of the minor child, nor shall an order of  
12 payment for support of the minor child be entered.

13 (d) Balance of hardships; findings. If the court finds that  
14 the balance of hardships does not support the granting of a  
15 remedy governed by paragraph (2), (3), (10), (11), or (16) of  
16 subsection (b) of this Section, which may require such  
17 balancing, the court's findings shall so indicate and shall  
18 include a finding as to whether granting the remedy will result  
19 in hardship to respondent that would substantially outweigh the  
20 hardship to petitioner from denial of the remedy. The findings  
21 shall be an official record or in writing.

22 (e) Denial of remedies. Denial of any remedy shall not be  
23 based, in whole or in part, on evidence that:

24 (1) Respondent has cause for any use of force, unless  
25 that cause satisfies the standards for justifiable use of  
26 force provided by Article 7 of the Criminal Code of 2012;

1 (2) Respondent was voluntarily intoxicated;

2 (3) Petitioner acted in self-defense or defense of  
3 another, provided that, if petitioner utilized force, such  
4 force was justifiable under Article 7 of the Criminal Code  
5 of 2012;

6 (4) Petitioner did not act in self-defense or defense  
7 of another;

8 (5) Petitioner left the residence or household to avoid  
9 further abuse, neglect, or exploitation by respondent;

10 (6) Petitioner did not leave the residence or household  
11 to avoid further abuse, neglect, or exploitation by  
12 respondent;

13 (7) Conduct by any family or household member excused  
14 the abuse, neglect, or exploitation by respondent, unless  
15 that same conduct would have excused such abuse, neglect,  
16 or exploitation if the parties had not been family or  
17 household members.

18 (Source: P.A. 96-701, eff. 1-1-10; 96-1239, eff. 1-1-11;  
19 97-158, eff. 1-1-12; 97-294, eff. 1-1-12; 97-813, eff. 7-13-12;  
20 97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13.)

21 (750 ILCS 60/223) (from Ch. 40, par. 2312-23)

22 Sec. 223. Enforcement of orders of protection.

23 (a) When violation is crime. A violation of any order of  
24 protection, whether issued in a civil or criminal proceeding,  
25 shall be enforced by a criminal court when:



1           (1) The respondent commits the crime of violation of an  
2 order of protection pursuant to Section 12-3.4 or 12-30 of  
3 the Criminal Code of 1961 or the Criminal Code of 2012, by  
4 having knowingly violated:

5           (i) remedies described in paragraphs (1), (2),  
6 (3), (14), or (14.5) of subsection (b) of Section 214  
7 of this Act; or

8           (ii) a remedy, which is substantially similar to  
9 the remedies authorized under paragraphs (1), (2),  
10 (3), (14), and (14.5) of subsection (b) of Section 214  
11 of this Act, in a valid order of protection which is  
12 authorized under the laws of another state, tribe, or  
13 United States territory; or

14           (iii) any other remedy when the act constitutes a  
15 crime against the protected parties as defined by the  
16 Criminal Code of 1961 or the Criminal Code of 2012.

17           Prosecution for a violation of an order of protection  
18 shall not bar concurrent prosecution for any other crime,  
19 including any crime that may have been committed at the  
20 time of the violation of the order of protection; or

21           (2) The respondent commits the crime of child abduction  
22 pursuant to Section 10-5 of the Criminal Code of 1961 or  
23 the Criminal Code of 2012, by having knowingly violated:

24           (i) remedies described in paragraphs (5), (6) or  
25 (8) of subsection (b) of Section 214 of this Act; or

26           (ii) a remedy, which is substantially similar to

1           the remedies authorized under paragraphs (5), (6), or  
2           (8) of subsection (b) of Section 214 of this Act, in a  
3           valid order of protection which is authorized under the  
4           laws of another state, tribe, or United States  
5           territory.

6           (b) When violation is contempt of court. A violation of any  
7           valid Illinois order of protection, whether issued in a civil  
8           or criminal proceeding, may be enforced through civil or  
9           criminal contempt procedures, as appropriate, by any court with  
10          jurisdiction, regardless where the act or acts which violated  
11          the order of protection were committed, to the extent  
12          consistent with the venue provisions of this Act. Nothing in  
13          this Act shall preclude any Illinois court from enforcing any  
14          valid order of protection issued in another state. Illinois  
15          courts may enforce orders of protection through both criminal  
16          prosecution and contempt proceedings, unless the action which  
17          is second in time is barred by collateral estoppel or the  
18          constitutional prohibition against double jeopardy.

