

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Marriage and Dissolution of
5 Marriage Act is amended by changing Sections 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
17 attorneys may help them determine eligibility for spousal
18 support.

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

21 (c) The requirements of Section 401 regarding
22 ~~residence or military presence~~ and proof of irreconcilable
23 differences have been met.

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

4 (e) The duration of the marriage does not exceed 8
5 years.

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

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

11 (h) The total fair market value of all marital
12 property, after deducting all encumbrances, is less than
13 \$50,000, the combined gross annualized income from all
14 sources is less than \$60,000, and neither party has a gross
15 annualized income from all sources in excess of \$30,000.

16 (i) The parties have disclosed to each other all assets
17 and liabilities and their tax returns for all years of the
18 marriage.

19 (j) The parties have executed a written agreement
20 dividing all assets in excess of \$100 in value and
21 allocating responsibility for debts and liabilities
22 between the parties.

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

24 (750 ILCS 5/501) (from Ch. 40, par. 501)

25 Sec. 501. Temporary Relief. In all proceedings under this

1 Act, temporary relief shall be as follows:

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

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

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

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

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

19 (iii) enjoining a party from striking or
20 interfering with the personal liberty of the other
21 party or of any child; or

22 (iv) providing other injunctive relief proper in
23 the circumstances; or

24 (3) other appropriate temporary relief including, in
25 the discretion of the court, ordering the purchase or sale
26 of assets and requiring that a party or parties borrow

1 funds in the appropriate circumstances.

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

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

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

21 (c-1) As used in this subsection (c-1), "interim attorney's
22 fees and costs" means attorney's fees and costs assessed from
23 time to time while a case is pending, in favor of the
24 petitioning party's current counsel, for reasonable fees and
25 costs either already incurred or to be incurred, and "interim
26 award" means an award of interim attorney's fees and costs.

1 Interim awards shall be governed by the following:

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

22 (A) the income and property of each party,
23 including alleged marital property within the sole
24 control of one party and alleged non-marital property
25 within access to a party;

26 (B) the needs of each party;

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

2 (D) any impairment to present earning capacity of
3 either party, including age and physical and emotional
4 health;

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

7 (F) the degree of complexity of the issues,
8 including allocation of parental responsibility,
9 valuation or division (or both) of closely held
10 businesses, and tax planning, as well as reasonable
11 needs for expert investigations or expert witnesses,
12 or both;

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

14 (H) the amount of the payment or payments made or
15 reasonably expected to be made to the attorney for the
16 other party; and

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

19 (2) Any assessment of an interim award (including one
20 pursuant to an agreed order) shall be without prejudice to
21 any final allocation and without prejudice as to any claim
22 or right of either party or any counsel of record at the
23 time of the award. Any such claim or right may be presented
24 by the appropriate party or counsel at a hearing on
25 contribution under subsection (j) of Section 503 or a
26 hearing on counsel's fees under subsection (c) of Section

1 508. Unless otherwise ordered by the court at the final
2 hearing between the parties or in a hearing under
3 subsection (j) of Section 503 or subsection (c) of Section
4 508, interim awards, as well as the aggregate of all other
5 payments by each party to counsel and related payments to
6 third parties, shall be deemed to have been advances from
7 the parties' marital estate. Any portion of any interim
8 award constituting an overpayment shall be remitted back to
9 the appropriate party or parties, or, alternatively, to
10 successor counsel, as the court determines and directs,
11 after notice in a form designated by the Supreme Court. An
12 order for the award of interim attorney's fees shall be a
13 standardized form order and labeled "Interim Fee Award
14 Order".

15 (3) In any proceeding under this subsection (c-1), the
16 court (or hearing officer) shall assess an interim award
17 against an opposing party in an amount necessary to enable
18 the petitioning party to participate adequately in the
19 litigation, upon findings that the party from whom
20 attorney's fees and costs are sought has the financial
21 ability to pay reasonable amounts and that the party
22 seeking attorney's fees and costs lacks sufficient access
23 to assets or income to pay reasonable amounts. In
24 determining an award, the court shall consider whether
25 adequate participation in the litigation requires
26 expenditure of more fees and costs for a party that is not

1 in control of assets or relevant information. Except for
2 good cause shown, an interim award shall not be less than
3 payments made or reasonably expected to be made to the
4 counsel for the other party. If the court finds that both
5 parties lack financial ability or access to assets or
6 income for reasonable attorney's fees and costs, the court
7 (or hearing officer) shall enter an order that allocates
8 available funds for each party's counsel, including
9 retainers or interim payments, or both, previously paid, in
10 a manner that achieves substantial parity between the
11 parties.

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

15 (c-2) Allocation of use of marital residence. Where there
16 is on file a verified complaint or verified petition seeking
17 temporary eviction from the marital residence, the court may,
18 during the pendency of the proceeding, only in cases where the
19 physical or mental well-being of either spouse or his or her
20 children is jeopardized by occupancy of the marital residence
21 by both spouses, and only upon due notice and full hearing,
22 unless waived by the court on good cause shown, enter orders
23 granting the exclusive possession of the marital residence to
24 either spouse, by eviction from, or restoration of, the marital
25 residence, until the final determination of the cause pursuant
26 to the factors listed in Section 602.7 of this Act. No such

1 order shall in any manner affect any estate in homestead
2 property of either party. In entering orders under this
3 subsection (c-2), the court shall balance hardships to the
4 parties.

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

6 (1) does not prejudice the rights of the parties or the
7 child which are to be adjudicated at subsequent hearings in
8 the proceeding;

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

11 (3) terminates when the final judgment is entered or
12 when the petition for dissolution of marriage or legal
13 separation or declaration of invalidity of marriage is
14 dismissed.

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

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

20 (750 ILCS 5/501.1) (from Ch. 40, par. 501.1)

21 Sec. 501.1. Dissolution action stay.

22 (a) Upon service of a summons and petition or praecipe
23 filed under the Illinois Marriage and Dissolution of Marriage
24 Act or upon the filing of the respondent's appearance in the
25 proceeding, whichever first occurs, a dissolution action stay

1 shall be in effect against both parties, without bond or
2 further notice, until a final judgement is entered, the
3 proceeding is dismissed, or until further order of the court:

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

8 (2) restraining both parties from concealing a minor
9 child of either party from the child's other parent
10 ~~removing any minor child of either party from the State of~~
11 ~~Illinois or from concealing any such child from the other~~
12 ~~party, without the consent of the other party or an order~~
13 ~~of the court.~~

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

17 (b) (Blank).

18 (c) (Blank).

19 (d) (Blank).

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

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

24 (750 ILCS 5/502) (from Ch. 40, par. 502)

25 Sec. 502. Agreement.

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

12 (b) The terms of the agreement, except those providing for
13 the support and parental responsibility allocation of
14 children, are binding upon the court unless it finds, after
15 considering the economic circumstances of the parties and any
16 other relevant evidence produced by the parties, on their own
17 motion or on request of the court, that the agreement is
18 unconscionable. The terms of the agreement incorporated into
19 the judgment are binding if there is any conflict between the
20 terms of the agreement and any testimony made at an uncontested
21 prove-up hearing on the grounds or the substance of the
22 agreement.

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

1 (d) Unless the agreement provides to the contrary, its
2 terms shall be set forth in the judgment, and the parties shall
3 be ordered to perform under such terms, or if the agreement
4 provides that its terms shall not be set forth in the judgment,
5 the judgment shall identify the agreement and state that the
6 court has approved its terms.

7 (e) Terms of the agreement set forth in the judgment are
8 enforceable by all remedies available for enforcement of a
9 judgment, including contempt, and are enforceable as contract
10 terms.

11 (f) Child support, support of children as provided in
12 Sections ~~Section~~ 513 and 513.5 after the children attain
13 majority, and parental responsibility allocation of children
14 may be modified upon a showing of a substantial change in
15 circumstances. The parties may provide that maintenance is
16 non-modifiable in amount, duration, or both. If the parties do
17 not provide that maintenance is non-modifiable in amount,
18 duration, or both, then those terms are modifiable upon a
19 substantial change of circumstances. Property provisions of an
20 agreement are never modifiable. The judgment may expressly
21 preclude or limit modification of other terms set forth in the
22 judgment if the agreement so provides. Otherwise, terms of an
23 agreement set forth in the judgment are automatically modified
24 by modification of the judgment.

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

1 (750 ILCS 5/503) (from Ch. 40, par. 503)

2 Sec. 503. Disposition of property and debts.

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

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

9 (2) property acquired in exchange for property
10 acquired before the marriage;

11 (3) property acquired by a spouse after a judgment of
12 legal separation;

13 (4) property excluded by valid agreement of the
14 parties, including a premarital agreement or a postnuptial
15 agreement;

16 (5) any judgment or property obtained by judgment
17 awarded to a spouse from the other spouse except, however,
18 when a spouse is required to sue the other spouse in order
19 to obtain insurance coverage or otherwise recover from a
20 third party and the recovery is directly related to amounts
21 advanced by the marital estate, the judgment shall be
22 considered marital property;

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

26 (6.5) all property acquired by a spouse by the sole use

1 of non-marital property as collateral for a loan that then
2 is used to acquire property during the marriage; to the
3 extent that the marital estate repays any portion of the
4 loan, it shall be considered a contribution from the
5 marital estate to the non-marital estate subject to
6 reimbursement;

7 (7) the increase in value of non-marital property,
8 irrespective of whether the increase results from a
9 contribution of marital property, non-marital property,
10 the personal effort of a spouse, or otherwise, subject to
11 the right of reimbursement provided in subsection (c) of
12 this Section; and

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

16 Property acquired prior to a marriage that would otherwise
17 be non-marital property shall not be deemed to be marital
18 property solely because the property was acquired in
19 contemplation of marriage.

20 The court shall make specific factual findings as to its
21 classification of assets as marital or non-marital property,
22 values, and other factual findings supporting its property
23 award.

24 (b)(1) For purposes of distribution of property, all
25 property acquired by either spouse after the marriage and
26 before a judgment of dissolution of marriage or declaration of

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

13 (2) For purposes of distribution of property pursuant to
14 this Section, all pension benefits (including pension benefits
15 under the Illinois Pension Code, defined benefit plans, defined
16 contribution plans and accounts, individual retirement
17 accounts, and non-qualified plans) acquired by or participated
18 in by either spouse after the marriage and before a judgment of
19 dissolution of marriage or legal separation or declaration of
20 invalidity of the marriage are presumed to be marital property.
21 A spouse may overcome the presumption that these pension
22 benefits are marital property by showing through clear and
23 convincing evidence that the pension benefits were acquired by
24 a method listed in subsection (a) of this Section. The right to
25 a division of pension benefits in just proportions under this
26 Section is enforceable under Section 1-119 of the Illinois

1 Pension Code.

2 The value of pension benefits in a retirement system
3 subject to the Illinois Pension Code shall be determined in
4 accordance with the valuation procedures established by the
5 retirement system.

