



Rep. Kelly M. Burke

Filed: 4/7/2016

09900HB1190ham001

LRB099 05055 HEP 46738 a

1 AMENDMENT TO HOUSE BILL 1190

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1190 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Marriage and Dissolution of  
5 Marriage Act is amended by changing Sections 452, 501, 501.1,  
6 502, 503, 504, 505, 508, 513, 600, 602.9, 602.10, 602.11,  
7 604.10, 606.5, 607.5, and 610.5 and by adding Section 607.6 as  
8 follows:

9 (750 ILCS 5/452)

10 Sec. 452. Petition. The parties to a dissolution proceeding  
11 may file a joint petition for simplified dissolution if they  
12 certify that all of the following conditions exist when the  
13 proceeding is commenced:

14 (a) Neither party is dependent on the other party for  
15 support or each party is willing to waive the right to  
16 support; and the parties understand that consultation with

1 attorneys may help them determine eligibility for spousal  
2 support.

3 (b) Either party has met the residency or military  
4 presence requirement of Section 401 of this Act.

5 (c) The requirements of Section 401 regarding  
6 ~~residence or military presence~~ and proof of irreconcilable  
7 differences have been met.

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

11 (e) The duration of the marriage does not exceed 8  
12 years.

13 (f) Neither party has any interest in real property or  
14 retirement benefits unless the retirement benefits are  
15 exclusively held in individual retirement accounts and the  
16 combined value of the accounts is less than \$10,000.

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

18 (h) The total fair market value of all marital  
19 property, after deducting all encumbrances, is less than  
20 \$50,000, the combined gross annualized income from all  
21 sources is less than \$60,000, and neither party has a gross  
22 annualized income from all sources in excess of \$30,000.

23 (i) The parties have disclosed to each other all assets  
24 and liabilities and their tax returns for all years of the  
25 marriage.

26 (j) The parties have executed a written agreement

1           dividing all assets in excess of \$100 in value and  
2           allocating responsibility for debts and liabilities  
3           between the parties.

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

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

6           Sec. 501. Temporary Relief. In all proceedings under this  
7 Act, temporary relief shall be as follows:

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

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

1           If a party intentionally or recklessly files an inaccurate  
2           or misleading financial affidavit, the court shall impose  
3           significant penalties and sanctions including, but not  
4           limited to, costs and attorney's fees;

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

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

24          (ii) enjoining a party from removing a child from  
25          the jurisdiction of the court for more than 14 days;

26          (iii) enjoining a party from striking or

1           interfering with the personal liberty of the other  
2           party or of any child; or

3                   (iv) providing other injunctive relief proper in  
4           the circumstances; or

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

9           Issues concerning temporary maintenance or temporary  
10          support of a child entitled to support shall be dealt with on a  
11          summary basis based on allocated parenting time, financial  
12          affidavits, tax returns, pay stubs, banking statements, and  
13          other relevant documentation, except an evidentiary hearing  
14          may be held upon a showing of good cause. If a party  
15          intentionally or recklessly files an inaccurate or misleading  
16          financial affidavit, the court shall impose significant  
17          penalties and sanctions including, but not limited to, costs  
18          and attorney's fees resulting from the improper  
19          representation.

20                 (b) The court may issue a temporary restraining order  
21          without requiring notice to the other party only if it finds,  
22          on the basis of the moving affidavit or other evidence, that  
23          irreparable injury will result to the moving party if no order  
24          is issued until the time for responding has elapsed.

25                 (c) A response hereunder may be filed within 21 days after  
26          service of notice of motion or at the time specified in the

1 temporary restraining order.

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

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

1 factors, as presented, that appear reasonable and  
2 necessary, including to the extent applicable:

3 (A) the income and property of each party,  
4 including alleged marital property within the sole  
5 control of one party and alleged non-marital property  
6 within access to a party;

7 (B) the needs of each party;

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

9 (D) any impairment to present earning capacity of  
10 either party, including age and physical and emotional  
11 health;

12 (E) the standard of living established during the  
13 marriage;

14 (F) the degree of complexity of the issues,  
15 including allocation of parental responsibility,  
16 valuation or division (or both) of closely held  
17 businesses, and tax planning, as well as reasonable  
18 needs for expert investigations or expert witnesses,  
19 or both;

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

21 (H) the amount of the payment or payments made or  
22 reasonably expected to be made to the attorney for the  
23 other party; and

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

26 (2) Any assessment of an interim award (including one

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

22       (3) In any proceeding under this subsection (c-1), the  
23       court (or hearing officer) shall assess an interim award  
24       against an opposing party in an amount necessary to enable  
25       the petitioning party to participate adequately in the  
26       litigation, upon findings that the party from whom



1 attorney's fees and costs are sought has the financial  
2 ability to pay reasonable amounts and that the party  
3 seeking attorney's fees and costs lacks sufficient access  
4 to assets or income to pay reasonable amounts. In  
5 determining an award, the court shall consider whether  
6 adequate participation in the litigation requires  
7 expenditure of more fees and costs for a party that is not  
8 in control of assets or relevant information. Except for  
9 good cause shown, an interim award shall not be less than  
10 payments made or reasonably expected to be made to the  
11 counsel for the other party. If the court finds that both  
12 parties lack financial ability or access to assets or  
13 income for reasonable attorney's fees and costs, the court  
14 (or hearing officer) shall enter an order that allocates to  
15 each party's counsel funds held by a party's counsel but  
16 not yet earned (including retainers) ~~available funds for~~  
17 ~~each party's counsel, including retainers or interim~~  
18 ~~payments, or both, previously paid,~~ in a manner that  
19 achieves substantial parity between the parties.

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

23 (c-2) Allocation of use of marital residence. Where there  
24 is on file a verified complaint or verified petition seeking  
25 temporary eviction from the marital residence, the court may,  
26 during the pendency of the proceeding, only in cases where the

1 physical or mental well-being of either spouse or his or her  
2 children is jeopardized by occupancy of the marital residence  
3 by both spouses, and only upon due notice and full hearing,  
4 unless waived by the court on good cause shown, enter orders  
5 granting the exclusive possession of the marital residence to  
6 either spouse, by eviction from, or restoration of, the marital  
7 residence, until the final determination of the cause pursuant  
8 to the factors listed in Section 602.7 of this Act. No such  
9 order shall in any manner affect any estate in homestead  
10 property of either party. In entering orders under this  
11 subsection (c-2), the court shall balance hardships to the  
12 parties.

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

14 (1) does not prejudice the rights of the parties or the  
15 child which are to be adjudicated at subsequent hearings in  
16 the proceeding;

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

19 (3) terminates when the final judgment is entered or  
20 when the petition for dissolution of marriage or legal  
21 separation or declaration of invalidity of marriage is  
22 dismissed.

23 (e) The fees or costs of mediation shall be borne by the  
24 parties and may be assessed by the court as it deems equitable  
25 without prejudice and are subject to reallocation at the  
26 conclusion of the case.

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

2 (750 ILCS 5/501.1) (from Ch. 40, par. 501.1)

3 Sec. 501.1. Dissolution action stay.

4 (a) Upon service of a summons and petition or praecipe  
5 filed under the Illinois Marriage and Dissolution of Marriage  
6 Act or upon the filing of the respondent's appearance in the  
7 proceeding, whichever first occurs, a dissolution action stay  
8 shall be in effect against both parties, without bond or  
9 further notice, until a final judgement is entered, the  
10 proceeding is dismissed, or until further order of the court:

11 (1) restraining both parties from physically abusing,  
12 harassing, intimidating, striking, or interfering with the  
13 personal liberty of the other party or the minor children  
14 of either party; and

15 (2) (blank) ~~restraining both parties from removing any~~  
16 ~~minor child of either party from the State of Illinois or~~  
17 ~~from concealing any such child from the other party,~~  
18 ~~without the consent of the other party or an order of the~~  
19 ~~court.~~

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

23 (b) (Blank).

24 (c) (Blank).

25 (d) (Blank).

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

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

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

6           Sec. 502. Agreement.

7           (a) To promote amicable settlement of disputes between  
8 parties to a marriage attendant upon the dissolution of their  
9 marriage, the parties may enter into an agreement containing  
10 provisions for disposition of any property owned by either of  
11 them, maintenance of either of them, support, parental  
12 responsibility allocation of their children, and support of  
13 their children as provided in Sections ~~Section~~ 513 and 513.5  
14 after the children attain majority. Any agreement pursuant to  
15 this Section must be in writing, except for good cause shown  
16 with the approval of the court, before proceeding to an oral  
17 prove up.