19          (1) In a contempt proceeding where the petition for a  
20          rule to show cause sets forth facts evidencing an immediate  
21          danger that the respondent will flee the jurisdiction,  
22          conceal a child, or inflict physical abuse on the  
23          petitioner or minor children or on dependent adults in  
24          petitioner's care, the court may order the attachment of  
25          the respondent without prior service of the rule to show  
26          cause or the petition for a rule to show cause. Bond shall

1 be set unless specifically denied in writing.

2 (2) A petition for a rule to show cause for violation  
3 of an order of protection shall be treated as an expedited  
4 proceeding.

5 (b-1) The court shall not hold a school district or private  
6 or non-public school or any of its employees in civil or  
7 criminal contempt unless the school district or private or  
8 non-public school has been allowed to intervene.

9 (b-2) The court may hold the parents, guardian, or legal  
10 custodian of a minor respondent in civil or criminal contempt  
11 for a violation of any provision of any order entered under  
12 this Act for conduct of the minor respondent in violation of  
13 this Act if the parents, guardian, or legal custodian directed,  
14 encouraged, or assisted the respondent minor in such conduct.

15 (c) Violation of custody or support orders or temporary or  
16 final judgments allocating parental responsibilities. A  
17 violation of remedies described in paragraphs (5), (6), (8), or  
18 (9) of subsection (b) of Section 214 of this Act may be  
19 enforced by any remedy provided by Section 607.5 ~~611~~ of the  
20 Illinois Marriage and Dissolution of Marriage Act. The court  
21 may enforce any order for support issued under paragraph (12)  
22 of subsection (b) of Section 214 in the manner provided for  
23 under Parts V and VII of the Illinois Marriage and Dissolution  
24 of Marriage Act.

25 (d) Actual knowledge. An order of protection may be  
26 enforced pursuant to this Section if the respondent violates

1 the order after the respondent has actual knowledge of its  
2 contents as shown through one of the following means:

3 (1) By service, delivery, or notice under Section 210.

4 (2) By notice under Section 210.1 or 211.

5 (3) By service of an order of protection under Section  
6 222.

7 (4) By other means demonstrating actual knowledge of  
8 the contents of the order.

9 (e) The enforcement of an order of protection in civil or  
10 criminal court shall not be affected by either of the  
11 following:

12 (1) The existence of a separate, correlative order,  
13 entered under Section 215.

14 (2) Any finding or order entered in a conjoined  
15 criminal proceeding.

16 (f) Circumstances. The court, when determining whether or  
17 not a violation of an order of protection has occurred, shall  
18 not require physical manifestations of abuse on the person of  
19 the victim.

20 (g) Penalties.

21 (1) Except as provided in paragraph (3) of this  
22 subsection, where the court finds the commission of a crime  
23 or contempt of court under subsections (a) or (b) of this  
24 Section, the penalty shall be the penalty that generally  
25 applies in such criminal or contempt proceedings, and may  
26 include one or more of the following: incarceration,

1 payment of restitution, a fine, payment of attorneys' fees  
2 and costs, or community service.

3 (2) The court shall hear and take into account evidence  
4 of any factors in aggravation or mitigation before deciding  
5 an appropriate penalty under paragraph (1) of this  
6 subsection.

7 (3) To the extent permitted by law, the court is  
8 encouraged to:

9 (i) increase the penalty for the knowing violation  
10 of any order of protection over any penalty previously  
11 imposed by any court for respondent's violation of any  
12 order of protection or penal statute involving  
13 petitioner as victim and respondent as defendant;

14 (ii) impose a minimum penalty of 24 hours  
15 imprisonment for respondent's first violation of any  
16 order of protection; and

17 (iii) impose a minimum penalty of 48 hours  
18 imprisonment for respondent's second or subsequent  
19 violation of an order of protection  
20 unless the court explicitly finds that an increased penalty  
21 or that period of imprisonment would be manifestly unjust.