6 The recognition of pension benefits as marital property and
7 the division of those benefits pursuant to a Qualified Illinois
8 Domestic Relations Order shall not be deemed to be a
9 diminishment, alienation, or impairment of those benefits. The
10 division of pension benefits is an allocation of property in
11 which each spouse has a species of common ownership.

12 (3) For purposes of distribution of property under this
13 Section, all stock options and restricted stock or similar form
14 of benefit granted to either spouse after the marriage and
15 before a judgment of dissolution of marriage or legal
16 separation or declaration of invalidity of marriage, whether
17 vested or non-vested or whether their value is ascertainable,
18 are presumed to be marital property. This presumption of
19 marital property is overcome by a showing that the stock
20 options or restricted stock or similar form of benefit were
21 acquired by a method listed in subsection (a) of this Section.
22 The court shall allocate stock options and restricted stock or
23 similar form of benefit between the parties at the time of the
24 judgment of dissolution of marriage or declaration of
25 invalidity of marriage recognizing that the value of the stock
26 options and restricted stock or similar form of benefit may not

1 be then determinable and that the actual division of the
2 options may not occur until a future date. In making the
3 allocation between the parties, the court shall consider, in
4 addition to the factors set forth in subsection (d) of this
5 Section, the following:

6 (i) All circumstances underlying the grant of the stock
7 option and restricted stock or similar form of benefit
8 including but not limited to the vesting schedule, whether
9 the grant was for past, present, or future efforts, whether
10 the grant is designed to promote future performance or
11 employment, or any combination thereof.

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

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

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

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

4 (i) If the contributed property loses its
5 identity, the contributed property transmutes to the
6 estate receiving the property, subject to the
7 provisions of paragraph (2) of this subsection (c).

8 (ii) If the contributed property retains its
9 identity, it does not transmute and remains property of
10 the contributing estate.

11 (B) If marital and non-marital property are commingled
12 into newly acquired property resulting in a loss of
13 identity of the contributing estates, the commingled
14 property shall be deemed transmuted to marital property,
15 subject to the provisions of paragraph (2) of this
16 subsection (c).

17 (2) (A) When one estate of property makes a contribution
18 to another estate of property, the contributing estate
19 shall be reimbursed from the estate receiving the
20 contribution notwithstanding any transmutation. No such
21 reimbursement shall be made with respect to a contribution
22 that is not traceable by clear and convincing evidence or
23 that was a gift. The court may provide for reimbursement
24 out of the marital property to be divided or by imposing a
25 lien against the non-marital property that received the
26 contribution.

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

13 (d) In a proceeding for dissolution of marriage or
14 declaration of invalidity of marriage, or in a proceeding for
15 disposition of property following dissolution of marriage by a
16 court that lacked personal jurisdiction over the absent spouse
17 or lacked jurisdiction to dispose of the property, the court
18 shall assign each spouse's non-marital property to that spouse.
19 It also shall divide the marital property without regard to
20 marital misconduct in just proportions considering all
21 relevant factors, including:

22 (1) each party's contribution to the acquisition,
23 preservation, or increase or decrease in value of the
24 marital or non-marital property, including (i) any
25 decrease attributable to an advance from the parties'
26 marital estate under subsection (c-1)(2) of Section 501;

1 (ii) the contribution of a spouse as a homemaker or to the
2 family unit; and (iii) whether the contribution is after
3 the commencement of a proceeding for dissolution of
4 marriage or declaration of invalidity of marriage;

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

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

11 (ii) the notice of intent to claim dissipation
12 shall contain, at a minimum, a date or period of time
13 during which the marriage began undergoing an
14 irretrievable breakdown, an identification of the
15 property dissipated, and a date or period of time
16 during which the dissipation occurred;

17 (iii) a certificate or service of the notice of
18 intent to claim dissipation shall be filed with the
19 clerk of the court and be served pursuant to applicable
20 rules;

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

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

- 1 (4) the duration of the marriage;
- 2 (5) the relevant economic circumstances of each spouse
3 when the division of property is to become effective,
4 including the desirability of awarding the family home, or
5 the right to live therein for reasonable periods, to the
6 spouse having the primary residence of the children;
- 7 (6) any obligations and rights arising from a prior
8 marriage of either party;
- 9 (7) any prenuptial or postnuptial agreement of the
10 parties;
- 11 (8) the age, health, station, occupation, amount and
12 sources of income, vocational skills, employability,
13 estate, liabilities, and needs of each of the parties;
- 14 (9) the custodial provisions for any children;
- 15 (10) whether the apportionment is in lieu of or in
16 addition to maintenance;
- 17 (11) the reasonable opportunity of each spouse for
18 future acquisition of capital assets and income; and
- 19 (12) the tax consequences of the property division upon
20 the respective economic circumstances of the parties.
- 21 (e) Each spouse has a species of common ownership in the
22 marital property which vests at the time dissolution
23 proceedings are commenced and continues only during the
24 pendency of the action. Any such interest in marital property
25 shall not encumber that property so as to restrict its
26 transfer, assignment or conveyance by the title holder unless

1 such title holder is specifically enjoined from making such
2 transfer, assignment or conveyance.

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

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

1 parties, and there is a need for, and cost of, care, healing
2 and counseling for the child who is the victim of the crime.

3 (h) Unless specifically directed by a reviewing court, or
4 upon good cause shown, the court shall not on remand consider
5 any increase or decrease in the value of any "marital" or
6 "non-marital" property occurring since the assessment of such
7 property at the original trial or hearing, but shall use only
8 that assessment made at the original trial or hearing.

9 (i) The court may make such judgments affecting the marital
10 property as may be just and may enforce such judgments by
11 ordering a sale of marital property, with proceeds therefrom to
12 be applied as determined by the court.

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

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

24 (2) Any award of contribution to one party from the
25 other party shall be based on the criteria for division of
26 marital property under this Section 503 and, if maintenance

1 has been awarded, on the criteria for an award of
2 maintenance under Section 504.

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

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

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

1 Section 508.

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

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

15 (l) The court may seek the advice of financial experts or
16 other professionals, whether or not employed by the court on a
17 regular basis. The advice given shall be in writing and made
18 available by the court to counsel. Counsel may examine as a
19 witness any professional consulted by the court designated as
20 the court's witness. Professional personnel consulted by the
21 court are subject to subpoena for the purposes of discovery,
22 trial, or both. The court shall allocate the costs and fees of
23 those professional personnel between the parties based upon the
24 financial ability of each party and any other criteria the
25 court considers appropriate, and the allocation is subject to
26 reallocation under subsection (a) of Section 508. Upon the

1 request of any party or upon the court's own motion, the court
2 may conduct a hearing as to the reasonableness of those fees
3 and costs.

4 (m) The changes made to this Section by Public Act 97-941
5 apply only to petitions for dissolution of marriage filed on or
6 after January 1, 2013 (the effective date of Public Act
7 97-941).

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

9 (750 ILCS 5/504) (from Ch. 40, par. 504)

10 Sec. 504. Maintenance.

11 (a) Entitlement to maintenance. In a proceeding for
12 dissolution of marriage or legal separation or declaration of
13 invalidity of marriage, or a proceeding for maintenance
14 following dissolution of the marriage by a court which lacked
15 personal jurisdiction over the absent spouse, the court may
16 grant a maintenance award for either spouse in amounts and for
17 periods of time as the court deems just, without regard to
18 marital misconduct, and the maintenance may be paid from the
19 income or property of the other spouse. The court shall first
20 determine whether a maintenance award is appropriate, after
21 consideration of all relevant factors, including:

22 (1) the income and property of each party, including
23 marital property apportioned and non-marital property
24 assigned to the party seeking maintenance as well as all
25 financial obligations imposed on the parties as a result of

1 the dissolution of marriage;

2 (2) the needs of each party;

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

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

10 (5) any impairment of the realistic present or future
11 earning capacity of the party against whom maintenance is
12 sought;

13 (6) the time necessary to enable the party seeking
14 maintenance to acquire appropriate education, training,
15 and employment, and whether that party is able to support
16 himself or herself through appropriate employment or any
17 parental responsibility arrangements and its effect on the
18 party seeking employment;

19 (7) the standard of living established during the
20 marriage;

21 (8) the duration of the marriage;

22 (9) the age, health, station, occupation, amount and
23 sources of income, vocational skills, employability,
24 estate, liabilities, and the needs of each of the parties;

25 (10) all sources of public and private income
26 including, without limitation, disability and retirement

1 income;

2 (11) the tax consequences of the property division upon
3 the respective economic circumstances of the parties;

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

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

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

10 (b) (Blank).

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

15 (1) Maintenance award in accordance with guidelines.
16 In situations when the combined gross income of the parties
17 is less than \$250,000 and the payor has no obligation to
18 pay child support or maintenance or both from a prior
19 relationship, maintenance payable after the date the
20 parties' marriage is dissolved shall be in accordance with
21 subparagraphs (A) and (B) of this paragraph (1), unless the
22 court makes a finding that the application of the
23 guidelines would be inappropriate.

24 (A) The amount of maintenance under this paragraph
25 (1) shall be calculated by taking 30% of the payor's
26 gross income minus 20% of the payee's gross income. The

1 amount calculated as maintenance, however, when added
2 to the gross income of the payee, may not result in the
3 payee receiving an amount that is in excess of 40% of
4 the combined gross income of the parties.

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

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

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

23 (1) the court shall state its reasoning for awarding or
24 not awarding maintenance and shall include references to
25 each relevant factor set forth in subsection (a) of this
26 Section; and

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

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

10 (b-4) Unallocated maintenance. Unless the parties
11 otherwise agree, the court may not order unallocated
12 maintenance and child support in any dissolution judgment or in
13 any post-dissolution order. In its discretion, the court may
14 order unallocated maintenance and child support in any
15 pre-dissolution temporary order.

16 (b-4.5) Fixed-term maintenance in marriages of less than 10
17 years. If a court grants maintenance for a fixed period under
18 subsection (a) of this Section at the conclusion of a case
19 commenced before the tenth anniversary of the marriage, the
20 court may also designate the termination of the period during
21 which this maintenance is to be paid as a "permanent
22 termination". The effect of this designation is that
23 maintenance is barred after the ending date of the period
24 during which maintenance is to be paid.

25 (b-5) Interest on maintenance. Any maintenance obligation
26 including any unallocated maintenance and child support

1 obligation, or any portion of any support obligation, that
2 becomes due and remains unpaid shall accrue simple interest as
3 set forth in Section 505 of this Act.

