

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 ARTICLE 1. HEART BALM ACTIONS

5 Section 1-1. Findings. The majority of states have  
6 abolished heart balm actions. In Illinois, heart balm actions  
7 for alienation of affections, breach of promise to marry, and  
8 criminal conversation were permitted under the common law  
9 before the abolition of those causes of action by "An Act in  
10 relation to certain causes of action conducive to extortion and  
11 blackmail, and to declare illegal, contracts and Acts made and  
12 done in pursuance thereof", filed May 4, 1935, Laws 1935, p.  
13 716. The Illinois Supreme Court held, in Heck v. Schupp, 394  
14 Ill. 296 (1946), that the 1935 Act was unconstitutional and  
15 that the abolition of heart balm actions would infringe upon  
16 the rights of parties to remedies under Section 19 of Article  
17 II of the 1870 Constitution. (Section 12 of Article I of the  
18 1970 Constitution is similar to the relevant portion of Section  
19 19 of Article II of the 1870 Constitution.) Since 1947, heart  
20 balm actions have been permitted with limited damages under the  
21 Alienation of Affections Act, the Breach of Promise Act, and  
22 the Criminal Conversation Act.

23 Society has since recognized that the amicable settlement

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

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

16 Although the Alienation of Affections Act, the Breach of  
17 Promise Act, and the Criminal Conversation Act represent  
18 attempts to ameliorate some of the more odious consequences of  
19 heart balm actions, the General Assembly finds that actions for  
20 alienation of affections, breach of promise to marry, and  
21 criminal conversation are contrary to the public policy of this  
22 State and those causes of action should be abolished.

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

1 (735 ILCS 5/13-202) (from Ch. 110, par. 13-202)

2 Sec. 13-202. Personal injury - Penalty. Actions for damages  
3 for an injury to the person, or for false imprisonment, or  
4 malicious prosecution, or for a statutory penalty, or for  
5 abduction, or for seduction, or for criminal conversation that  
6 may proceed pursuant to subsection (a) of Section 7.1 of the  
7 Criminal Conversation Abolition Act, except damages resulting  
8 from first degree murder or the commission of a Class X felony  
9 and the perpetrator thereof is convicted of such crime, shall  
10 be commenced within 2 years next after the cause of action  
11 accrued but such an action against a defendant arising from a  
12 crime committed by the defendant in whose name an escrow  
13 account was established under the "Criminal Victims' Escrow  
14 Account Act" shall be commenced within 2 years after the  
15 establishment of such account. If the compelling of a  
16 confession or information by imminent bodily harm or threat of  
17 imminent bodily harm results in whole or in part in a criminal  
18 prosecution of the plaintiff, the 2-year period set out in this  
19 Section shall be tolled during the time in which the plaintiff  
20 is incarcerated, or until criminal prosecution has been finally  
21 adjudicated in favor of the above referred plaintiff, whichever  
22 is later. However, this provision relating to the compelling of  
23 a confession or information shall not apply to units of local  
24 government subject to the Local Governmental and Governmental  
25 Employees Tort Immunity Act.

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

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

4 (740 ILCS 5/Act title)

5 An Act relating to ~~the damages recoverable in~~ actions for  
6 alienation of affections.

7 (740 ILCS 5/0.01) (from Ch. 40, par. 1900)

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

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

11 (740 ILCS 5/7.1 new)

12 Sec. 7.1. Abolition; effect of repeal.

13 (a) This amendatory Act of the 99th General Assembly does  
14 not apply to any cause of action that accrued under Sections 1  
15 through 7 of this Act before their repeal, and a timely action  
16 brought under those Sections shall be decided in accordance  
17 with those Sections as they existed when the cause of action  
18 accrued.

19 (b) An action may not be brought for alienation of  
20 affections based on facts occurring on or after the effective  
21 date of this amendatory Act of the 99th General Assembly.

1 (740 ILCS 5/1 rep.)

2 (740 ILCS 5/2 rep.)

3 (740 ILCS 5/3 rep.)

4 (740 ILCS 5/4 rep.)

5 (740 ILCS 5/5 rep.)

6 (740 ILCS 5/6 rep.)

7 (740 ILCS 5/7 rep.)

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

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

12 (740 ILCS 15/0.01) (from Ch. 40, par. 1800)

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

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

16 (740 ILCS 15/10.1 new)

17 Sec. 10.1. Abolition; effect of repeal.

18 (a) This amendatory Act of the 99th General Assembly does  
19 not apply to any cause of action that accrued under Sections 1  
20 through 10 of this Act before their repeal, and a timely action  
21 brought under those Sections shall be decided in accordance  
22 with those Sections as they existed when the cause of action  
23 accrued.