18           (b) The terms of the agreement, except those providing for  
19 the support and parental responsibility allocation of  
20 children, are binding upon the court unless it finds, after  
21 considering the economic circumstances of the parties and any  
22 other relevant evidence produced by the parties, on their own  
23 motion or on request of the court, that the agreement is  
24 unconscionable. The terms of the agreement incorporated into  
25 the judgment are binding if there is any conflict between the

1 terms of the agreement and any testimony made at an uncontested  
2 prove-up hearing on the grounds or the substance of the  
3 agreement.

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

8 (d) Unless the agreement provides to the contrary, its  
9 terms shall be set forth in the judgment, and the parties shall  
10 be ordered to perform under such terms, or if the agreement  
11 provides that its terms shall not be set forth in the judgment,  
12 the judgment shall identify the agreement and state that the  
13 court has approved its terms.

14 (e) Terms of the agreement set forth in the judgment are  
15 enforceable by all remedies available for enforcement of a  
16 judgment, including contempt, and are enforceable as contract  
17 terms.

18 (f) Child support, support of children as provided in  
19 Sections ~~Section~~ 513 and 513.5 after the children attain  
20 majority, and parental responsibility allocation of children  
21 may be modified upon a showing of a substantial change in  
22 circumstances. The parties may provide that maintenance is  
23 non-modifiable in amount, duration, or both. If the parties do  
24 not provide that maintenance is non-modifiable in amount,  
25 duration, or both, then those terms are modifiable upon a  
26 substantial change of circumstances. Property provisions of an

1 agreement are never modifiable. The judgment may expressly  
2 preclude or limit modification of other terms set forth in the  
3 judgment if the agreement so provides. Otherwise, terms of an  
4 agreement set forth in the judgment are automatically modified  
5 by modification of the judgment.

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

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

8 Sec. 503. Disposition of property and debts.

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

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

15 (2) property acquired in exchange for property  
16 acquired before the marriage;

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

19 (4) property excluded by valid agreement of the  
20 parties, including a premarital agreement or a postnuptial  
21 agreement;

22 (5) any judgment or property obtained by judgment  
23 awarded to a spouse from the other spouse except, however,  
24 when a spouse is required to sue the other spouse in order  
25 to obtain insurance coverage or otherwise recover from a

1 third party and the recovery is directly related to amounts  
2 advanced by the marital estate, the judgment shall be  
3 considered marital property;

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

7 (6.5) all property acquired by a spouse by the sole use  
8 of non-marital property as collateral for a loan that then  
9 is used to acquire property during the marriage; to the  
10 extent that the marital estate repays any portion of the  
11 loan, it shall be considered a contribution from the  
12 marital estate to the non-marital estate subject to  
13 reimbursement;

14 (7) the increase in value of non-marital property,  
15 irrespective of whether the increase results from a  
16 contribution of marital property, non-marital property,  
17 the personal effort of a spouse, or otherwise, subject to  
18 the right of reimbursement provided in subsection (c) of  
19 this Section; and

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

23 Property acquired prior to a marriage that would otherwise  
24 be non-marital property shall not be deemed to be marital  
25 property solely because the property was acquired in  
26 contemplation of marriage.

1           The court shall make specific factual findings as to its  
2 classification of assets as marital or non-marital property,  
3 values, and other factual findings supporting its property  
4 award.

5           (b)(1) For purposes of distribution of property, all  
6 property acquired by either spouse after the marriage and  
7 before a judgment of dissolution of marriage or declaration of  
8 invalidity of marriage is presumed marital property. This  
9 presumption includes non-marital property transferred into  
10 some form of co-ownership between the spouses, regardless of  
11 whether title is held individually or by the spouses in some  
12 form of co-ownership such as joint tenancy, tenancy in common,  
13 tenancy by the entirety, or community property. The A spouse  
14 ~~may overcome the~~ presumption of marital property is overcome by  
15 showing through clear and convincing evidence that the property  
16 was acquired by a method listed in subsection (a) of this  
17 Section or was done for estate or tax planning purposes or for  
18 other reasons that establish that a transfer between spouses  
19 ~~the transfer~~ was not intended to be a gift.

20           (2) For purposes of distribution of property pursuant to  
21 this Section, all pension benefits (including pension benefits  
22 under the Illinois Pension Code, defined benefit plans, defined  
23 contribution plans and accounts, individual retirement  
24 accounts, and non-qualified plans) acquired by or participated  
25 in by either spouse after the marriage and before a judgment of  
26 dissolution of marriage or legal separation or declaration of



1     invalidity of the marriage are presumed to be marital property.  
2     A spouse may overcome the presumption that these pension  
3     benefits are marital property by showing through clear and  
4     convincing evidence that the pension benefits were acquired by  
5     a method listed in subsection (a) of this Section. The right to  
6     a division of pension benefits in just proportions under this  
7     Section is enforceable under Section 1-119 of the Illinois  
8     Pension Code.

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

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

19             (3) For purposes of distribution of property under this  
20     Section, all stock options and restricted stock or similar form  
21     of benefit granted to either spouse after the marriage and  
22     before a judgment of dissolution of marriage or legal  
23     separation or declaration of invalidity of marriage, whether  
24     vested or non-vested or whether their value is ascertainable,  
25     are presumed to be marital property. This presumption of  
26     marital property is overcome by a showing that the stock

1 options or restricted stock or similar form of benefit were  
2 acquired by a method listed in subsection (a) of this Section.  
3 The court shall allocate stock options and restricted stock or  
4 similar form of benefit between the parties at the time of the  
5 judgment of dissolution of marriage or declaration of  
6 invalidity of marriage recognizing that the value of the stock  
7 options and restricted stock or similar form of benefit may not  
8 be then determinable and that the actual division of the  
9 options may not occur until a future date. In making the  
10 allocation between the parties, the court shall consider, in  
11 addition to the factors set forth in subsection (d) of this  
12 Section, the following:

13 (i) All circumstances underlying the grant of the stock  
14 option and restricted stock or similar form of benefit  
15 including but not limited to the vesting schedule, whether  
16 the grant was for past, present, or future efforts, whether  
17 the grant is designed to promote future performance or  
18 employment, or any combination thereof.

19 (ii) The length of time from the grant of the option to  
20 the time the option is exercisable.

21 (b-5) As to any existing policy of life insurance insuring  
22 the life of either spouse, or any interest in such policy, that  
23 constitutes marital property, whether whole life, term life,  
24 group term life, universal life, or other form of life  
25 insurance policy, and whether or not the value is  
26 ascertainable, the court shall allocate ownership, death

1 benefits or the right to assign death benefits, and the  
2 obligation for premium payments, if any, equitably between the  
3 parties at the time of the judgment for dissolution or  
4 declaration of invalidity of marriage.

5 (c) Commingled marital and non-marital property shall be  
6 treated in the following manner, unless otherwise agreed by the  
7 spouses:

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

11 (i) If the contributed property loses its  
12 identity, the contributed property transmutes to the  
13 estate receiving the property, subject to the  
14 provisions of paragraph (2) of this subsection (c).

15 (ii) If the contributed property retains its  
16 identity, it does not transmute and remains property of  
17 the contributing estate.

18 (B) If marital and non-marital property are commingled  
19 into newly acquired property resulting in a loss of  
20 identity of the contributing estates, the commingled  
21 property shall be deemed transmuted to marital property,  
22 subject to the provisions of paragraph (2) of this  
23 subsection (c).

24 (2) (A) When one estate of property makes a contribution  
25 to another estate of property, the contributing estate  
26 shall be reimbursed from the estate receiving the

1 contribution notwithstanding any transmutation. No such  
2 reimbursement shall be made with respect to a contribution  
3 that is not traceable by clear and convincing evidence or  
4 that was a gift. The court may provide for reimbursement  
5 out of the marital property to be divided or by imposing a  
6 lien against the non-marital property that received the  
7 contribution.

8 (B) When a spouse contributes personal effort to  
9 non-marital property, it shall be deemed a contribution  
10 from the marital estate, which shall receive reimbursement  
11 for the efforts if the efforts are significant and result  
12 in substantial appreciation to the non-marital property  
13 except that if the marital estate reasonably has been  
14 compensated for his or her efforts, it shall not be deemed  
15 a contribution to the marital estate and there shall be no  
16 reimbursement to the marital estate. The court may provide  
17 for reimbursement out of the marital property to be divided  
18 or by imposing a lien against the non-marital property  
19 which received the contribution.