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

22 (b-8) Upon review of any previously ordered maintenance
23 award, the court may extend maintenance for further review,
24 extend maintenance for a fixed non-modifiable term, extend
25 maintenance for an indefinite term, or permanently terminate
26 maintenance in accordance with subdivision (b-1)(1)(A) of this

1 Section.

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

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

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

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

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

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

11 (i) that the payor cooperate on all appropriate
12 steps for the payee to obtain such new life insurance;
13 and

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

22 In determining the maximum level of death benefit coverage,
23 the court shall take into account all relevant facts and
24 circumstances, including the impact on access to life
25 insurance by the maintenance payor. If in resolving any
26 issues under paragraph (2) of this subsection (f) a court

1 reviews any submitted or proposed application for new
2 insurance on the life of a maintenance payor, the review
3 shall be in camera.

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

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

13 (750 ILCS 5/505) (from Ch. 40, par. 505)

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

15 (a) In a proceeding for dissolution of marriage, legal
16 separation, declaration of invalidity of marriage, a
17 proceeding for child support following dissolution of the
18 marriage by a court that lacked personal jurisdiction over the
19 absent spouse, a proceeding for modification of a previous
20 order for child support under Section 510 of this Act, or any
21 proceeding authorized under Section 501 or 601 of this Act, the
22 court may order either or both parents owing a duty of support
23 to a child of the marriage to pay an amount reasonable and
24 necessary for the support of the child, without regard to
25 marital misconduct. The duty of support owed to a child

1 includes the obligation to provide for the reasonable and
2 necessary educational, physical, mental and emotional health
3 needs of the child. For purposes of this Section, the term
4 "child" shall include any child under age 18 and any child
5 under age 19 who is still attending high school. For purposes
6 of this Section, the term "supporting parent" means the parent
7 obligated to pay support to the other parent.

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

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

18 (2) The above guidelines shall be applied in each case
19 unless the court finds that a deviation from the guidelines
20 is appropriate after considering the best interest of the
21 child in light of the evidence, including, but not limited
22 to, one or more of the following relevant factors:

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

24 (b) the financial resources and needs of the
25 parents;

26 (c) the standard of living the child would have

1 enjoyed had the marriage not been dissolved;

2 (d) the physical, mental, and emotional needs of
3 the child; and

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

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

10 (2.5) The court, in its discretion, in addition to
11 setting child support pursuant to the guidelines and
12 factors, may order either or both parents owing a duty of
13 support to a child of the marriage to contribute to the
14 following expenses, if determined by the court to be
15 reasonable:

16 (a) health needs not covered by insurance;

17 (b) child care;

18 (c) education; and

19 (d) extracurricular activities.

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

22 (a) Federal income tax (properly calculated
23 withholding or estimated payments);

24 (b) State income tax (properly calculated
25 withholding or estimated payments);

26 (c) Social Security (FICA payments);

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

3 (e) Union dues;

4 (f) Dependent and individual
5 health/hospitalization insurance premiums and premiums
6 for life insurance ordered by the court to reasonably
7 secure payment of ordered child support;

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

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

14 (h) Expenditures for repayment of debts that
15 represent reasonable and necessary expenses for the
16 production of income including, but not limited to,
17 student loans, medical expenditures necessary to
18 preserve life or health, reasonable expenditures for
19 the benefit of the child and the other parent,
20 exclusive of gifts. The court shall reduce net income
21 in determining the minimum amount of support to be
22 ordered only for the period that such payments are due
23 and shall enter an order containing provisions for its
24 self-executing modification upon termination of such
25 payment period;

26 (i) Foster care payments paid by the Department of

1 Children and Family Services for providing licensed
2 foster care to a foster child.

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

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

21 (5) If the net income cannot be determined because of
22 default or any other reason, the court shall order support
23 in an amount considered reasonable in the particular case.
24 The final order in all cases shall state the support level
25 in dollar amounts. However, if the court finds that the
26 child support amount cannot be expressed exclusively as a

1 dollar amount because all or a portion of the supporting
2 parent's net income is uncertain as to source, time of
3 payment, or amount, the court may order a percentage amount
4 of support in addition to a specific dollar amount and
5 enter such other orders as may be necessary to determine
6 and enforce, on a timely basis, the applicable support
7 ordered.

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

20 (a-5) In an action to enforce an order for support based on
21 the ~~respondent's~~ failure of the supporting parent to make
22 support payments as required by the order, notice of
23 proceedings to hold the supporting parent ~~respondent~~ in
24 contempt for that failure may be served on the supporting
25 parent ~~respondent~~ by personal service or by regular mail
26 addressed to the ~~respondent's~~ last known address of the

1 supporting parent. The ~~respondent's~~ last known address of the
2 supporting parent may be determined from records of the clerk
3 of the court, from the Federal Case Registry of Child Support
4 Orders, or by any other reasonable means.

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

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

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

16 (A) work; or

17 (B) conduct a business or other self-employed
18 occupation.

19 The Court may further order any part or all of the earnings
20 of a parent during a sentence of periodic imprisonment paid to
21 the Clerk of the Circuit Court or to the parent receiving the
22 support or to the guardian receiving the support of the
23 children of the sentenced parent for the support of said
24 children until further order of the Court.

25 If a parent who is found guilty of contempt for failure to
26 comply with an order to pay support is a person who conducts a

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

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

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

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

26 (3) the supporting parent transfers assets to the

1 person, persons, or business entity with the intent to
2 perpetrate a fraud on the parent receiving the support.

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

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

1 court and shall, if ordered by the court, subject to the
2 provisions of Section 7-702.1 of the Illinois Vehicle Code,
3 issue a family financial responsibility driving permit to the
4 parent.

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

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

1 excluding the child support that was due for that month to the
2 extent that it was not paid in that month, shall accrue simple
3 interest as set forth in Section 12-109 of the Code of Civil
4 Procedure. Failure to include the statement in the order for
5 support does not affect the validity of the order or the
6 accrual of interest as provided in this Section.

7 (c) A one-time charge of 20% is imposable upon the amount
8 of past-due child support owed on July 1, 1988 which has
9 accrued under a support order entered by the court. The charge
10 shall be imposed in accordance with the provisions of Section
11 10-21 of the Illinois Public Aid Code and shall be enforced by
12 the court upon petition.

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

26 (e) When child support is to be paid through the clerk of

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

9 (f) All orders for support, when entered or modified, shall
10 include a provision requiring the supporting parent to notify
11 the court and, in cases in which a party is receiving child and
12 spouse services under Article X of the Illinois Public Aid
13 Code, the Department of Healthcare and Family Services, within
14 7 days, (i) of the name and address of any new employer of the
15 obligor, (ii) whether the supporting parent has access to
16 health insurance coverage through the employer or other group
17 coverage and, if so, the policy name and number and the names
18 of persons covered under the policy, except only the initials
19 of any covered minors shall be included, and (iii) of any new
20 residential or mailing address or telephone number of the
21 supporting parent. In any subsequent action to enforce a
22 support order, upon a sufficient showing that a diligent effort
23 has been made to ascertain the location of the supporting
24 parent, service of process or provision of notice necessary in
25 the case may be made at the last known address of the
26 supporting parent in any manner expressly provided by the Code

1 of Civil Procedure or this Act, which service shall be
2 sufficient for purposes of due process.

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

16 (g-5) If there is an unpaid arrearage or delinquency (as
17 those terms are defined in the Income Withholding for Support
18 Act) equal to at least one month's support obligation on the
19 termination date stated in the order for support or, if there
20 is no termination date stated in the order, on the date the
21 child attains the age of majority or is otherwise emancipated,
22 the periodic amount required to be paid for current support of
23 that child immediately prior to that date shall automatically
24 continue to be an obligation, not as current support but as
25 periodic payment toward satisfaction of the unpaid arrearage or
26 delinquency. That periodic payment shall be in addition to any

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

19 (h) An order entered under this Section shall include a
20 provision requiring either parent to report to the other parent
21 and to the clerk of court within 10 days each time either
22 parent obtains new employment, and each time either parent's
23 employment is terminated for any reason. The report shall be in
24 writing and shall, in the case of new employment, include the
25 name and address of the new employer. Failure to report new
26 employment or the termination of current employment, if coupled

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

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

17 (Source: P.A. 98-463, eff. 8-16-13; 98-961, eff. 1-1-15; 99-90,
18 eff. 1-1-16.)

19 (750 ILCS 5/508) (from Ch. 40, par. 508)

20 Sec. 508. Attorney's Fees; Client's Rights and
21 Responsibilities Respecting Fees and Costs.

22 (a) The court from time to time, after due notice and
23 hearing, and after considering the financial resources of the
24 parties, may order any party to pay a reasonable amount for his
25 own or the other party's costs and attorney's fees. Interim

1 attorney's fees and costs may be awarded from the opposing
2 party, in a pre-judgment dissolution proceeding in accordance
3 with subsection (c-1) of Section 501 and in any other
4 proceeding under this subsection. At the conclusion of any
5 pre-judgment dissolution proceeding under this subsection,
6 contribution to attorney's fees and costs may be awarded from
7 the opposing party in accordance with subsection (j) of Section
8 503 and in any other proceeding under this subsection. Fees and
9 costs may be awarded in any proceeding to counsel from a former
10 client in accordance with subsection (c) of this Section.
11 Awards may be made in connection with the following:

12 (1) The maintenance or defense of any proceeding under
13 this Act.

14 (2) The enforcement or modification of any order or
15 judgment under this Act.

16 (3) The defense of an appeal of any order or judgment
17 under this Act, including the defense of appeals of
18 post-judgment orders.

19 (3.1) The prosecution of any claim on appeal (if the
20 prosecuting party has substantially prevailed).

21 (4) The maintenance or defense of a petition brought
22 under Section 2-1401 of the Code of Civil Procedure seeking
23 relief from a final order or judgment under this Act. Fees
24 incurred with respect to motions under Section 2-1401 of
25 the Code of Civil Procedure may be granted only to the
26 party who substantially prevails.

1 (5) The costs and legal services of an attorney
2 rendered in preparation of the commencement of the
3 proceeding brought under this Act.

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

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

9 All petitions for or relating to interim fees and costs
10 under this subsection shall be accompanied by an affidavit as
11 to the factual basis for the relief requested and all hearings
12 relative to any such petition shall be scheduled expeditiously
13 by the court. All provisions for contribution under this
14 subsection shall also be subject to paragraphs (3), (4), and
15 (5) of subsection (j) of Section 503.

16 The court may order that the award of attorney's fees and
17 costs (including an interim or contribution award) shall be
18 paid directly to the attorney, who may enforce the order in his
19 or her name, or that it shall be paid to the appropriate party.
20 Judgment may be entered and enforcement had accordingly. Except
21 as otherwise provided in subdivision (e)(1) of this Section,
22 subsection (c) of this Section is exclusive as to the right of
23 any counsel (or former counsel) of record to petition a court
24 for an award and judgment for final fees and costs during the
25 pendency of a proceeding under this Act.