1       (b) An action may not be brought for breach of promise or  
2       agreement to marry based on facts occurring on or after the  
3       effective date of this amendatory Act of the 99th General  
4       Assembly.

5           (740 ILCS 15/1 rep.)

6           (740 ILCS 15/2 rep.)

7           (740 ILCS 15/3 rep.)

8           (740 ILCS 15/4 rep.)

9           (740 ILCS 15/5 rep.)

10          (740 ILCS 15/6 rep.)

11          (740 ILCS 15/7 rep.)

12          (740 ILCS 15/8 rep.)

13          (740 ILCS 15/9 rep.)

14          (740 ILCS 15/10 rep.)

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

17           Section 1-30. The Criminal Conversation Act is amended by  
18       changing the title of the Act and Section 0.01 and by adding  
19       Section 7.1 as follows:

20           (740 ILCS 50/Act title)

21           An Act relating to ~~the damages recoverable in~~ actions for  
22       criminal conversation.

1 (740 ILCS 50/0.01) (from Ch. 40, par. 1950)

2 Sec. 0.01. Short title. This Act may be cited as the  
3 Criminal Conversation Abolition Act.

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

5 (740 ILCS 50/7.1 new)

6 Sec. 7.1. Abolition; effect of repeal.

7 (a) This amendatory Act of the 99th General Assembly does  
8 not apply to any cause of action that accrued under Sections 1  
9 through 7 of this Act before their repeal, and a timely action  
10 brought under those Sections shall be decided in accordance  
11 with those Sections as they existed when the cause of action  
12 accrued.

13 (b) An action may not be brought for criminal conversation  
14 based on facts occurring on or after the effective date of this  
15 amendatory Act of the 99th General Assembly.

16 (740 ILCS 50/1 rep.)

17 (740 ILCS 50/2 rep.)

18 (740 ILCS 50/3 rep.)

19 (740 ILCS 50/4 rep.)

20 (740 ILCS 50/5 rep.)

21 (740 ILCS 50/6 rep.)

22 (740 ILCS 50/7 rep.)

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

## 1 ARTICLE 5. OTHER AMENDATORY PROVISIONS

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

4 (325 ILCS 40/7.1) (from Ch. 23, par. 2257.1)

5 Sec. 7.1. In addition to any requirement of Section 601.2  
6 ~~601 or 611~~ of the Illinois Marriage and Dissolution of Marriage  
7 Act or applicable provisions of the Uniform Child-Custody  
8 Jurisdiction and Enforcement Act regarding a parental  
9 responsibility allocation ~~custody~~ proceeding of an  
10 out-of-state party, every court in this State, prior to  
11 granting or modifying a parental responsibility allocation  
12 ~~custody~~ judgment, shall inquire with LEADS and the National  
13 Crime Information Center to ascertain whether the child or  
14 children in question have been reported missing or have been  
15 involved in or are the victims of a parental or noncustodial  
16 abduction. Such inquiry may be conducted with any law  
17 enforcement agency in this State that maintains a LEADS  
18 terminal or has immediate access to one on a 24-hour-per-day,  
19 7-day-per-week basis through a written agreement with another  
20 law enforcement agency.

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

22 Section 5-10. The Code of Criminal Procedure of 1963 is

1 amended by changing Section 112A-23 as follows:

2 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

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

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

7 (1) The respondent commits the crime of violation of an  
8 order of protection pursuant to Section 12-3.4 or 12-30 of  
9 the Criminal Code of 1961 or the Criminal Code of 2012, by  
10 having knowingly violated:

11 (i) remedies described in paragraphs (1), (2),  
12 (3), (14), or (14.5) of subsection (b) of Section  
13 112A-14,

14 (ii) a remedy, which is substantially similar to  
15 the remedies authorized under paragraphs (1), (2),  
16 (3), (14) or (14.5) of subsection (b) of Section 214 of  
17 the Illinois Domestic Violence Act of 1986, in a valid  
18 order of protection, which is authorized under the laws  
19 of another state, tribe or United States territory,

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

23 Prosecution for a violation of an order of protection  
24 shall not bar concurrent prosecution for any other crime,  
25 including any crime that may have been committed at the

1 time of the violation of the order of protection; or

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

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

7 (ii) a remedy, which is substantially similar to  
8 the remedies authorized under paragraphs (1), (5),  
9 (6), or (8) of subsection (b) of Section 214 of the  
10 Illinois Domestic Violence Act of 1986, in a valid  
11 order of protection, which is authorized under the laws  
12 of another state, tribe or United States territory.