20 (d) In a proceeding for dissolution of marriage or  
21 declaration of invalidity of marriage, or in a proceeding for  
22 disposition of property following dissolution of marriage by a  
23 court that lacked personal jurisdiction over the absent spouse  
24 or lacked jurisdiction to dispose of the property, the court  
25 shall assign each spouse's non-marital property to that spouse.  
26 It also shall divide the marital property without regard to

1 marital misconduct in just proportions considering all  
2 relevant factors, including:

3 (1) each party's contribution to the acquisition,  
4 preservation, or increase or decrease in value of the  
5 marital or non-marital property, including (i) any  
6 decrease attributable to an advance from the parties'  
7 marital estate under subsection (c-1)(2) of Section 501;  
8 (ii) the contribution of a spouse as a homemaker or to the  
9 family unit; and (iii) whether the contribution is after  
10 the commencement of a proceeding for dissolution of  
11 marriage or declaration of invalidity of marriage;

12 (2) the dissipation by each party of the marital  
13 property, provided that a party's claim of dissipation is  
14 subject to the following conditions:

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

18 (ii) the notice of intent to claim dissipation  
19 shall contain, at a minimum, a date or period of time  
20 during which the marriage began undergoing an  
21 irretrievable breakdown, an identification of the  
22 property dissipated, and a date or period of time  
23 during which the dissipation occurred;

24 (iii) a certificate or service of the notice of  
25 intent to claim dissipation shall be filed with the  
26 clerk of the court and be served pursuant to applicable

1 rules;

2 (iv) no dissipation shall be deemed to have  
3 occurred prior to 3 years after the party claiming  
4 dissipation knew or should have known of the  
5 dissipation, but in no event prior to 5 years before  
6 the filing of the petition for dissolution of marriage;

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

8 (4) the duration of the marriage;

9 (5) the relevant economic circumstances of each spouse  
10 when the division of property is to become effective,  
11 including the desirability of awarding the family home, or  
12 the right to live therein for reasonable periods, to the  
13 spouse having the primary residence of the children;

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

16 (7) any prenuptial or postnuptial agreement of the  
17 parties;

18 (8) the age, health, station, occupation, amount and  
19 sources of income, vocational skills, employability,  
20 estate, liabilities, and needs of each of the parties;

21 (9) the custodial provisions for any children;

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

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

26 (12) the tax consequences of the property division upon

1 the respective economic circumstances of the parties.

2 (e) Each spouse has a species of common ownership in the  
3 marital property which vests at the time dissolution  
4 proceedings are commenced and continues only during the  
5 pendency of the action. Any such interest in marital property  
6 shall not encumber that property so as to restrict its  
7 transfer, assignment or conveyance by the title holder unless  
8 such title holder is specifically enjoined from making such  
9 transfer, assignment or conveyance.

10 (f) In a proceeding for dissolution of marriage or  
11 declaration of invalidity of marriage or in a proceeding for  
12 disposition of property following dissolution of marriage by a  
13 court that lacked personal jurisdiction over the absent spouse  
14 or lacked jurisdiction to dispose of the property, the court,  
15 in determining the value of the marital and non-marital  
16 property for purposes of dividing the property, has the  
17 discretion to use the date of the trial or such other date as  
18 agreed upon by the parties, or ordered by the court within its  
19 discretion, for purposes of determining the value of assets or  
20 property.

21 (g) The court if necessary to protect and promote the best  
22 interests of the children may set aside a portion of the  
23 jointly or separately held estates of the parties in a separate  
24 fund or trust for the support, maintenance, education, physical  
25 and mental health, and general welfare of any minor, dependent,  
26 or incompetent child of the parties. In making a determination

1 under this subsection, the court may consider, among other  
2 things, the conviction of a party of any of the offenses set  
3 forth in Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,  
4 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-13, 12-14, 12-14.1,  
5 12-15, or 12-16, or Section 12-3.05 except for subdivision  
6 (a)(4) or (g)(1), of the Criminal Code of 1961 or the Criminal  
7 Code of 2012 if the victim is a child of one or both of the  
8 parties, and there is a need for, and cost of, care, healing  
9 and counseling for the child who is the victim of the crime.

10 (h) Unless specifically directed by a reviewing court, or  
11 upon good cause shown, the court shall not on remand consider  
12 any increase or decrease in the value of any "marital" or  
13 "non-marital" property occurring since the assessment of such  
14 property at the original trial or hearing, but shall use only  
15 that assessment made at the original trial or hearing.

16 (i) The court may make such judgments affecting the marital  
17 property as may be just and may enforce such judgments by  
18 ordering a sale of marital property, with proceeds therefrom to  
19 be applied as determined by the court.

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

26 (1) A petition for contribution, if not filed before



1 the final hearing on other issues between the parties,  
2 shall be filed no later than 14 days after the closing of  
3 proofs in the final hearing or within such other period as  
4 the court orders.

5 (2) Any award of contribution to one party from the  
6 other party shall be based on the criteria for division of  
7 marital property under this Section 503 and, if maintenance  
8 has been awarded, on the criteria for an award of  
9 maintenance under Section 504.

10 (3) The filing of a petition for contribution shall not  
11 be deemed to constitute a waiver of the attorney-client  
12 privilege between the petitioning party and current or  
13 former counsel; and such a waiver shall not constitute a  
14 prerequisite to a hearing for contribution. If either  
15 party's presentation on contribution, however, includes  
16 evidence within the scope of the attorney-client  
17 privilege, the disclosure or disclosures shall be narrowly  
18 construed and shall not be deemed by the court to  
19 constitute a general waiver of the privilege as to matters  
20 beyond the scope of the presentation.

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

25 (5) A contribution award (payable to either the  
26 petitioning party or the party's counsel, or jointly, as

1 the court determines) may be in the form of either a set  
2 dollar amount or a percentage of fees and costs (or a  
3 portion of fees and costs) to be subsequently agreed upon  
4 by the petitioning party and counsel or, alternatively,  
5 thereafter determined in a hearing pursuant to subsection  
6 (c) of Section 508 or previously or thereafter determined  
7 in an independent proceeding under subsection (e) of  
8 Section 508.

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

12 (k) In determining the value of assets or property under  
13 this Section, the court shall employ a fair market value  
14 standard. The date of valuation for the purposes of division of  
15 assets shall be the date of trial or such other date as agreed  
16 by the parties or ordered by the court, within its discretion.  
17 If the court grants a petition brought under Section 2-1401 of  
18 the Code of Civil Procedure, then the court has the discretion  
19 to use the date of the trial or such other date as agreed upon  
20 by the parties, or ordered by the court within its discretion,  
21 for purposes of determining the value of assets or property.

22 (l) The court may seek the advice of financial experts or  
23 other professionals, whether or not employed by the court on a  
24 regular basis. The advice given shall be in writing and made  
25 available by the court to counsel. Counsel may examine as a  
26 witness any professional consulted by the court designated as

1 the court's witness. Professional personnel consulted by the  
2 court are subject to subpoena for the purposes of discovery,  
3 trial, or both. The court shall allocate the costs and fees of  
4 those professional personnel between the parties based upon the  
5 financial ability of each party and any other criteria the  
6 court considers appropriate, and the allocation is subject to  
7 reallocation under subsection (a) of Section 508. Upon the  
8 request of any party or upon the court's own motion, the court  
9 may conduct a hearing as to the reasonableness of those fees  
10 and costs.

11 (m) The changes made to this Section by Public Act 97-941  
12 apply only to petitions for dissolution of marriage filed on or  
13 after January 1, 2013 (the effective date of Public Act  
14 97-941).

15 (Source: P.A. 99-78, eff. 7-20-15; 99-90, eff. 1-1-16.)

16 (750 ILCS 5/504) (from Ch. 40, par. 504)

17 Sec. 504. Maintenance.

18 (a) Entitlement to maintenance. In a proceeding for  
19 dissolution of marriage or legal separation or declaration of  
20 invalidity of marriage, or a proceeding for maintenance  
21 following dissolution of the marriage by a court which lacked  
22 personal jurisdiction over the absent spouse, the court may  
23 grant a maintenance award for either spouse in amounts and for  
24 periods of time as the court deems just, without regard to  
25 marital misconduct, and the maintenance may be paid from the

1 income or property of the other spouse. The court shall first  
2 determine whether a maintenance award is appropriate, after  
3 consideration of all relevant factors, including:

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

9 (2) the needs of each party;

10 (3) the realistic present and future earning capacity  
11 of each party;

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

17 (5) any impairment of the realistic present or future  
18 earning capacity of the party against whom maintenance is  
19 sought;

20 (6) the time necessary to enable the party seeking  
21 maintenance to acquire appropriate education, training,  
22 and employment, and whether that party is able to support  
23 himself or herself through appropriate employment or any  
24 parental responsibility arrangements and its effect on the  
25 party seeking employment;

26 (7) the standard of living established during the

1 marriage;

2 (8) the duration of the marriage;

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

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

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

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

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

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

17 (b) (Blank).

18 (b-1) Amount and duration of maintenance. If the court  
19 determines that a maintenance award is appropriate, the court  
20 shall order maintenance in accordance with either paragraph (1)  
21 or (2) of this subsection (b-1):

22 (1) Maintenance award in accordance with guidelines.