26 (a-5) A petition for temporary attorney's fees in a

1 post-judgment case may be heard on a non-evidentiary, summary
2 basis.

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

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

23 (1) No petition of a counsel of record may be filed
24 against a client unless the filing counsel previously has
25 been granted leave to withdraw as counsel of record or has
26 filed a motion for leave to withdraw as counsel. On receipt

1 of a petition of a client under this subsection (c), the
2 counsel of record shall promptly file a motion for leave to
3 withdraw as counsel. If the client and the counsel of
4 record agree, however, a hearing on the motion for leave to
5 withdraw as counsel filed pursuant to this subdivision
6 (c)(1) may be deferred until completion of any alternative
7 dispute resolution procedure under subdivision (c)(4). As
8 to any Petition for Setting Final Fees and Costs against a
9 client or counsel over whom the court has not obtained
10 jurisdiction, a separate summons shall issue. Whenever a
11 separate summons is not required, original notice as to a
12 Petition for Setting Final Fees and Costs may be given, and
13 documents served, in accordance with Illinois Supreme
14 Court Rules 11 and 12.

15 (2) No final hearing under this subsection (c) is
16 permitted unless: (i) the counsel and the client had
17 entered into a written engagement agreement at the time the
18 client retained the counsel (or reasonably soon
19 thereafter) and the agreement meets the requirements of
20 subsection (f); (ii) the written engagement agreement is
21 attached to an affidavit of counsel that is filed with the
22 petition or with the counsel's response to a client's
23 petition; (iii) judgment in any contribution hearing on
24 behalf of the client has been entered or the right to a
25 contribution hearing under subsection (j) of Section 503
26 has been waived; (iv) the counsel has withdrawn as counsel

1 of record; and (v) the petition seeks adjudication of all
2 unresolved claims for fees and costs between the counsel
3 and the client. Irrespective of a Petition for Setting
4 Final Fees and Costs being heard in conjunction with an
5 original proceeding under this Act, the relief requested
6 under a Petition for Setting Final Fees and Costs
7 constitutes a distinct cause of action. A pending but
8 undetermined Petition for Setting Final Fees and Costs
9 shall not affect appealability or enforceability of any
10 judgment or other adjudication in the original proceeding.

11 (3) The determination of reasonable attorney's fees
12 and costs either under this subsection (c), whether
13 initiated by a counsel or a client, or in an independent
14 proceeding for services within the scope of subdivisions
15 (1) through (5) of subsection (a), is within the sound
16 discretion of the trial court. The court shall first
17 consider the written engagement agreement and, if the court
18 finds that the former client and the filing counsel,
19 pursuant to their written engagement agreement, entered
20 into a contract which meets applicable requirements of
21 court rules and addresses all material terms, then the
22 contract shall be enforceable in accordance with its terms,
23 subject to the further requirements of this subdivision
24 (c)(3). Before ordering enforcement, however, the court
25 shall consider the performance pursuant to the contract.
26 Any amount awarded by the court must be found to be fair

1 compensation for the services, pursuant to the contract,
2 that the court finds were reasonable and necessary. Quantum
3 meruit principles shall govern any award for legal services
4 performed that is not based on the terms of the written
5 engagement agreement (except that, if a court expressly
6 finds in a particular case that aggregate billings to a
7 client were unconscionably excessive, the court in its
8 discretion may reduce the award otherwise determined
9 appropriate or deny fees altogether).

10 (4) No final hearing under this subsection (c) is
11 permitted unless any controversy over fees and costs (that
12 is not otherwise subject to some form of alternative
13 dispute resolution) has first been submitted to mediation,
14 arbitration, or any other court approved alternative
15 dispute resolution procedure, except as follows:

16 (A) In any circuit court for a single county with a
17 population in excess of 1,000,000, the requirement of
18 the controversy being submitted to an alternative
19 dispute resolution procedure is mandatory unless the
20 client and the counsel both affirmatively opt out of
21 such procedures; or

22 (B) In any other circuit court, the requirement of
23 the controversy being submitted to an alternative
24 dispute resolution procedure is mandatory only if
25 neither the client nor the counsel affirmatively opts
26 out of such procedures.

1 After completion of any such procedure (or after one or
2 both sides has opted out of such procedures), if the
3 dispute is unresolved, any pending motion for leave to
4 withdraw as counsel shall be promptly granted and a final
5 hearing under this subsection (c) shall be expeditiously
6 set and completed.

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

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

25 (B) tolled if a notice of appeal is filed, in which
26 instance a petition (or praecipe) shall be filed no later

1 than 30 days following the date jurisdiction on the issue
2 appealed is returned to the trial court.

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

7 (d) A consent judgment, in favor of a current counsel of
8 record against his or her own client for a specific amount in a
9 marital settlement agreement, dissolution judgment, or any
10 other instrument involving the other litigant, is prohibited. A
11 consent judgment between client and counsel, however, is
12 permissible if it is entered pursuant to a verified petition
13 for entry of consent judgment, supported by an affidavit of the
14 counsel of record that includes the counsel's representation
15 that the client has been provided an itemization of the billing
16 or billings to the client, detailing hourly costs, time spent,
17 and tasks performed, and by an affidavit of the client
18 acknowledging receipt of that documentation, awareness of the
19 right to a hearing, the right to be represented by counsel
20 (other than counsel to whom the consent judgment is in favor),
21 and the right to be present at the time of presentation of the
22 petition, and agreement to the terms of the judgment. The
23 petition may be filed at any time during which it is
24 permissible for counsel of record to file a petition (or a
25 praecipe) for a final fee hearing, except that no such petition
26 for entry of consent judgment may be filed before adjudication

1 (or waiver) of the client's right to contribution under
2 subsection (j) of Section 503 or filed after the filing of a
3 petition (or a praecipe) by counsel of record for a fee hearing
4 under subsection (c) if the petition (or praecipe) remains
5 pending. No consent security arrangement between a client and a
6 counsel of record, pursuant to which assets of a client are
7 collateralized to secure payment of legal fees or costs, is
8 permissible unless approved in advance by the court as being
9 reasonable under the circumstances.

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

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

17 (2) After the close of the period during which a
18 petition (or praecipe) may be filed under subdivision
19 (c)(5), if no such petition (or praecipe) for the counsel
20 remains pending, any counsel or former counsel may pursue
21 such an award and judgment in an independent proceeding.

22 In an independent proceeding, the prior applicability of this
23 Section shall in no way be deemed to have diminished any other
24 right of any counsel (or former counsel) to pursue an award and
25 judgment for legal fees and costs on the basis of remedies that
26 may otherwise exist under applicable law; and the limitations

1 period for breach of contract shall apply. In an independent
2 proceeding under subdivision (e)(1) in which the former counsel
3 had represented a former client in a dissolution case that is
4 still pending, the former client may bring in his or her spouse
5 as a third-party defendant, provided on or before the final
6 date for filing a petition (or praecipe) under subsection (c),
7 the party files an appropriate third-party complaint under
8 Section 2-406 of the Code of Civil Procedure. In any such case,
9 any judgment later obtained by the former counsel shall be
10 against both spouses or ex-spouses, jointly and severally
11 (except that, if a hearing under subsection (j) of Section 503
12 has already been concluded and the court hearing the
13 contribution issue has imposed a percentage allocation between
14 the parties as to fees and costs otherwise being adjudicated in
15 the independent proceeding, the allocation shall be applied
16 without deviation by the court in the independent proceeding
17 and a separate judgment shall be entered against each spouse
18 for the appropriate amount). After the period for the
19 commencement of a proceeding under subsection (c), the
20 provisions of this Section (other than the standard set forth
21 in subdivision (c)(3) and the terms respecting consent security
22 arrangements in subsection (d) of this Section 508) shall be
23 inapplicable.

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

26 (f) Unless the Supreme Court by rule addresses the matters

1 set out in this subsection (f), a written engagement agreement
2 within the scope of subdivision (c)(2) shall have appended to
3 it verbatim the following Statement:

4 "STATEMENT OF CLIENT'S RIGHTS AND RESPONSIBILITIES

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

16 (2) REPRESENTATION. Representation will commence upon the
17 signing of the written engagement agreement. The counsel will
18 provide competent representation, which requires legal
19 knowledge, skill, thoroughness and preparation to handle those
20 matters set forth in the written engagement agreement. Once
21 employed, the counsel will act with reasonable diligence and
22 promptness, as well as use his best efforts on behalf of the
23 client, but he cannot guarantee results. The counsel will abide
24 by the client's decision concerning the objectives of
25 representation, including whether or not to accept an offer of

1 settlement, and will endeavor to explain any matter to the
2 extent reasonably necessary to permit the client to make
3 informed decisions regarding representation. During the course
4 of representation and afterwards, the counsel may not use or
5 reveal a client's confidence or secrets, except as required or
6 permitted by law.

7 (3) COMMUNICATION. The counsel will keep the client
8 reasonably informed about the status of representation and will
9 promptly respond to reasonable requests for information,
10 including any reasonable request for an estimate respecting
11 future costs of the representation or an appropriate portion of
12 it. The client shall be truthful in all discussions with the
13 counsel and provide all information or documentation required
14 to enable the counsel to provide competent representation.
15 During representation, the client is entitled to receive all
16 pleadings and substantive documents prepared on behalf of the
17 client and every document received from any other counsel of
18 record. At the end of the representation and on written request
19 from the client, the counsel will return to the client all
20 original documents and exhibits. In the event that the counsel
21 withdraws from representation, or is discharged by the client,
22 the counsel will turn over to the substituting counsel (or, if
23 no substitutions, to the client) all original documents and
24 exhibits together with complete copies of all pleadings and
25 discovery within thirty (30) days of the counsel's withdrawal
26 or discharge.

1 (4) ETHICAL CONDUCT. The counsel cannot be required to
2 engage in conduct which is illegal, unethical, or fraudulent.
3 In matters involving minor children, the counsel may refuse to
4 engage in conduct which, in the counsel's professional
5 judgment, would be contrary to the best interest of the
6 client's minor child or children. A counsel who cannot
7 ethically abide by his client's directions shall be allowed to
8 withdraw from representation.