22 (4) In addition to any other penalties imposed for a  
23 violation of an order of protection, a criminal court may  
24 consider evidence of any violations of an order of  
25 protection:

26 (i) to increase, revoke or modify the bail bond on

1 an underlying criminal charge pursuant to Section  
2 110-6 of the Code of Criminal Procedure of 1963;

3 (ii) to revoke or modify an order of probation,  
4 conditional discharge or supervision, pursuant to  
5 Section 5-6-4 of the Unified Code of Corrections;

6 (iii) to revoke or modify a sentence of periodic  
7 imprisonment, pursuant to Section 5-7-2 of the Unified  
8 Code of Corrections.

9 (5) In addition to any other penalties, the court shall  
10 impose an additional fine of \$20 as authorized by Section  
11 5-9-1.11 of the Unified Code of Corrections upon any person  
12 convicted of or placed on supervision for a violation of an  
13 order of protection. The additional fine shall be imposed  
14 for each violation of this Section.

15 (Source: P.A. 96-1551, eff. 7-1-11; 97-294, eff. 1-1-12;  
16 97-1150, eff. 1-25-13.)

17 Section 5-30. The Probate Act of 1975 is amended by  
18 changing Section 11-7.1 as follows:

19 (755 ILCS 5/11-7.1) (from Ch. 110 1/2, par. 11-7.1)

20 Sec. 11-7.1. Parenting time ~~Visitation rights~~.

21 (a) Whenever both natural or adoptive parents of a minor  
22 are deceased, an allocation of parenting time ~~visitation rights~~  
23 shall be granted to the grandparents of the minor who are the  
24 parents of the minor's legal parents unless it is shown that

1 such parenting time ~~visitation~~ would be detrimental to the best  
2 interests and welfare of the minor. In the discretion of the  
3 court, reasonable parenting time ~~visitation rights~~ may be  
4 granted to any other relative of the minor or other person  
5 having an interest in the welfare of the child. However, the  
6 court shall not grant parenting time ~~visitation privileges~~ to  
7 any person who otherwise might have parenting time ~~visitation~~  
8 ~~privileges~~ under this Section where the minor has been adopted  
9 subsequent to the death of both his legal parents except where  
10 such adoption is by a close relative. For the purpose of this  
11 Section, "close relative" shall include, but not be limited to,  
12 a grandparent, aunt, uncle, first cousin, or adult brother or  
13 sister.

14 Where such adoption is by a close relative, the court shall  
15 not grant parenting time ~~visitation privileges~~ under this  
16 Section unless the petitioner alleges and proves that he or she  
17 has been unreasonably denied parenting time ~~visitation~~ with the  
18 child. The court may grant reasonable parenting time ~~visitation~~  
19 ~~privileges~~ upon finding that such parenting time ~~visitation~~  
20 would be in the best interest of the child.

21 An order denying parenting time ~~visitation rights~~ to  
22 grandparents of the minor shall be in writing and shall state  
23 the reasons for denial. An order denying parenting time  
24 ~~visitation rights~~ is a final order for purposes of appeal.

25 (b) Unless the court determines, after considering all  
26 relevant factors, including but not limited to those set forth

1 in Section 602.7 ~~602(a)~~ of the Illinois Marriage and  
2 Dissolution of Marriage Act, that it would be in the best  
3 interests of the child to allow parenting time ~~visitation~~, the  
4 court shall not enter an order providing parenting time  
5 ~~visitation rights~~ and pursuant to a motion to modify parenting  
6 time ~~visitation~~ brought under Section 610.5 ~~607(f)~~ of the  
7 Illinois Marriage and Dissolution of Marriage Act shall revoke  
8 parenting time ~~visitation rights~~ previously granted to any  
9 person who would otherwise be entitled to petition for  
10 parenting time ~~visitation rights~~ under this Section who has  
11 been convicted of first degree murder of the parent,  
12 grandparent, great-grandparent, or sibling of the child who is  
13 the subject of the order. Until an order is entered pursuant to  
14 this subsection, no person shall visit, with the child present,  
15 a person who has been convicted of first degree murder of the  
16 parent, grandparent, great-grandparent, or sibling of the  
17 child without the consent of the child's parent, other than a  
18 parent convicted of first degree murder as set forth herein, or  
19 legal guardian.

20 (Source: P.A. 90-801, eff. 6-1-99.)".