23 In situations when the combined gross income of the parties  
24 is less than \$250,000 and the payor has no obligation to  
25 pay child support or maintenance or both from a prior  
26 relationship, maintenance payable after the date the

1 parties' marriage is dissolved shall be in accordance with  
2 subparagraphs (A) and (B) of this paragraph (1), unless the  
3 court makes a finding that the application of the  
4 guidelines would be inappropriate.

5 (A) The amount of maintenance under this paragraph  
6 (1) shall be calculated by taking 30% of the payor's  
7 gross income minus 20% of the payee's gross income. The  
8 amount calculated as maintenance, however, when added  
9 to the gross income of the payee, may not result in the  
10 payee receiving an amount that is in excess of 40% of  
11 the combined gross income of the parties.

12 (B) The duration of an award under this paragraph  
13 (1) shall be calculated by multiplying the length of  
14 the marriage at the time the action was commenced by  
15 whichever of the following factors applies: 5 years or  
16 less (.20); more than 5 years but less than 10 years  
17 (.40); 10 years or more but less than 15 years (.60);  
18 or 15 years or more but less than 20 years (.80). For a  
19 marriage of 20 or more years, the court, in its  
20 discretion, shall order either permanent maintenance  
21 or maintenance for a period equal to the length of the  
22 marriage.

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

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

4 (1) the court shall state its reasoning for awarding or  
5 not awarding maintenance and shall include references to  
6 each relevant factor set forth in subsection (a) of this  
7 Section; and

8 (2) if the court deviates from otherwise applicable  
9 guidelines under paragraph (1) of subsection (b-1), it  
10 shall state in its findings the amount of maintenance (if  
11 determinable) or duration that would have been required  
12 under the guidelines and the reasoning for any variance  
13 from the guidelines.

14 (b-3) Gross income. For purposes of this Section, the term  
15 "gross income" means all income from all sources, within the  
16 scope of that phrase ~~phrase~~ in Section 505 of this Act.

17 (b-4) Unallocated maintenance. Unless the parties  
18 otherwise agree, the court may not order unallocated  
19 maintenance and child support in any dissolution judgment or in  
20 any post-dissolution order. In its discretion, the court may  
21 order unallocated maintenance and child support in any  
22 pre-dissolution temporary order.

23 (b-4.5) Fixed-term maintenance in marriages of less than 10  
24 years. If a court grants maintenance for a fixed period under  
25 subsection (a) of this Section at the conclusion of a case  
26 commenced before the tenth anniversary of the marriage, the

1 court may also designate the termination of the period during  
2 which this maintenance is to be paid as a "permanent  
3 termination". The effect of this designation is that  
4 maintenance is barred after the ending date of the period  
5 during which maintenance is to be paid.

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

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



1 of law against the real and personal property of the obligor  
2 for each installment of overdue support owed by the obligor.

3 (b-8) Upon review of any previously ordered maintenance  
4 award, the court may extend maintenance for further review,  
5 extend maintenance for a fixed non-modifiable term, extend  
6 maintenance for an indefinite term, or permanently terminate  
7 maintenance in accordance with subdivision (b-1)(1)(A) of this  
8 Section.

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

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

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

26 (f) Maintenance secured by life insurance. An award ordered

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

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

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

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

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

1           the payee's designee being the beneficiary of such life  
2           insurance.

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

11          (3) A judgment shall expressly set forth that all death  
12          benefits paid under life insurance on a payor's life  
13          maintained or obtained pursuant to this subsection to  
14          secure maintenance are designated as excludable from the  
15          gross income of the maintenance payee under Section  
16          71(b)(1)(B) of the Internal Revenue Code, unless an  
17          agreement or stipulation of the parties otherwise  
18          provides.

19          (Source: P.A. 98-961, eff. 1-1-15; 99-90, eff. 1-1-16.)

20          (750 ILCS 5/505) (from Ch. 40, par. 505)

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

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

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

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

17	Number of Children	Percent of Supporting Party's
18		Net Income
19	1	20%
20	2	28%
21	3	32%
22	4	40%
23	5	45%
24	6 or more	50%

25 (2) The above guidelines shall be applied in each case  
 26 unless the court finds that a deviation from the guidelines

1 is appropriate after considering the best interest of the  
2 child in light of the evidence, including, but not limited  
3 to, one or more of the following relevant factors:

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

5 (b) the financial resources and needs of the  
6 parents;

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

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

11 (d-5) the educational needs of the child.

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

17 (2.5) The court, in its discretion, in addition to  
18 setting child support pursuant to the guidelines and  
19 factors, may order either or both parents owing a duty of  
20 support to a child of the marriage to contribute to the  
21 following expenses, if determined by the court to be  
22 reasonable:

23 (a) health needs not covered by insurance;

24 (b) child care;

25 (c) education; and

26 (d) extracurricular activities.

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

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

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

7           (c) Social Security (FICA payments);

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

10          (e) Union dues;

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

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

17          (g-5) Obligations pursuant to a court order for  
18 maintenance in the pending proceeding actually paid or  
19 payable under Section 504 to the same party to whom  
20 child support is to be payable;

21          (h) Expenditures for repayment of debts that  
22 represent reasonable and necessary expenses for the  
23 production of income including, but not limited to,  
24 student loans calculated as the minimum required  
25 monthly payment under a standard repayment plan,  
26 medical expenditures necessary to preserve life or

1 health, reasonable expenditures for the benefit of the  
2 child and the other parent, exclusive of gifts. The  
3 court shall reduce net income in determining the  
4 minimum amount of support to be ordered only for the  
5 period that such payments are due and shall enter an  
6 order containing provisions for its self-executing  
7 modification upon termination of such payment period;

8 (i) Foster care payments paid by the Department of  
9 Children and Family Services for providing licensed  
10 foster care to a foster child.

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

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

1 income at the time the order for current support is  
2 entered.

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

16 (6) If (i) the supporting parent was properly served  
17 with a request for discovery of financial information  
18 relating to the supporting parent's ability to provide  
19 child support, (ii) the supporting parent failed to comply  
20 with the request, despite having been ordered to do so by  
21 the court, and (iii) the supporting parent is not present  
22 at the hearing to determine support despite having received  
23 proper notice, then any relevant financial information  
24 concerning the supporting parent's ability to provide  
25 child support that was obtained pursuant to subpoena and  
26 proper notice shall be admitted into evidence without the



1 need to establish any further foundation for its admission.

2 (a-5) In an action to enforce an order for support based on  
3 the ~~respondent's~~ failure of the supporting parent to make  
4 support payments as required by the order, notice of  
5 proceedings to hold the supporting parent ~~respondent~~ in  
6 contempt for that failure may be served on the supporting  
7 parent ~~respondent~~ by personal service or by regular mail  
8 addressed to the ~~respondent's~~ last known address of the  
9 supporting parent. The ~~respondent's~~ last known address of the  
10 supporting parent may be determined from records of the clerk  
11 of the court, from the Federal Case Registry of Child Support  
12 Orders, or by any other reasonable means.

13 (b) Failure of either parent to comply with an order to pay  
14 support shall be punishable as in other cases of contempt. In  
15 addition to other penalties provided by law the Court may,  
16 after finding the parent guilty of contempt, order that the  
17 parent be:

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

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

24 (A) work; or

25 (B) conduct a business or other self-employed  
26 occupation.

1           The Court may further order any part or all of the earnings  
2 of a parent during a sentence of periodic imprisonment paid to  
3 the Clerk of the Circuit Court or to the parent receiving the  
4 support or to the guardian receiving the support of the  
5 children of the sentenced parent for the support of said  
6 children until further order of the Court.

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

19           If there is a unity of interest and ownership sufficient to  
20 render no financial separation between a supporting parent and  
21 another person or persons or business entity, the court may  
22 pierce the ownership veil of the person, persons, or business  
23 entity to discover assets of the supporting parent held in the  
24 name of that person, those persons, or that business entity.  
25 The following circumstances are sufficient to authorize a court  
26 to order discovery of the assets of a person, persons, or

1 business entity and to compel the application of any discovered  
2 assets toward payment on the judgment for support:

3 (1) the supporting parent and the person, persons, or  
4 business entity maintain records together.

5 (2) the supporting parent and the person, persons, or  
6 business entity fail to maintain an arm's length  
7 relationship between themselves with regard to any assets.

8 (3) the supporting parent transfers assets to the  
9 person, persons, or business entity with the intent to  
10 perpetrate a fraud on the parent receiving the support.