9 (5) FEES. The counsel's fee for services may not be
10 contingent upon the securing of a dissolution of marriage or
11 upon being allocated parental responsibility or be based upon
12 the amount of maintenance, child support, or property
13 settlement received, except as specifically permitted under
14 Supreme Court rules. The counsel may not require a
15 non-refundable retainer fee, but must remit back any
16 overpayment at the end of the representation. The counsel may
17 enter into a consensual security arrangement with the client
18 whereby assets of the client are pledged to secure payment of
19 legal fees or costs, but only if the counsel first obtains
20 approval of the Court. The counsel will prepare and provide the
21 client with an itemized billing statement detailing hourly
22 rates (and/or other criteria), time spent, tasks performed, and
23 costs incurred on a regular basis, at least quarterly. The
24 client should review each billing statement promptly and
25 address any objection or error in a timely manner. The client
26 will not be billed for time spent to explain or correct a

1 billing statement. If an appropriately detailed written
2 estimate is submitted to a client as to future costs for a
3 counsel's representation or a portion of the contemplated
4 services (i.e., relative to specific steps recommended by the
5 counsel in the estimate) and, without objection from the
6 client, the counsel then performs the contemplated services,
7 all such services are presumptively reasonable and necessary,
8 as well as to be deemed pursuant to the client's direction. In
9 an appropriate case, the client may pursue contribution to his
10 or her fees and costs from the other party.

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

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

18 (1) Subdivisions (c) (1) and (c) (2) of this Section 508,
19 as well as provisions of subdivision (c) (3) of this Section
20 508 pertaining to written engagement agreements, apply
21 only to cases filed on or after June 1, 1997.

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

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

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

26 (C) The changes to this Section 508 made by this

1 amendatory Act of 1996 pertaining to the final setting
2 of fees.

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

4 (750 ILCS 5/513) (from Ch. 40, par. 513)

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

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

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

25 (c) The authority under this Section to make provision for

1 educational expenses extends not only to periods of college
2 education or vocational or professional or other training after
3 graduation from high school, but also to any period during
4 which the child of the parties is still attending high school,
5 even though he or she attained the age of 19.

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

8 (1) except for good cause shown, the actual cost of the
9 child's post-secondary expenses, including tuition and
10 fees, provided that the cost for tuition and fees does not
11 exceed the amount of in-state tuition and fees paid by a
12 student at the University of Illinois at Urbana-Champaign
13 for the same academic year;

14 (2) except for good cause shown, the actual costs of
15 the child's housing expenses, whether on-campus or
16 off-campus, provided that the housing expenses do not
17 exceed the cost for the same academic year of a
18 double-occupancy student room, with a standard meal plan,
19 in a residence hall operated by the University of Illinois
20 at Urbana-Champaign;

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

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

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

1 (B) if the child is living with one party at that
2 party's home and attending a post-secondary
3 educational program as a non-resident student, in
4 which case the living expenses include an amount that
5 pays for the reasonable cost of the child's food,
6 utilities, and transportation; and

7 (5) the cost of books and other supplies necessary to
8 attend college.

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

13 (f) If educational expenses are ordered payable, each party
14 and the child shall sign any consent necessary for the
15 educational institution to provide a supporting party with
16 access to the child's academic transcripts, records, and grade
17 reports. The consent shall not apply to any non-academic
18 records. Failure to execute the required consent may be a basis
19 for a modification or termination of any order entered under
20 this Section. Unless the court specifically finds that the
21 child's safety would be jeopardized, each party is entitled to
22 know the name of the educational institution the child attends.

23 (g) The authority under this Section to make provision for
24 educational expenses terminates when the child either: fails to
25 maintain a cumulative "C" grade point average, except in the
26 event of illness or other good cause shown; attains the age of

1 23; receives a baccalaureate degree; or marries. A child's
2 enlisting in the armed forces, being incarcerated, or becoming
3 pregnant does not terminate the court's authority to make
4 provisions for the educational expenses for the child under
5 this Section.

6 (h) An account established prior to the dissolution that is
7 to be used for the child's post-secondary education, that is an
8 account in a state tuition program under Section 529 of the
9 Internal Revenue Code, or that is some other college savings
10 plan, is to be considered by the court to be a resource of the
11 child, provided that any post-judgment contribution made by a
12 party to such an account is to be considered a contribution
13 from that party.

14 (i) The child is not a third party beneficiary to the
15 settlement agreement or judgment between the parties after
16 trial and is not entitled to file a petition for contribution.
17 If the parties' settlement agreement describes the manner in
18 which a child's educational expenses will be paid, or if the
19 court makes an award pursuant to this Section, then the parties
20 are responsible pursuant to that agreement or award for the
21 child's educational expenses, but in no event shall the court
22 consider the child a third party beneficiary of that provision.
23 In the event of the death or legal disability of a party who
24 would have the right to file a petition for contribution, the
25 child of the party may file a petition for contribution. ~~a~~
26 ~~person with a mental or physical disability a person with a~~

1 ~~mental or physical disability~~

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

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

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

11 (3) The financial resources of the child.

12 (4) The child's academic performance.

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

17 (Source: P.A. 99-90, eff. 1-1-16; 99-143, eff. 7-27-15; revised
18 10-22-15.)

19 (750 ILCS 5/600)

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

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

23 (b) "Allocation judgment" means a judgment allocating
24 parental responsibilities.

25 (c) "Caretaking functions" means tasks that involve

1 interaction with a child or that direct, arrange, and supervise
2 the interaction with and care of a child provided by others, or
3 for obtaining the resources allowing for the provision of these
4 functions. The term includes, but is not limited to, the
5 following:

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

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

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

21 (4) ensuring the child attends school, including
22 remedial and special services appropriate to the child's
23 needs and interests, communicating with teachers and
24 counselors, and supervising homework;

25 (5) helping a child develop and maintain appropriate
26 interpersonal relationships with peers, siblings, and

1 other family members;

2 (6) ensuring the child attends medical appointments
3 and is available for medical follow-up and meeting the
4 medical needs of the child in the home;

5 (7) providing moral and ethical guidance for a child;
6 and

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

11 (d) "Parental responsibilities" means both parenting time
12 and significant decision-making responsibilities with respect
13 to a child.

14 (e) "Parenting time" means the time during which a parent
15 is responsible for exercising caretaking functions and
16 non-significant decision-making responsibilities with respect
17 to the child.

18 (f) "Parenting plan" means a written agreement that
19 allocates significant decision-making responsibilities,
20 parenting time, or both.

21 (g) "Relocation" means:

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

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

6 (3) a change of residence from the child's current
7 primary residence to a residence outside the borders of
8 this State that is more than 25 miles from the current
9 primary residence, as measured by an Internet mapping
10 service.

11 (h) "Religious upbringing" means the choice of religion or
12 denomination of a religion, religious schooling, religious
13 training, or participation in religious customs or practices.

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

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

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

20 (l) "Step-parent" means a person married to a child's
21 parent, including a person married to the child's parent
22 immediately prior to the parent's death.

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

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

1 (750 ILCS 5/602.9)

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

3 (a) As used in this Section:

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

12 (2) "sibling" means a brother or sister either of the
13 whole blood or the half blood, stepbrother, or stepsister
14 of the minor child;

15 (3) "step-parent" means a person married to a child's
16 parent, including a person married to the child's parent
17 immediately prior to the parent's death; and

18 (4) "visitation" means in-person time spent between a
19 child and the child's grandparent, great-grandparent,
20 sibling, step-parent, or any person designated under
21 subsection (d) of Section 602.7. In appropriate
22 circumstances, visitation may include electronic
23 communication under conditions and at times determined by
24 the court.

25 (b) General provisions.

26 (1) An appropriate person, as identified in subsection

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

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

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

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

17 (C) who has been voluntarily surrendered by the
18 parent or parents, except for a surrender to the
19 Department of Children and Family Services or a foster
20 care facility; or

21 (D) who has been previously adopted by an
22 individual or individuals who are not related to the
23 biological parents of the child or who is the subject
24 of a pending adoption petition by an individual or
25 individuals who are not related to the biological
26 parents of the child; or

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

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

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

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

17 (A) the wishes of the child, taking into account
18 the child's maturity and ability to express reasoned
19 and independent preferences as to visitation;

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

21 (C) the mental and physical health of the
22 grandparent, great-grandparent, sibling, or
23 step-parent;

24 (D) the length and quality of the prior
25 relationship between the child and the grandparent,
26 great-grandparent, sibling, or step-parent;

1 (E) the good faith of the party in filing the
2 petition;

3 (F) the good faith of the person denying
4 visitation;

5 (G) the quantity of the visitation time requested
6 and the potential adverse impact that visitation would
7 have on the child's customary activities;

8 (H) any other fact that establishes that the loss
9 of the relationship between the petitioner and the
10 child is likely to unduly harm the child's mental,
11 physical, or emotional health; and

12 (I) whether visitation can be structured in a way
13 to minimize the child's exposure to conflicts between
14 the adults.

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

26 (7) The court may order visitation rights for the

1 grandparent, great-grandparent, sibling, or step-parent
2 that include reasonable access without requiring overnight
3 or possessory visitation.

4 (c) Visitation by grandparents, great-grandparents,
5 step-parents, and siblings.

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

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

19 (B) a parent of the child is incompetent as a
20 matter of law; or

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

24 (D) the child's parents have been granted a
25 dissolution of marriage or have been legally separated
26 from each other or there is pending a dissolution

1 proceeding involving a parent of the child or another
2 court proceeding involving parental responsibilities
3 or visitation of the child (other than an adoption
4 proceeding of an unrelated child, a proceeding under
5 Article II of the Juvenile Court Act of 1987, or an
6 action for an order of protection under the Illinois
7 Domestic Violence Act of 1986 or Article 112A of the
8 Code of Criminal Procedure of 1963) and at least one
9 parent does not object to the grandparent,
10 great-grandparent, step-parent, or sibling having
11 visitation with the child. The visitation of the
12 grandparent, great-grandparent, step-parent, or
13 sibling must not diminish the parenting time of the
14 parent who is not related to the grandparent,
15 great-grandparent, step-parent, or sibling seeking
16 visitation; or

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

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

25 (A) whether the child resided with the petitioner
26 for at least 6 consecutive months with or without a

1 parent present;

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

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

10 (3) An order granting visitation privileges under this
11 Section is subject to subsections (c) and (d) of Section
12 603.10.

13 (4) A petition for visitation privileges may not be
14 filed pursuant to this subsection (c) by the parents or
15 grandparents of a parent of the child if parentage between
16 the child and the related parent has not been legally
17 established.

18 (d) Modification of visitation orders.

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

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

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

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

24 (e) No child's grandparent, great-grandparent, sibling, or
25 step-parent, or any person to whom the court is considering
26 granting visitation privileges pursuant to subsection (d) of

1 Section 602.7, who was convicted of any offense involving an
2 illegal sex act perpetrated upon a victim less than 18 years of
3 age including, but not limited to, offenses for violations of
4 Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-1.70,
5 or Article 12 of the Criminal Code of 1961 or the Criminal Code
6 of 2012, is entitled to visitation while incarcerated or while
7 on parole, probation, conditional discharge, periodic
8 imprisonment, or mandatory supervised release for that
9 offense, and upon discharge from incarceration for a
10 misdemeanor offense or upon discharge from parole, probation,
11 conditional discharge, periodic imprisonment, or mandatory
12 supervised release for a felony offense. Visitation shall be
13 denied until the person successfully completes a treatment
14 program approved by the court. Upon completion of treatment,
15 the court may deny visitation based on the factors listed in
16 subdivision (b) (5) of this Section ~~607 of this Act~~.