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

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

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

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

25 A support obligation, or any portion of a support  
26 obligation, which becomes due and remains unpaid as of the end

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

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

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

1 becomes due under the terms of the support order. Each such  
2 judgment shall have the full force, effect and attributes of  
3 any other judgment of this State, including the ability to be  
4 enforced. Notwithstanding any other State or local law to the  
5 contrary, a lien arises by operation of law against the real  
6 and personal property of the supporting parent for each  
7 installment of overdue support owed by the supporting 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 supporting parent to pay to the clerk,  
11 in addition to the child support payments, all fees imposed by  
12 the county board under paragraph (3) of subsection (u) of  
13 Section 27.1 of the Clerks of Courts Act. Unless paid in cash  
14 or pursuant to an order for withholding, the payment of the fee  
15 shall be by a separate instrument from the support payment and  
16 shall be made to the order of the Clerk.

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

1 of any covered minors shall be included, and (iii) of any new  
2 residential or mailing address or telephone number of the  
3 supporting 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 parent, service of process or provision of notice necessary in  
7 the case may be made at the last known address of the  
8 supporting parent in any manner expressly provided by the Code  
9 of Civil Procedure or this Act, which service shall be  
10 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 either parent to report to the other parent  
3 and to the clerk of court within 10 days each time either  
4 parent obtains new employment, and each time either parent's  
5 employment is terminated for any reason. The report shall be in  
6 writing and shall, in the case of new employment, include the  
7 name and address of the new employer. Failure to report new  
8 employment or the termination of current employment, if coupled  
9 with nonpayment of support for a period in excess of 60 days,  
10 is indirect criminal contempt. For either parent 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 either  
15 parent to advise the other of a change in residence within 5  
16 days of the change except when the court finds that the  
17 physical, mental, or emotional health of a party or that of a  
18 child, or both, would be seriously endangered by disclosure of  
19 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. 98-463, eff. 8-16-13; 98-961, eff. 1-1-15; 99-90,  
26 eff. 1-1-16.)

1 (750 ILCS 5/508) (from Ch. 40, par. 508)

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

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

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

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

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

1           (3.1) The prosecution of any claim on appeal (if the  
2 prosecuting party has substantially prevailed).

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

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

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

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

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

24 The court may order that the award of attorney's fees and  
25 costs (including an interim or contribution award) shall be  
26 paid directly to the attorney, who may enforce the order in his

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

8 (a-5) A petition for temporary attorney's fees in a  
9 post-judgment case may be heard on a non-evidentiary, summary  
10 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 or enforceability of any  
18 judgment or other 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  
19 upon being allocated parental responsibility or be based upon  
20 the amount of maintenance, child support, or property  
21 settlement received, except as specifically permitted under  
22 Supreme Court rules. The counsel may not require a  
23 non-refundable retainer fee, but must remit back any  
24 overpayment at the end of the representation. The counsel may  
25 enter into a consensual security arrangement with the client  
26 whereby assets of the client are pledged to secure payment of

1 legal fees or costs, but only if the counsel first obtains  
2 approval of the Court. The counsel will prepare and provide the  
3 client with an itemized billing statement detailing hourly  
4 rates (and/or other criteria), time spent, tasks performed, and  
5 costs incurred on a regular basis, at least quarterly. The  
6 client should review each billing statement promptly and  
7 address any objection or error in a timely manner. The client  
8 will not be billed for time spent to explain or correct a  
9 billing statement. If an appropriately detailed written  
10 estimate is submitted to a client as to future costs for a  
11 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. 99-90, eff. 1-1-16.)

12 (750 ILCS 5/513) (from Ch. 40, par. 513)

13 Sec. 513. Educational Expenses for a Non-minor Child.

14 (a) The court may award sums of money out of the property  
15 and income of either or both parties or the estate of a  
16 deceased parent, as equity may require, for the educational  
17 expenses of any child of the parties. Unless otherwise agreed  
18 to by the parties, all educational expenses which are the  
19 subject of a petition brought pursuant to this Section shall be  
20 incurred no later than the student's 23rd birthday, except for  
21 good cause shown, but in no event later than the child's 25th  
22 birthday.

23 (b) Regardless of whether an award has been made under  
24 subsection (a), the court may require both parties and the  
25 child to complete the Free Application for Federal Student Aid



1 (FAFSA) and other financial aid forms and to submit any form of  
2 that type prior to the designated submission deadline for the  
3 form. The court may require either or both parties to provide  
4 funds for the child so as to pay for the cost of up to 5 college  
5 applications, the cost of 2 standardized college entrance  
6 examinations, and the cost of one standardized college entrance  
7 examination preparatory course.

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

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

16 (1) except for good cause shown, the actual cost of the  
17 child's post-secondary expenses, including tuition and  
18 fees, provided that the cost for tuition and fees does not  
19 exceed the amount of in-state tuition and fees paid by a  
20 student at the University of Illinois at Urbana-Champaign  
21 for the same academic year;

22 (2) except for good cause shown, the actual costs of  
23 the child's housing expenses, whether on-campus or  
24 off-campus, provided that the housing expenses do not  
25 exceed the cost for the same academic year of a  
26 double-occupancy student room, with a standard meal plan,

1 in a residence hall operated by the University of Illinois  
2 at Urbana-Champaign;

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

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

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

9 (B) if the child is living with one party at that  
10 party's home and attending a post-secondary  
11 educational program as a non-resident student, in  
12 which case the living expenses include an amount that  
13 pays for the reasonable cost of the child's food,  
14 utilities, and transportation; and

15 (5) the cost of books and other supplies necessary to  
16 attend college.

17 (e) Sums may be ordered payable to the child, to either  
18 party, or to the educational institution, directly or through a  
19 special account or trust created for that purpose, as the court  
20 sees fit.

21 (f) If educational expenses are ordered payable, each party  
22 and the child shall sign any consent necessary for the  
23 educational institution to provide a supporting party with  
24 access to the child's academic transcripts, records, and grade  
25 reports. The consent shall not apply to any non-academic  
26 records. Failure to execute the required consent may be a basis

1 for a modification or termination of any order entered under  
2 this Section. Unless the court specifically finds that the  
3 child's safety would be jeopardized, each party is entitled to  
4 know the name of the educational institution the child attends.

5 (g) The authority under this Section to make provision for  
6 educational expenses terminates when the child either: fails to  
7 maintain a cumulative "C" grade point average, except in the  
8 event of illness or other good cause shown; attains the age of  
9 23; receives a baccalaureate degree; or marries. A child's  
10 enlisting in the armed forces, being incarcerated, or becoming  
11 pregnant does not terminate the court's authority to make  
12 provisions for the educational expenses for the child under  
13 this Section.

14 (h) An account established prior to the dissolution that is  
15 to be used for the child's post-secondary education, that is an  
16 account in a state tuition program under Section 529 of the  
17 Internal Revenue Code, or that is some other college savings  
18 plan, is to be considered by the court to be a resource of the  
19 child, provided that any post-judgment contribution made by a  
20 party to such an account is to be considered a contribution  
21 from that party.

22 (i) The child is not a third party beneficiary to the  
23 settlement agreement or judgment between the parties after  
24 trial and is not entitled to file a petition for contribution.  
25 If the parties' settlement agreement describes the manner in  
26 which a child's educational expenses will be paid, or if the

1 court makes an award pursuant to this Section, then the parties  
2 are responsible pursuant to that agreement or award for the  
3 child's educational expenses, but in no event shall the court  
4 consider the child a third party beneficiary of that provision.  
5 In the event of the death or legal disability of a party who  
6 would have the right to file a petition for contribution, the  
7 child of the party may file a petition for contribution. ~~a~~  
8 ~~person with a mental or physical disability a person with a~~  
9 ~~mental or physical disability~~

10 (j) In making awards under this Section, or pursuant to a  
11 petition or motion to decrease, modify, or terminate any such  
12 award, the court shall consider all relevant factors that  
13 appear reasonable and necessary, including:

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

17 (2) The standard of living the child would have enjoyed  
18 had the marriage not been dissolved.

19 (3) The financial resources of the child.

20 (4) The child's academic performance.

21 (k) The establishment of an obligation to pay under this  
22 Section is retroactive only to the date of filing a petition.  
23 The right to enforce a prior obligation to pay may be enforced  
24 either before or after the obligation is incurred.

25 (Source: P.A. 99-90, eff. 1-1-16; 99-143, eff. 7-27-15; revised  
26 10-22-15.)

1 (750 ILCS 5/600)

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

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

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

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

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

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

24 (3) providing discipline, giving instruction in  
25 manners, assigning and supervising chores, and performing

1 other tasks that attend to a child's needs for behavioral  
2 control and self-restraint;

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

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

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

13 (7) providing moral and ethical guidance for a child;  
14 and

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

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

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

26 (f) "Parenting plan" means a written agreement that

1 allocates significant decision-making responsibilities,  
2 parenting time, or both.

3 (g) "Relocation" means:

4 (1) a change of residence from the child's current  
5 primary residence located in the county of Cook, DuPage,  
6 Kane, Lake, McHenry, or Will to a new residence within this  
7 State that is more than 25 miles from the child's current  
8 residence, as measured by an Internet mapping service;

9 (2) a change of residence from the child's current  
10 primary residence located in a county not listed in  
11 paragraph (1) to a new residence within this State that is  
12 more than 50 miles from the child's current primary  
13 residence, as measured by an Internet mapping service; or

14 (3) a change of residence from the child's current  
15 primary residence to a residence outside the borders of  
16 this State that is more than 25 miles from the current  
17 primary residence, as measured by an Internet mapping  
18 service.

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

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

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

26 (k) "Significant decision-making" means deciding issues of

1 long-term importance in the life of a child.

2 (l) "Step-parent" means a person married to a child's  
3 parent, including a person married to the child's parent  
4 immediately prior to the parent's death.

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

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

8 (750 ILCS 5/602.9)

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

10 (a) As used in this Section:

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

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

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

25 (4) "visitation" means in-person time spent between a



1 child and the child's grandparent, great-grandparent,  
2 sibling, step-parent, or any person designated under  
3 subsection (d) of Section 602.7. In appropriate  
4 circumstances, visitation may include electronic  
5 communication under conditions and at times determined by  
6 the court.

7 (b) General provisions.

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

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

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

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

25 (C) who has been voluntarily surrendered by the  
26 parent or parents, except for a surrender to the

1 Department of Children and Family Services or a foster  
2 care facility; or

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

9 (E) who has been relinquished pursuant to the  
10 Abandoned Newborn Infant Protection Act.

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

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

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

25 (A) the wishes of the child, taking into account  
26 the child's maturity and ability to express reasoned

1 and independent preferences as to visitation;

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

3 (C) the mental and physical health of the  
4 grandparent, great-grandparent, sibling, or  
5 step-parent;

6 (D) the length and quality of the prior  
7 relationship between the child and the grandparent,  
8 great-grandparent, sibling, or step-parent;

9 (E) the good faith of the party in filing the  
10 petition;

11 (F) the good faith of the person denying  
12 visitation;

13 (G) the quantity of the visitation time requested  
14 and the potential adverse impact that visitation would  
15 have on the child's customary activities;

16 (H) any other fact that establishes that the loss  
17 of the relationship between the petitioner and the  
18 child is likely to unduly harm the child's mental,  
19 physical, or emotional health; and

20 (I) whether visitation can be structured in a way  
21 to minimize the child's exposure to conflicts between  
22 the adults.

23 (6) Any visitation rights granted under this Section  
24 before the filing of a petition for adoption of the child  
25 shall automatically terminate by operation of law upon the  
26 entry of an order terminating parental rights or granting

1 the adoption of the child, whichever is earlier. If the  
2 person or persons who adopted the child are related to the  
3 child, as defined by Section 1 of the Adoption Act, any  
4 person who was related to the child as grandparent,  
5 great-grandparent, or sibling prior to the adoption shall  
6 have standing to bring an action under this Section  
7 requesting visitation with the child.

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

12 (c) Visitation by grandparents, great-grandparents,  
13 step-parents, and siblings.

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

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

1           (B) a parent of the child is incompetent as a  
2 matter of law; or

3           (C) a parent has been incarcerated in jail or  
4 prison for a period in excess of 90 days immediately  
5 prior to the filing of the petition; or

6           (D) the child's parents have been granted a  
7 dissolution of marriage or have been legally separated  
8 from each other or there is pending a dissolution  
9 proceeding involving a parent of the child or another  
10 court proceeding involving parental responsibilities  
11 or visitation of the child (other than an adoption  
12 proceeding of an unrelated child, a proceeding under  
13 Article II of the Juvenile Court Act of 1987, or an  
14 action for an order of protection under the Illinois  
15 Domestic Violence Act of 1986 or Article 112A of the  
16 Code of Criminal Procedure of 1963) and at least one  
17 parent does not object to the grandparent,  
18 great-grandparent, step-parent, or sibling having  
19 visitation with the child. The visitation of the  
20 grandparent, great-grandparent, step-parent, or  
21 sibling must not diminish the parenting time of the  
22 parent who is not related to the grandparent,  
23 great-grandparent, step-parent, or sibling seeking  
24 visitation; or

25           (E) the child is born to parents who are not  
26 married to each other, the parents are not living

1 together, and the petitioner is a grandparent,  
2 great-grandparent, step-parent, or sibling of the  
3 child, and parentage has been established by a court of  
4 competent jurisdiction.

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

7 (A) whether the child resided with the petitioner  
8 for at least 6 consecutive months with or without a  
9 parent present;

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

13 (C) whether the grandparent, great-grandparent,  
14 sibling, or step-parent was a primary caretaker of the  
15 child for a period of not less than 6 consecutive  
16 months within the 24-month period immediately  
17 preceding the commencement of the proceeding.

18 (3) An order granting visitation privileges under this  
19 Section is subject to subsections (c) and (d) of Section  
20 603.10.

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

26 (d) Modification of visitation orders.

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

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

25           (3) Notice of a motion requesting modification of a  
26 visitation order shall be provided as set forth in

1 subsection (c) of Section 601.2 of this Act.

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

6 (e) No child's grandparent, great-grandparent, sibling, or  
7 step-parent, or any person to whom the court is considering  
8 granting visitation privileges pursuant to subsection (d) of  
9 Section 602.7, who was 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, offenses for violations of  
12 Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-1.70,  
13 or Article 12 of the Criminal Code of 1961 or the Criminal Code  
14 of 2012, is entitled to visitation while incarcerated or while  
15 on parole, probation, conditional discharge, periodic  
16 imprisonment, or mandatory supervised release for that  
17 offense, and upon discharge from incarceration for a  
18 misdemeanor offense or upon discharge from parole, probation,  
19 conditional discharge, periodic imprisonment, or mandatory  
20 supervised release for a felony offense. Visitation shall be  
21 denied until the person successfully completes a treatment  
22 program approved by the court. Upon completion of treatment,  
23 the court may deny visitation based on the factors listed in  
24 Section 607.5 ~~subdivision (b) (5) of Section 607~~ of this Act.

25 (f) No child's grandparent, great-grandparent, sibling, or  
26 step-parent, or any person to whom the court is considering



1 granting visitation privileges pursuant to subsection (d) of  
2 Section 602.7, may be granted visitation if he or she has been  
3 convicted of first degree murder of a parent, grandparent,  
4 great-grandparent, or sibling of the child who is the subject  
5 of the visitation request. Pursuant to a motion to modify  
6 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 or granted visitation under subsection (d) of Section 602.7, if  
10 the person has been convicted of first degree murder of a  
11 parent, grandparent, great-grandparent, or sibling of the  
12 child who is the subject of the visitation order. Until an  
13 order is entered pursuant to this subsection, no person may  
14 visit, with the child present, a person who has been convicted  
15 of first degree murder of the parent, grandparent,  
16 great-grandparent, or sibling of the child without the consent  
17 of the child's parent, other than a parent convicted of first  
18 degree murder as set forth herein, or legal guardian.

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

20 (750 ILCS 5/602.10)

21 Sec. 602.10. Parenting plan.

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

1 period for filing a parenting plan may be extended by the court  
2 for good cause shown. If no appearance has been filed by the  
3 respondent, no parenting plan is required unless ordered by the  
4 court.

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

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

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

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

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

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

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

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

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

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

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

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

1 (B) a formula or method for determining such a  
2 schedule in sufficient detail to be enforced in a  
3 subsequent proceeding;

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

9 (4) each parent's right of access to medical, dental,  
10 and psychological records (subject to the Mental Health and  
11 Developmental Disabilities Confidentiality Act), child  
12 care records, and school and extracurricular records,  
13 reports, and schedules, unless expressly denied by a court  
14 order or denied under Section 602.11 ~~subsection (g) of~~  
15 ~~Section 602.5~~;

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

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

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

24 (8) a requirement that a parent changing his or her  
25 residence provide at least 60 days prior written notice of  
26 the change to any other parent under the parenting plan or

1 allocation judgment, unless such notice is impracticable  
2 or unless otherwise ordered by the court. If such notice is  
3 impracticable, written notice shall be given at the  
4 earliest date practicable. At a minimum, the notice shall  
5 set forth the following:

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

7 and

8 (B) the address of the new residence;

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

12 (10) transportation arrangements between the parents;

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

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

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

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

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

26 (ii) notification to the other parent and for his

1           or her response;

2                 (iii) transportation requirements; and

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

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

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

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

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

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

25                         (750 ILCS 5/602.11)

1           Sec. 602.11. Access to health care, child care, and school  
2 records by parents.

3           (a) Notwithstanding any other provision of law, access to  
4 records and information pertaining to a child including, but  
5 not limited to, medical, dental, child care, and school records  
6 shall not be denied to a parent for the reason that such parent  
7 has not been allocated parental responsibility; however, no  
8 parent shall have access to the school records of a child if  
9 the parent is prohibited by an order of protection from  
10 inspecting or obtaining such records pursuant to the Domestic  
11 Violence Act of 1986 or the Code of Criminal Procedure of 1963.