17 (f) No child's grandparent, great-grandparent, sibling, or
18 step-parent, or any person to whom the court is considering
19 granting visitation privileges pursuant to subsection (d) of
20 Section 602.7, may be granted visitation if he or she has been
21 convicted of first degree murder of a parent, grandparent,
22 great-grandparent, or sibling of the child who is the subject
23 of the visitation request. Pursuant to a motion to modify
24 visitation, the court shall revoke visitation rights
25 previously granted to any person who would otherwise be
26 entitled to petition for visitation rights under this Section

1 or granted visitation under subsection (d) of Section 602.7, if
2 the person has been convicted of first degree murder of a
3 parent, grandparent, great-grandparent, or sibling of the
4 child who is the subject of the visitation order. Until an
5 order is entered pursuant to this subsection, no person may
6 visit, with the child present, a person who has been convicted
7 of first degree murder of the parent, grandparent,
8 great-grandparent, or sibling of the child without the consent
9 of the child's parent, other than a parent convicted of first
10 degree murder as set forth herein, or legal guardian.

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

12 (750 ILCS 5/602.10)

13 Sec. 602.10. Parenting plan.

14 (a) Filing of parenting plan. All parents, within 120 days
15 after service or filing of any petition for allocation of
16 parental responsibilities, must file with the court, either
17 jointly or separately, a proposed parenting plan. The time
18 period for filing a parenting plan may be extended by the court
19 for good cause shown. If no appearance has been filed by the
20 respondent, no parenting plan is required unless ordered by the
21 court.

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

25 (c) Mediation. The court shall order mediation to assist

1 the parents in formulating or modifying a parenting plan or in
2 implementing a parenting plan unless the court determines that
3 impediments to mediation exist. Costs under this subsection
4 shall be allocated between the parties pursuant to the
5 applicable statute or Supreme Court Rule.

6 (d) Parents' agreement on parenting plan. The parenting
7 plan must be in writing and signed by both parents. The parents
8 must submit the parenting plan to the court for approval within
9 120 days after service of a petition for allocation of parental
10 responsibilities or the filing of an appearance, except for
11 good cause shown. Notwithstanding the provisions above, the
12 parents may agree upon and submit a parenting plan at any time
13 after the commencement of a proceeding until prior to the entry
14 of a judgment of dissolution of marriage. The agreement is
15 binding upon the court unless it finds, after considering the
16 circumstances of the parties and any other relevant evidence
17 produced by the parties, that the agreement is not in the best
18 interests of the child ~~unconscionable~~. If the court does not
19 approve the parenting plan, the court shall make express
20 findings of the reason or reasons for its refusal to approve
21 the plan. The court, on its own motion, may conduct an
22 evidentiary hearing to determine whether the parenting plan is
23 in the child's best interests.

24 (e) Parents cannot agree on parenting plan. When parents
25 fail to submit an agreed parenting plan, each parent must file
26 and submit a written, signed parenting plan to the court within

1 120 days after the filing of an appearance, except for good
2 cause shown. The court's determination of parenting time should
3 be based on the child's best interests. The filing of the plan
4 may be excused by the court if:

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

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

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

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

13 (1) an allocation of significant decision-making
14 responsibilities;

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

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

19 (B) a formula or method for determining such a
20 schedule in sufficient detail to be enforced in a
21 subsequent proceeding;

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

1 (4) each parent's right of access to medical, dental,
2 and psychological records (subject to the Mental Health and
3 Developmental Disabilities Confidentiality Act), child
4 care records, and school and extracurricular records,
5 reports, and schedules, unless expressly denied by a court
6 order or denied under Section 602.11 ~~subsection (g) of~~
7 ~~Section 602.5~~;

8 (5) a designation of the parent who will be denominated
9 as the parent with the majority of parenting time for
10 purposes of Section 606.10;

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

13 (7) each parent's residence address and phone number,
14 and each parent's place of employment and employment
15 address and phone number;

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

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

25 and

26 (B) the address of the new residence;

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

4 (10) transportation arrangements between the parents;

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

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

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

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

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

18 (ii) notification to the other parent and for his
19 or her response;

20 (iii) transportation requirements; and

21 (iv) any other provision related to the exercise of
22 the right of first refusal necessary to protect and
23 promote the best interests of the minor child; and

24 (15) any other provision that addresses the child's
25 best interests or that will otherwise facilitate
26 cooperation between the parents.

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

6 (g) The court shall conduct a trial or hearing to determine
7 a plan which maximizes the child's relationship and access to
8 both parents and shall ensure that the access and the overall
9 plan are in the best interests of the child. The court shall
10 take the parenting plans into consideration when determining
11 parenting time and responsibilities at trial or hearing.

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

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

17 (750 ILCS 5/602.11)

18 Sec. 602.11. Access to health care, child care, and school
19 records by parents.

20 (a) Notwithstanding any other provision of law, access to
21 records and information pertaining to a child including, but
22 not limited to, medical, dental, child care, and school records
23 shall not be denied to a parent for the reason that such parent
24 has not been allocated parental responsibility; however, no
25 parent shall have access to the school records of a child if

1 the parent is prohibited by an order of protection from
2 inspecting or obtaining such records pursuant to the Domestic
3 Violence Act of 1986 or the Code of Criminal Procedure of 1963.

4 ~~A parent who is not allocated parenting time (not denied~~
5 ~~parental responsibility) is not entitled to access to the~~
6 ~~child's school or health care records unless a court finds that~~
7 ~~it is in the child's best interests to provide those records to~~
8 ~~the parent.~~

9 (b) Health care professionals and health care providers
10 shall grant access to health care records and information
11 pertaining to a child to both parents, unless the health care
12 professional or health care provider receives a court order or
13 judgment that denies access to a specific individual. Except as
14 may be provided by court order, no parent who is a named
15 respondent in an order of protection issued pursuant to the
16 Illinois Domestic Violence Act of 1986 or the Code of Criminal
17 Procedure of 1963 shall have access to the health care records
18 of a child who is a protected person under the order of
19 protection provided the health care professional or health care
20 provider has received a copy of the order of protection. Access
21 to health care records is denied under this Section for as long
22 as the order of protection remains in effect as specified in
23 the order of protection or as otherwise determined by court
24 order.

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

1 (750 ILCS 5/604.10)

2 Sec. 604.10. Interviews; evaluations; investigation.

3 (a) Court's interview of child. The court may interview the
4 child in chambers to ascertain the child's wishes as to the
5 allocation of parental responsibilities. Counsel shall be
6 present at the interview unless otherwise agreed upon by the
7 parties. The entire interview shall be recorded by a court
8 reporter. The transcript of the interview shall be filed under
9 seal and released only upon order of the court. ~~The cost of the~~
10 ~~court reporter and transcript shall be paid by the court.~~

11 (b) Court's professional. The court may seek the advice of
12 any professional, whether or not regularly employed by the
13 court, to assist the court in determining the child's best
14 interests. The advice to the court shall be in writing and sent
15 by the professional to counsel for the parties and to the court
16 not later than 60 days before the date on which the trial court
17 reasonably anticipates the hearing on the allocation of
18 parental responsibilities will commence. The court may review
19 the writing upon receipt, ~~under seal.~~ The writing may be
20 admitted into evidence without testimony from its author,
21 unless a party objects. A professional consulted by the court
22 shall testify as the court's witness and be subject to
23 cross-examination. The court shall order all costs and fees of
24 the professional to be paid by one or more of the parties,
25 subject to reallocation in accordance with subsection (a) of
26 Section 508.

1 The professional's report must, at a minimum, set forth the
2 following:

3 (1) a description of the procedures employed during the
4 evaluation;

5 (2) a report of the data collected;

6 (3) all test results;

7 (4) any conclusions of the professional relating to the
8 allocation of parental responsibilities under Sections
9 602.5 and 602.7;

10 (5) any recommendations of the professional concerning
11 the allocation of parental responsibilities or the child's
12 relocation; and

13 (6) an explanation of any limitations in the evaluation
14 or any reservations of the professional regarding the
15 resulting recommendations.

16 ~~The professional shall send his or her report to all~~
17 ~~attorneys of record, and to any party not represented, at least~~
18 ~~60 days before the hearing on the allocation of parental~~
19 ~~responsibilities. The court shall examine and consider the~~
20 ~~professional's report only after it has been admitted into~~
21 ~~evidence or after the parties have waived their right to~~
22 ~~cross-examine the professional.~~

23 (c) Evaluation by a party's retained professional. In a
24 proceeding to allocate parental responsibilities or to
25 relocate a child, upon notice and motion made by a parent or
26 any party to the litigation within a reasonable time before

1 trial, the court shall order an evaluation to assist the court
2 in determining the child's best interests unless the court
3 finds that an evaluation under this Section is untimely or not
4 in the best interests of the child. The evaluation may be in
5 place of or in addition to any advice given to the court by a
6 professional under subsection (b). A motion for an evaluation
7 under this subsection must, at a minimum, identify the proposed
8 evaluator and the evaluator's specialty or discipline. An order
9 for an evaluation under this subsection must set forth the
10 evaluator's name, address, and telephone number and the time,
11 place, conditions, and scope of the evaluation. No person shall
12 be required to travel an unreasonable distance for the
13 evaluation. The party requesting the evaluation shall pay the
14 evaluator's fees and costs unless otherwise ordered by the
15 court.

16 The evaluator's report must, at a minimum, set forth the
17 following:

18 (1) a description of the procedures employed during the
19 evaluation;

20 (2) a report of the data collected;

21 (3) all test results;

22 (4) any conclusions of the evaluator relating to the
23 allocation of parental responsibilities under Sections
24 602.5 and 602.7;

25 (5) any recommendations of the evaluator concerning
26 the allocation of parental responsibilities or the child's

1 relocation; and

2 (6) an explanation of any limitations in the evaluation
3 or any reservations of the evaluator regarding the
4 resulting recommendations.

5 A party who retains a professional to conduct an evaluation
6 under this subsection shall cause the evaluator's written
7 report to be sent to the attorneys of record no less than 60
8 days before the hearing on the allocation of parental
9 responsibilities, unless otherwise ordered by the court; if a
10 party fails to comply with this provision, the court may not
11 admit the evaluator's report into evidence and may not allow
12 the evaluator to testify.

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

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

19 (d) Investigation. Upon notice and a motion by a parent or
20 any party to the litigation, or upon the court's own motion,
21 the court may order an investigation and report to assist the
22 court in allocating parental responsibilities. The
23 investigation may be made by any agency, private entity, or
24 individual deemed appropriate by the court. The agency, private
25 entity, or individual appointed by the court must have
26 expertise in the area of allocation of parental

1 responsibilities. The court shall specify the purpose and scope
2 of the investigation.