12 ~~A parent who is not allocated parenting time (not denied~~  
13 ~~parental responsibility) is not entitled to access to the~~  
14 ~~child's school or health care records unless a court finds that~~  
15 ~~it is in the child's best interests to provide those records to~~  
16 ~~the parent.~~

17           (b) Health care professionals and health care providers  
18 shall grant access to health care records and information  
19 pertaining to a child to both parents, unless the health care  
20 professional or health care provider receives a court order or  
21 judgment that denies access to a specific individual. Except as  
22 may be provided by court order, no parent who is a named  
23 respondent in an order of protection issued pursuant to the  
24 Illinois Domestic Violence Act of 1986 or the Code of Criminal  
25 Procedure of 1963 shall have access to the health care records  
26 of a child who is a protected person under the order of

1 protection provided the health care professional or health care  
2 provider has received a copy of the order of protection. Access  
3 to health care records is denied under this Section for as long  
4 as the order of protection remains in effect as specified in  
5 the order of protection or as otherwise determined by court  
6 order.

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

8 (750 ILCS 5/604.10)

9 Sec. 604.10. Interviews; evaluations; investigation.

10 (a) Court's interview of child. The court may interview the  
11 child in chambers to ascertain the child's wishes as to the  
12 allocation of parental responsibilities. Counsel shall be  
13 present at the interview unless otherwise agreed upon by the  
14 parties. The entire interview shall be recorded by a court  
15 reporter. The transcript of the interview shall be filed under  
16 seal and released only upon order of the court. ~~The cost of the~~  
17 ~~court reporter and transcript shall be paid by the court.~~

18 (b) Court's professional. The court may seek the advice of  
19 any professional, whether or not regularly employed by the  
20 court, to assist the court in determining the child's best  
21 interests. The advice to the court shall be in writing and sent  
22 by the professional to counsel for the parties and to the court  
23 not later than 60 days before the date on which the trial court  
24 reasonably anticipates the hearing on the allocation of  
25 parental responsibilities will commence. The court may review



1 ~~the writing upon receipt, under seal.~~ The writing may be  
2 admitted into evidence without testimony from its author,  
3 unless a party objects. A professional consulted by the court  
4 shall testify as the court's witness and be subject to  
5 cross-examination. The court shall order all costs and fees of  
6 the professional to be paid by one or more of the parties,  
7 subject to reallocation in accordance with subsection (a) of  
8 Section 508.

9 The professional's report must, at a minimum, set forth the  
10 following:

11 (1) a description of the procedures employed during the  
12 evaluation;

13 (2) a report of the data collected;

14 (3) all test results;

15 (4) any conclusions of the professional relating to the  
16 allocation of parental responsibilities under Sections  
17 602.5 and 602.7;

18 (5) any recommendations of the professional concerning  
19 the allocation of parental responsibilities or the child's  
20 relocation; and

21 (6) an explanation of any limitations in the evaluation  
22 or any reservations of the professional regarding the  
23 resulting recommendations.

24 ~~The professional shall send his or her report to all~~  
25 ~~attorneys of record, and to any party not represented, at least~~  
26 ~~60 days before the hearing on the allocation of parental~~

1 ~~responsibilities. The court shall examine and consider the~~  
2 ~~professional's report only after it has been admitted into~~  
3 ~~evidence or after the parties have waived their right to~~  
4 ~~cross-examine the professional.~~

5 (c) Evaluation by a party's retained professional. In a  
6 proceeding to allocate parental responsibilities or to  
7 relocate a child, upon notice and motion made by a parent or  
8 any party to the litigation within a reasonable time before  
9 trial, the court shall order an evaluation to assist the court  
10 in determining the child's best interests unless the court  
11 finds that an evaluation under this Section is untimely or not  
12 in the best interests of the child. The evaluation may be in  
13 place of or in addition to any advice given to the court by a  
14 professional under subsection (b). A motion for an evaluation  
15 under this subsection must, at a minimum, identify the proposed  
16 evaluator and the evaluator's specialty or discipline. An order  
17 for an evaluation under this subsection must set forth the  
18 evaluator's name, address, and telephone number and the time,  
19 place, conditions, and scope of the evaluation. No person shall  
20 be required to travel an unreasonable distance for the  
21 evaluation. The party requesting the evaluation shall pay the  
22 evaluator's fees and costs unless otherwise ordered by the  
23 court.

24 The evaluator's report must, at a minimum, set forth the  
25 following:

26 (1) a description of the procedures employed during the

1 evaluation;

2 (2) a report of the data collected;

3 (3) all test results;

4 (4) any conclusions of the evaluator relating to the  
5 allocation of parental responsibilities under Sections  
6 602.5 and 602.7;

7 (5) any recommendations of the evaluator concerning  
8 the allocation of parental responsibilities or the child's  
9 relocation; and

10 (6) an explanation of any limitations in the evaluation  
11 or any reservations of the evaluator regarding the  
12 resulting recommendations.

13 A party who retains a professional to conduct an evaluation  
14 under this subsection shall cause the evaluator's written  
15 report to be sent to the attorneys of record no less than 60  
16 days before the hearing on the allocation of parental  
17 responsibilities, unless otherwise ordered by the court; if a  
18 party fails to comply with this provision, the court may not  
19 admit the evaluator's report into evidence and may not allow  
20 the evaluator to testify.

21 The party calling an evaluator to testify at trial shall  
22 disclose the evaluator as a controlled expert witness in  
23 accordance with the Supreme Court Rules.

24 Any party to the litigation may call the evaluator as a  
25 witness. That party shall pay the evaluator's fees and costs  
26 for testifying, unless otherwise ordered by the court.

1 (d) Investigation. Upon notice and a motion by a parent or  
2 any party to the litigation, or upon the court's own motion,  
3 the court may order an investigation and report to assist the  
4 court in allocating parental responsibilities. The  
5 investigation may be made by any agency, private entity, or  
6 individual deemed appropriate by the court. The agency, private  
7 entity, or individual appointed by the court must have  
8 expertise in the area of allocation of parental  
9 responsibilities. The court shall specify the purpose and scope  
10 of the investigation.

11 The investigator's report must, at a minimum, set forth the  
12 following:

13 (1) a description of the procedures employed during the  
14 investigation;

15 (2) a report of the data collected;

16 (3) all test results;

17 (4) any conclusions of the investigator relating to the  
18 allocation of parental responsibilities under Sections  
19 602.5 and 602.7;

20 (5) any recommendations of the investigator concerning  
21 the allocation of parental responsibilities or the child's  
22 relocation; and

23 (6) an explanation of any limitations in the  
24 investigation or any reservations of the investigator  
25 regarding the resulting recommendations.

26 The investigator shall send his or her report to all

1 attorneys of record, and to any party not represented, at least  
2 60 days before the hearing on the allocation of parental  
3 responsibilities. The court shall examine and consider the  
4 investigator's report only after it has been admitted into  
5 evidence or after the parties have waived their right to  
6 cross-examine the investigator.

7 The investigator shall make available to all attorneys of  
8 record, and to any party not represented, the investigator's  
9 file, and the names and addresses of all persons whom the  
10 investigator has consulted, except that if such disclosure  
11 would risk abuse to the party or any member of the party's  
12 immediate family or household or reveal the confidential  
13 address of a shelter for domestic violence victims, that  
14 address may be omitted from the report. Any party to the  
15 proceeding may call the investigator, or any person consulted  
16 by the investigator as a court's witness, for  
17 cross-examination. No fees shall be paid for any investigation  
18 by a governmental agency. The fees incurred by any other  
19 investigator shall be allocated in accordance with Section 508.  
20 (Source: P.A. 99-90, eff. 1-1-16.)

21 (750 ILCS 5/606.5)

22 Sec. 606.5. Hearings.

23 (a) Proceedings to allocate parental responsibilities  
24 shall receive priority in being set for hearing.

25 (a-5) The court may tax as costs the payment of necessary

1 travel and other expenses incurred by any person whose presence  
2 at the hearing the court deems necessary to determine the best  
3 interest of the child.

4 (b) The court, without a jury, shall determine questions of  
5 law and fact.

6 (c) Previous statements made by the child relating to any  
7 allegations that the child is an abused or neglected child  
8 within the meaning of the Abused and Neglected Child Reporting  
9 Act, or an abused or neglected minor within the meaning of the  
10 Juvenile Court Act of 1987, shall be admissible in evidence in  
11 a hearing concerning allocation of parental responsibilities  
12 in accordance with Section 11.1 of the Abused and Neglected  
13 Child Reporting Act. No such statement, however, if  
14 uncorroborated and not subject to cross-examination, shall be  
15 sufficient in itself to support a finding of abuse or neglect.

16 (d) If the court finds that a public hearing may be  
17 detrimental to the child's best interests, the court shall  
18 exclude the public from the hearing, but the court may admit  
19 any person having:

20 (1) a direct and legitimate interest in the case; or

21 (2) a legitimate educational or research interest in  
22 the work of the court, but only with the permission of both  
23 parties and subject to court approval.

24 (e) The court may make an appropriate order sealing the  
25 records of any interview, report, investigation, or testimony.

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

1 (750 ILCS 5/607.5)

2 Sec. 607.5. Abuse of allocated parenting time.

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

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

20 (c) If the court finds by a preponderance of the evidence  
21 that a parent has not complied with allocated parenting time  
22 according to an approved parenting plan or a court order, the  
23 court, in the child's best interests, shall issue an order that  
24 may include one or more of the following:

25 (1) an imposition of additional terms and conditions

1 consistent with the court's previous allocation of  
2 parenting time or other order;

3 (2) a requirement that either or both of the parties  
4 attend a parental education program at the expense of the  
5 non-complying parent;

6 (3) upon consideration of all relevant factors,  
7 particularly a history or possibility of domestic  
8 violence, a requirement that the parties participate in  
9 family or individual counseling, the expense of which shall  
10 be allocated by the court; if counseling is ordered, all  
11 counseling sessions shall be confidential, and the  
12 communications in counseling shall not be used in any  
13 manner in litigation nor relied upon by an expert appointed  
14 by the court or retained by any party;

15 (4) a requirement that the non-complying parent post a  
16 cash bond or other security to ensure future compliance,  
17 including a provision that the bond or other security may  
18 be forfeited to the other parent for payment of expenses on  
19 behalf of the child as the court shall direct;

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

23 (A) that the parenting time is of the same type and  
24 duration as the parenting time that was denied,  
25 including but not limited to parenting time during  
26 weekends, on holidays, and on weekdays and during times



1           when the child is not in school;

2           (B) that the parenting time is made up within 6  
3           months after the noncompliance occurs, unless the  
4           period of time or holiday cannot be made up within 6  
5           months, in which case the parenting time shall be made  
6           up within one year after the noncompliance occurs;

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

9           (7) an imposition on the non-complying parent of an  
10          appropriate civil fine per incident of denied parenting  
11          time;

12          (8) a requirement that the non-complying parent  
13          reimburse the other parent for all reasonable expenses  
14          incurred as a result of the violation of the parenting plan  
15          or court order; and

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

18          (d) In addition to any other order entered under subsection  
19          (c), except for good cause shown, the court shall order a  
20          parent who has failed to provide allocated parenting time or to  
21          exercise allocated parenting time to pay the aggrieved party  
22          his or her reasonable attorney's fees, court costs, and  
23          expenses associated with an action brought under this Section.  
24          If the court finds that the respondent in an action brought  
25          under this Section has not violated the allocated parenting  
26          time, the court may order the petitioner to pay the

1 respondent's reasonable attorney's fees, court costs, and  
2 expenses incurred in the action.

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

5 (f) When the court issues an order holding a party in  
6 contempt for violation of a parenting time order and finds that  
7 the party engaged in parenting time abuse, the court may order  
8 one or more of the following:

9 (1) Suspension of a party's Illinois driving  
10 privileges pursuant to Section 7-703 of the Illinois  
11 Vehicle Code until the court determines that the party is  
12 in compliance with the parenting time order. The court may  
13 also order that a party be issued a family financial  
14 responsibility driving permit that would allow limited  
15 driving privileges for employment, for medical purposes,  
16 and to transport a child to or from scheduled parenting  
17 time in order to comply with a parenting time order in  
18 accordance with subsection (a-1) of Section 7-702.1 of the  
19 Illinois Vehicle Code.

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

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

26 (A) work; or

1 (B) conduct a business or other self-employed  
2 occupation.

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

7 (g) When the court issues an order holding a party in  
8 contempt of court for violation of a parenting order, the clerk  
9 shall transmit a copy of the contempt order to the sheriff of  
10 the county. The sheriff shall furnish a copy of each contempt  
11 order to the Department of State Police on a daily basis in the  
12 form and manner required by the Department. The Department  
13 shall maintain a complete record and index of the contempt  
14 orders and make this data available to all local law  
15 enforcement agencies.

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

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

19 (750 ILCS 5/607.6 new)

20 Sec. 607.6. Counseling.

21 (a) The court may order individual counseling for the  
22 child, family counseling for one or more of the parties and the  
23 child, or parental education for one or more of the parties, if  
24 it finds one or more of the following:

25 (1) both parents or all parties agree to the order;

1           (2) the child's physical health is endangered or that  
2           the child's emotional development is impaired;

3           (3) abuse of allocated parenting time under Section  
4           607.5 has occurred; or

5           (4) one or both of the parties have violated the  
6           allocation judgment with regard to conduct affecting or in  
7           the presence of the child.

8           (b) The court may apportion the costs of counseling between  
9           the parties as appropriate.

10          (c) The remedies provided in this Section are in addition  
11          to, and do not diminish or abridge in any way, the court's  
12          power to exercise its authority through contempt or other  
13          proceedings.

14          (d) All counseling sessions shall be confidential. The  
15          communications in counseling shall not be used in any manner in  
16          litigation nor relied upon by any expert appointed by the court  
17          or retained by any party.

18           (750 ILCS 5/610.5)

19           Sec. 610.5. Modification.

20           (a) Unless by stipulation of the parties or except as  
21 provided in ~~subsection (b) of this Section or~~ Section 603.10 of  
22 this Act, no motion to modify an order allocating parental  
23 decision-making responsibilities, not including parenting  
24 time, may be made earlier than 2 years after its date, unless  
25 the court permits it to be made on the basis of affidavits that

1 there is reason to believe the child's present environment may  
2 endanger seriously his or her mental, moral, or physical health  
3 or significantly impair the child's emotional development.  
4 Parenting time may be modified within the first 2 years of the  
5 entry of the allocation judgment without a showing of serious  
6 endangerment.

7 (b) (Blank). ~~A motion to modify an order allocating~~  
8 ~~parental responsibilities may be made at any time by a party~~  
9 ~~who has been informed of the existence of facts requiring~~  
10 ~~notice to be given under Section 609.5 of this Act.~~

11 (c) Except in a case concerning the modification of any  
12 restriction of parental responsibilities under Section 603.10,  
13 the court shall modify a parenting plan or allocation judgment  
14 when necessary to serve the child's best interests if the court  
15 finds, by a preponderance of the evidence, that on the basis of  
16 facts that have arisen since the entry of the existing  
17 parenting plan or allocation judgment or were not anticipated  
18 therein, a substantial change has occurred in the circumstances  
19 of the child or of either parent and that a modification is  
20 necessary to serve the child's best interests.

21 (d) The court shall modify a parenting plan or allocation  
22 judgment in accordance with a parental agreement, unless it  
23 finds that the modification is not in the child's best  
24 interests.

25 (e) The court may modify a parenting plan or allocation  
26 judgment without a showing of changed circumstances if (i) the

1 modification is in the child's best interests; and (ii) any of  
2 the following are proven as to the modification:

3 (1) the modification reflects the actual arrangement  
4 under which the child has been receiving care, without  
5 parental objection, for the 6 months preceding the filing  
6 of the petition for modification, provided that the  
7 arrangement is not the result of a parent's acquiescence  
8 resulting from circumstances that negated the parent's  
9 ability to give meaningful consent;

10 (2) the modification constitutes a minor modification  
11 in the parenting plan or allocation judgment;

12 (3) the modification is necessary to modify an agreed  
13 parenting plan or allocation judgment that the court would  
14 not have ordered or approved under Section 602.5 or 602.7  
15 had the court been aware of the circumstances at the time  
16 of the order or approval; or

17 (4) the parties agree to the modification.

18 (f) Attorney's fees and costs shall be assessed against a  
19 party seeking modification if the court finds that the  
20 modification action is vexatious or constitutes harassment. If  
21 the court finds that a parent has repeatedly filed frivolous  
22 motions for modification, the court may bar the parent from  
23 filing a motion for modification for a period of time.

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

25 Section 99. Effective date. This Act takes effect upon

1 becoming law.".