3 The investigator's report must, at a minimum, set forth the
4 following:

5 (1) a description of the procedures employed during the
6 investigation;

7 (2) a report of the data collected;

8 (3) all test results;

9 (4) any conclusions of the investigator relating to the
10 allocation of parental responsibilities under Sections
11 602.5 and 602.7;

12 (5) any recommendations of the investigator concerning
13 the allocation of parental responsibilities or the child's
14 relocation; and

15 (6) an explanation of any limitations in the
16 investigation or any reservations of the investigator
17 regarding the resulting recommendations.

18 The investigator shall send his or her report to all
19 attorneys of record, and to any party not represented, at least
20 60 days before the hearing on the allocation of parental
21 responsibilities. The court shall examine and consider the
22 investigator's report only after it has been admitted into
23 evidence or after the parties have waived their right to
24 cross-examine the investigator.

25 The investigator shall make available to all attorneys of
26 record, and to any party not represented, the investigator's

1 file, and the names and addresses of all persons whom the
2 investigator has consulted, except that if such disclosure
3 would risk abuse to the party or any member of the party's
4 immediate family or household or reveal the confidential
5 address of a shelter for domestic violence victims, that
6 address may be omitted from the report. Any party to the
7 proceeding may call the investigator, or any person consulted
8 by the investigator as a court's witness, for
9 cross-examination. No fees shall be paid for any investigation
10 by a governmental agency. The fees incurred by any other
11 investigator shall be allocated in accordance with Section 508.
12 (Source: P.A. 99-90, eff. 1-1-16.)

13 (750 ILCS 5/606.5)

14 Sec. 606.5. Hearings.

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

17 (a-5) The court may tax as costs the payment of necessary
18 travel and other expenses incurred by any person whose presence
19 at the hearing the court deems necessary to determine the best
20 interest of the child.

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

23 (c) Previous statements made by the child relating to any
24 allegations that the child is an abused or neglected child
25 within the meaning of the Abused and Neglected Child Reporting

1 Act, or an abused or neglected minor within the meaning of the
2 Juvenile Court Act of 1987, shall be admissible in evidence in
3 a hearing concerning allocation of parental responsibilities
4 in accordance with Section 11.1 of the Abused and Neglected
5 Child Reporting Act. No such statement, however, if
6 uncorroborated and not subject to cross-examination, shall be
7 sufficient in itself to support a finding of abuse or neglect.

8 (d) If the court finds that a public hearing may be
9 detrimental to the child's best interests, the court shall
10 exclude the public from the hearing, but the court may admit
11 any person having:

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

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

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

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

19 (750 ILCS 5/607.5)

20 Sec. 607.5. Abuse of allocated parenting time.

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

23 (b) An action for the enforcement of allocated parenting
24 time may be commenced by a parent or a person appointed under
25 Section 506 by filing a petition setting forth: (i) the

1 petitioner's name and residence address or mailing address,
2 except that if the petition states that disclosure of
3 petitioner's address would risk abuse of petitioner or any
4 member of petitioner's family or household or reveal the
5 confidential address of a shelter for domestic violence
6 victims, that address may be omitted from the petition; (ii)
7 the respondent's name and place of residence, place of
8 employment, or mailing address; (iii) the terms of the
9 parenting plan or allocation judgment then in effect; (iv) the
10 nature of the violation of the allocation of parenting time,
11 giving dates and other relevant information; and (v) that a
12 reasonable attempt was made to resolve the dispute.

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

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

21 (2) a requirement that either or both of the parties
22 attend a parental education program at the expense of the
23 non-complying parent;

24 (3) upon consideration of all relevant factors,
25 particularly a history or possibility of domestic
26 violence, a requirement that the parties participate in

1 family or individual counseling, the expense of which shall
2 be allocated by the court; if counseling is ordered, all
3 counseling sessions shall be confidential, and the
4 communications in counseling shall not be used in any
5 manner in litigation nor relied upon by an expert appointed
6 by the court or retained by any party;

7 (4) a requirement that the non-complying parent post a
8 cash bond or other security to ensure future compliance,
9 including a provision that the bond or other security may
10 be forfeited to the other parent for payment of expenses on
11 behalf of the child as the court shall direct;

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

15 (A) that the parenting time is of the same type and
16 duration as the parenting time that was denied,
17 including but not limited to parenting time during
18 weekends, on holidays, and on weekdays and during times
19 when the child is not in school;

20 (B) that the parenting time is made up within 6
21 months after the noncompliance occurs, unless the
22 period of time or holiday cannot be made up within 6
23 months, in which case the parenting time shall be made
24 up within one year after the noncompliance occurs;

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

1 (7) an imposition on the non-complying parent of an
2 appropriate civil fine per incident of denied parenting
3 time;

4 (8) a requirement that the non-complying parent
5 reimburse the other parent for all reasonable expenses
6 incurred as a result of the violation of the parenting plan
7 or court order; and

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

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

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

23 (f) When the court issues an order holding a party in
24 contempt for violation of a parenting time order and finds that
25 the party engaged in parenting time abuse, the court may order
26 one or more of the following:

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

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

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

18 (A) work; or

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

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

25 (g) When the court issues an order holding a party in
26 contempt of court for violation of a parenting order, the clerk

1 shall transmit a copy of the contempt order to the sheriff of
2 the county. The sheriff shall furnish a copy of each contempt
3 order to the Department of State Police on a daily basis in the
4 form and manner required by the Department. The Department
5 shall maintain a complete record and index of the contempt
6 orders and make this data available to all local law
7 enforcement agencies.

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

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

11 (750 ILCS 5/607.6 new)

12 Sec. 607.6. Counseling.

13 (a) The court may order individual counseling for the
14 child, family counseling for one or more of the parties and the
15 child, or parental education for one or more of the parties, if
16 it finds one or more of the following:

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

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

20 (3) abuse of allocated parenting time under Section
21 607.5 has occurred; or

22 (4) one or both of the parties have violated the
23 allocation judgment with regard to conduct affecting or in
24 the presence of the child.

25 (b) The court may apportion the costs of counseling between

1 the parties as appropriate.

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

6 (d) All counseling sessions shall be confidential. The
7 communications in counseling shall not be used in any manner in
8 litigation nor relied upon by any expert appointed by the court
9 or retained by any party.

10 (750 ILCS 5/610.5)

11 Sec. 610.5. Modification.

12 (a) Unless by stipulation of the parties or except as
13 provided in ~~subsection (b) of this Section or~~ Section 603.10 of
14 this Act, no motion to modify an order allocating parental
15 decision-making responsibilities, not including parenting
16 time, may be made earlier than 2 years after its date, unless
17 the court permits it to be made on the basis of affidavits that
18 there is reason to believe the child's present environment may
19 endanger seriously his or her mental, moral, or physical health
20 or significantly impair the child's emotional development.
21 Parenting time may be modified at any time, without a showing
22 of serious endangerment, upon a showing of changed
23 circumstances that necessitates modification to serve the best
24 interests of the child.

25 (b) (Blank). ~~A motion to modify an order allocating~~

1 ~~parental responsibilities may be made at any time by a party~~
2 ~~who has been informed of the existence of facts requiring~~
3 ~~notice to be given under Section 609.5 of this Act.~~

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

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

18 (e) The court may modify a parenting plan or allocation
19 judgment without a showing of changed circumstances if (i) the
20 modification is in the child's best interests; and (ii) any of
21 the following are proven as to the modification:

22 (1) the modification reflects the actual arrangement
23 under which the child has been receiving care, without
24 parental objection, for the 6 months preceding the filing
25 of the petition for modification, provided that the
26 arrangement is not the result of a parent's acquiescence

1 resulting from circumstances that negated the parent's
2 ability to give meaningful consent;

3 (2) the modification constitutes a minor modification
4 in the parenting plan or allocation judgment;

5 (3) the modification is necessary to modify an agreed
6 parenting plan or allocation judgment that the court would
7 not have ordered or approved under Section 602.5 or 602.7
8 had the court been aware of the circumstances at the time
9 of the order or approval; or

10 (4) the parties agree to the modification.

11 (f) Attorney's fees and costs shall be assessed against a
12 party seeking modification if the court finds that the
13 modification action is vexatious or constitutes harassment. If
14 the court finds that a parent has repeatedly filed frivolous
15 motions for modification, the court may bar the parent from
16 filing a motion for modification for a period of time.

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

18 Section 10. The Illinois Parentage Act of 2015 is amended
19 by changing Section 103 and the heading of Article 7 and by
20 adding Sections 701, 702, 703, 704, 705, 706, 707, 708, 709,
21 and 710 as follows:

22 (750 ILCS 46/103)

23 Sec. 103. Definitions. In this Act:

24 (a) "Acknowledged father" means a man who has established a

1 father-child relationship under Article 3.

2 (b) "Adjudicated father" means a man who has been
3 adjudicated by a court of competent jurisdiction, or as
4 authorized under Article X of the Illinois Public Aid Code, to
5 be the father of a child.

6 (c) "Alleged father" means a man who alleges himself to be,
7 or is alleged to be, the biological father or a possible
8 biological father of a child, but whose paternity has not been
9 established. The term does not include:

10 (1) a presumed parent or acknowledged father; or

11 (2) a man whose parental rights have been terminated or
12 declared not to exist.

13 (d) "Assisted reproduction" means a method of achieving a
14 pregnancy though an artificial insemination or an embryo
15 transfer and includes gamete and embryo donation. "Assisted
16 reproduction" does not include any pregnancy achieved through
17 sexual intercourse ~~(Reserved)~~.

18 (e) "Child" means an individual of any age whose parentage
19 may be established under this Act.

20 (f) "Combined paternity index" means the likelihood of
21 paternity calculated by computing the ratio between:

22 (1) the likelihood that the tested man is the father,
23 based on the genetic markers of the tested man, mother, and
24 child, conditioned on the hypothesis that the tested man is
25 the father of the child; and

26 (2) the likelihood that the tested man is not the

1 father, based on the genetic markers of the tested man,
2 mother, and child, conditioned on the hypothesis that the
3 tested man is not the father of the child and that the
4 father is of the same ethnic or racial group as the tested
5 man.

6 (g) "Commence" means to file the initial pleading seeking
7 an adjudication of parentage in the circuit court of this
8 State.

9 (h) "Determination of parentage" means the establishment
10 of the parent-child relationship by the signing of a voluntary
11 acknowledgment under Article 3 of this Act or adjudication by
12 the court or as authorized under Article X of the Illinois
13 Public Aid Code.

14 (i) "Donor" means an individual who participates in an
15 assisted reproductive technology arrangement by providing
16 gametes and relinquishes all rights and responsibilities to the
17 gametes so that another individual or individuals may become
18 the legal parent or parents of any resulting child. "Donor"
19 does not include a spouse in any assisted reproductive
20 technology arrangement in which his or her spouse will parent
21 any resulting child ~~(Reserved)~~.

22 (j) "Ethnic or racial group" means, for purposes of genetic
23 testing, a recognized group that an individual identifies as
24 all or part of the individual's ancestry or that is so
25 identified by other information.

26 (k) "Gamete" means either a sperm or an egg.

1 (l) "Genetic testing" means an analysis of genetic markers
2 to exclude or identify a man as the father or a woman as the
3 mother of a child as provided in Article 4 of this Act.

4 (m) "Gestational mother" means an adult woman who gives
5 birth to a child pursuant to the terms of a valid gestational
6 surrogacy contract.

7 (n) "Parent" means an individual who has established a
8 parent-child relationship under Section 201 of this Act.

9 (o) "Parent-child relationship" means the legal
10 relationship between a child and a parent of the child.

11 (p) "Presumed parent" means an individual who, by operation
12 of law under Section 204 of this Act, is recognized as the
13 parent of a child until that status is rebutted or confirmed in
14 a judicial or administrative proceeding.

15 (q) "Probability of paternity" means the measure, for the
16 ethnic or racial group to which the alleged father belongs, of
17 the probability that the man in question is the father of the
18 child, compared with a random, unrelated man of the same ethnic
19 or racial group, expressed as a percentage incorporating the
20 combined paternity index and a prior probability.

21 (r) "Record" means information that is inscribed on a
22 tangible medium or that is stored in an electronic or other
23 medium and is retrievable in perceivable form.

24 (s) "Signatory" means an individual who authenticates a
25 record and is bound by its terms.

26 (t) "State" means a state of the United States, the

1 District of Columbia, Puerto Rico, the United States Virgin
2 Islands, or any territory or insular possession subject to the
3 jurisdiction of the United States.

4 (u) "Substantially similar legal relationship" means a
5 relationship recognized in this State under Section 60 of the
6 Illinois Religious Freedom Protection and Civil Union Act.

7 (v) "Support-enforcement agency" means a public official
8 or agency authorized to seek:

9 (1) enforcement of support orders or laws relating to
10 the duty of support;

11 (2) establishment or modification of child support;

12 (3) determination of parentage; or

13 (4) location of child-support obligors and their
14 income and assets.

15 (Source: P.A. 99-85, eff. 1-1-16.)

16 (750 ILCS 46/Art. 7 heading)

17 ARTICLE 7. CHILD OF ASSISTED REPRODUCTION ~~(RESERVED)~~

18 (Source: P.A. 99-85, eff. 1-1-16.)

19 (750 ILCS 46/701 new)

20 Sec. 701. Scope of Article. Except as described in this
21 Article, this Article does not apply to the birth of a child
22 conceived by means of sexual intercourse or a child born as a
23 result of a valid gestational surrogacy arrangement meeting the
24 requirements of the Gestational Surrogacy Act.

1 (750 ILCS 46/702 new)

2 Sec. 702. Parental status of donor. Except as provided in
3 this Act, a donor is not a parent of a child conceived by means
4 of assisted reproduction.

5 (750 ILCS 46/703 new)

6 Sec. 703. Parentage of child of assisted reproduction.

7 (a) Any individual who is an intended parent as defined by
8 this Act is the legal parent of any resulting child. If the
9 donor and the intended parent have been represented by
10 independent counsel and entered into a written legal agreement
11 in which the donor relinquishes all rights and responsibilities
12 to any resulting child, the intended parent is the parent of
13 the child. An agreement under this subsection shall be entered
14 into prior to any insemination or embryo transfer.

15 (b) If a person makes an anonymous gamete donation without
16 a designated intended parent at the time of the gamete
17 donation, the intended parent is the parent of any resulting
18 child if the anonymous donor relinquished his or her parental
19 rights in writing at the time of donation. The written
20 relinquishment shall be directed to the entity to which the
21 donor donated his or her gametes.

22 (c) An intended parent may seek a court order confirming
23 the existence of a parent-child relationship prior to or after
24 the birth of a child based on compliance with subsection (a) or

1 (b) of this Section.

2 (d) If the requirements of subsection (a) of this Section
3 are not met, or subsection (b) of this Section is found by a
4 court to be inapplicable, a court of competent jurisdiction
5 shall determine parentage based on evidence of the parties'
6 intent at the time of donation.

7 (750 ILCS 46/704 new)

8 Sec. 704. Withdrawal of consent of intended parent or
9 donor. An intended parent or donor may withdraw consent to use
10 his or her gametes in a writing or legal pleading with notice
11 to the other participants. An intended parent who withdraws
12 consent under this Section prior to the insemination or embryo
13 transfer is not a parent of any resulting child. If a donor
14 withdraws consent to his or her donation prior to the
15 insemination or the combination of gametes, the intended parent
16 is not the parent of any resulting child.

17 (750 ILCS 46/705 new)

18 Sec. 705. Parental status of deceased individual. If an
19 individual consents in a writing to be a parent of any child
20 born of his or her gametes posthumously, and dies before the
21 insemination of the individual's gametes or embryo transfer,
22 the deceased individual is a parent of any resulting child born
23 within 36 months of the death of the deceased individual.

1 (750 ILCS 46/706 new)

2 Sec. 706. Inheritance rights of posthumous child.
3 Notwithstanding Section 705, the rights of a posthumous child
4 to an inheritance or to property under an instrument shall be
5 governed by the provisions of the Probate Act of 1975.

6 (750 ILCS 46/707 new)

7 Sec. 707. Burden of proof. Parentage established under
8 Section 703, a withdrawal of consent under Section 704, or a
9 proceeding to declare the non-existence of the parent-child
10 relationship under Section 708 of this Act must be proven by
11 clear and convincing evidence.

12 (750 ILCS 46/708 new)

13 Sec. 708. Limitation on proceedings to declare the
14 non-existence of the parent-child relationship. An action to
15 declare the non-existence of the parent-child relationship
16 under this Article shall be barred if brought more than 2 years
17 following the birth of the child.

18 (750 ILCS 46/709 new)

19 Sec. 709. Establishment of parentage; requirements of
20 Gestational Surrogacy Act.

21 (a) In the event of gestational surrogacy, in addition to
22 the requirements of the Gestational Surrogacy Act, a
23 parent-child relationship is established between a person and a

1 child if all of the following conditions are met prior to the
2 birth of the child:

3 (1) The gestational surrogate certifies that she did
4 not provide a gamete for the child, and that she is
5 carrying the child for the intended parents.

6 (2) The spouse, if any, of the gestational surrogate
7 certifies that he or she did not provide a gamete for the
8 child.

9 (3) Each intended parent certifies that the child being
10 carried by the gestational surrogate was conceived using at
11 least one of the intended parents' gametes.

12 (4) A physician certifies that the child being carried
13 by the gestational surrogate was conceived using the gamete
14 or gametes of at least one of the intended parents, and
15 that neither the gestational surrogate nor the gestational
16 surrogate's spouse, if any, provided gametes for the child
17 being carried by the gestational surrogate.

18 (5) The attorneys for the intended parents and the
19 gestational surrogate each certify that the parties
20 entered into a gestational surrogacy agreement intended to
21 satisfy the requirements of the Gestational Surrogacy Act.

22 (b) All certifications under this Section shall be in
23 writing and witnessed by 2 competent adults who are not the
24 gestational surrogate, gestational surrogate's spouse, if any,
25 or an intended parent. Certifications shall be on forms
26 prescribed by the Illinois Department of Public Health and

1 shall be executed prior to the birth of the child. All
2 certifications shall be provided, prior to the birth of the
3 child, to both the hospital where the gestational surrogate
4 anticipates the delivery will occur and to the Illinois
5 Department of Public Health.

6 (c) Parentage established in accordance with this Section
7 has the full force and effect of a judgment entered under this
8 Act.

9 (d) The Illinois Department of Public Health shall adopt
10 rules to implement this Section.

11 (750 ILCS 46/710 new)

12 Sec. 710. Applicability. This Article applies only to
13 assisted reproductive arrangements or gestational surrogacy
14 contracts entered into after the effective date of this
15 amendatory Act of the 99th General Assembly.

16 Section 12. The Gestational Surrogacy Act is amended by
17 changing Sections 20 and 70 as follows:

18 (750 ILCS 47/20)

19 Sec. 20. Eligibility.

20 (a) A gestational surrogate shall be deemed to have
21 satisfied the requirements of this Act if she has met the
22 following requirements at the time the gestational surrogacy
23 contract is executed:

- 1 (1) she is at least 21 years of age;
- 2 (2) she has given birth to at least one child;
- 3 (3) she has completed a medical evaluation;
- 4 (4) she has completed a mental health evaluation;
- 5 (5) she has undergone legal consultation with
- 6 independent legal counsel regarding the terms of the
- 7 gestational surrogacy contract and the potential legal
- 8 consequences of the gestational surrogacy; and
- 9 (6) she has obtained a health insurance policy that
- 10 covers major medical treatments and hospitalization and
- 11 the health insurance policy has a term that extends
- 12 throughout the duration of the expected pregnancy and for 8
- 13 weeks after the birth of the child; provided, however, that
- 14 the policy may be procured by the intended parents on
- 15 behalf of the gestational surrogate pursuant to the
- 16 gestational surrogacy contract.

17 (b) The intended parent or parents shall be deemed to have
18 satisfied the requirements of this Act if he, she, or they have
19 met the following requirements at the time the gestational
20 surrogacy contract is executed:

21 (1) he, she, or they contribute at least one of the
22 gametes resulting in a pre-embryo that the gestational
23 surrogate will attempt to carry to term;

24 (2) he, she, or they have a medical need for the
25 gestational surrogacy as evidenced by a qualified
26 physician's affidavit attached to the gestational

1 surrogacy contract and as required by the Illinois
2 Parentage Act of 2015 ~~1984~~;

3 (3) he, she, or they have completed a mental health
4 evaluation; and

5 (4) he, she, or they have undergone legal consultation
6 with independent legal counsel regarding the terms of the
7 gestational surrogacy contract and the potential legal
8 consequences of the gestational surrogacy.

9 (Source: P.A. 93-921, eff. 1-1-05.)

10 (750 ILCS 47/70)

11 Sec. 70. Irrevocability. No action to invalidate a
12 gestational surrogacy meeting the requirements of subsection
13 (d) of Section 15 of this Act or to challenge the rights of
14 parentage established pursuant to Section 15 of this Act and
15 the Illinois Parentage Act of 2015 ~~1984~~ shall be commenced
16 after 12 months from the date of birth of the child.

17 (Source: P.A. 93-921, eff. 1-1-05.)

18 (750 ILCS 40/Act rep.)

19 Section 15. The Illinois Parentage Act is repealed.