13 (b) When violation is contempt of court. A violation of any  
14 valid order of protection, whether issued in a civil or  
15 criminal proceeding, may be enforced through civil or criminal  
16 contempt procedures, as appropriate, by any court with  
17 jurisdiction, regardless where the act or acts which violated  
18 the order of protection were committed, to the extent  
19 consistent with the venue provisions of this Article. Nothing  
20 in this Article shall preclude any Illinois court from  
21 enforcing any valid order of protection issued in another  
22 state. Illinois courts may enforce orders of protection through  
23 both criminal prosecution and contempt proceedings, unless the  
24 action which is second in time is barred by collateral estoppel  
25 or the constitutional prohibition against double jeopardy.

26 (1) In a contempt proceeding where the petition for a

1 rule to show cause sets forth facts evidencing an immediate  
2 danger that the respondent will flee the jurisdiction,  
3 conceal a child, or inflict physical abuse on the  
4 petitioner or minor children or on dependent adults in  
5 petitioner's care, the court may order the attachment of  
6 the respondent without prior service of the rule to show  
7 cause or the petition for a rule to show cause. Bond shall  
8 be set unless specifically denied in writing.

9 (2) A petition for a rule to show cause for violation  
10 of an order of protection shall be treated as an expedited  
11 proceeding.

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

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

25 (1) By service, delivery, or notice under Section  
26 112A-10.

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

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

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

6 (e) The enforcement of an order of protection in civil or  
7 criminal court shall not be affected by either of the  
8 following:

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

11 (2) Any finding or order entered in a conjoined  
12 criminal proceeding.

13 (f) Circumstances. The court, when determining whether or  
14 not a violation of an order of protection has occurred, shall  
15 not require physical manifestations of abuse on the person of  
16 the victim.

17 (g) Penalties.

18 (1) Except as provided in paragraph (3) of this  
19 subsection, where the court finds the commission of a crime  
20 or contempt of court under subsections (a) or (b) of this  
21 Section, the penalty shall be the penalty that generally  
22 applies in such criminal or contempt proceedings, and may  
23 include one or more of the following: incarceration,  
24 payment of restitution, a fine, payment of attorneys' fees  
25 and costs, or community service.

26 (2) The court shall hear and take into account evidence

1 of any factors in aggravation or mitigation before deciding  
2 an appropriate penalty under paragraph (1) of this  
3 subsection.

4 (3) To the extent permitted by law, the court is  
5 encouraged to:

6 (i) increase the penalty for the knowing violation  
7 of any order of protection over any penalty previously  
8 imposed by any court for respondent's violation of any  
9 order of protection or penal statute involving  
10 petitioner as victim and respondent as defendant;

11 (ii) impose a minimum penalty of 24 hours  
12 imprisonment for respondent's first violation of any  
13 order of protection; and

14 (iii) impose a minimum penalty of 48 hours  
15 imprisonment for respondent's second or subsequent  
16 violation of an order of protection

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

19 (4) In addition to any other penalties imposed for a  
20 violation of an order of protection, a criminal court may  
21 consider evidence of any violations of an order of  
22 protection:

23 (i) to increase, revoke or modify the bail bond on  
24 an underlying criminal charge pursuant to Section  
25 110-6;

26 (ii) to revoke or modify an order of probation,

1 conditional discharge or supervision, pursuant to  
2 Section 5-6-4 of the Unified Code of Corrections;

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

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

7 Section 5-15. The Illinois Marriage and Dissolution of  
8 Marriage Act is amended by changing Sections 102, 104, 105,  
9 107, 209, 219, 304, 401, 402, 403, 404, 405, 409, 411, 413,  
10 452, 453, 501, 501.1, 502, 503, 504, 505, 505.1, 506, 508, 509,  
11 510, 512, 513, 602.3, 801 and the heading of Part VI and by  
12 adding Sections 513.5, 600, 601.2, 602.5, 602.7, 602.8, 602.9,  
13 602.10, 603.5, 603.10, 604.10, 606.5, 606.10, 607.5, 609.2, and  
14 610.5 as follows:

15 (750 ILCS 5/102) (from Ch. 40, par. 102)

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

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

21 (2) strengthen and preserve the integrity of marriage and  
22 safeguard family relationships;

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

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

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

9           (6) recognize the right of children to a healthy  
10 relationship with parents, and the responsibility of parents to  
11 ensure such a relationship;

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

16           (A) recognize children's right to a strong and healthy  
17 relationship with parents, and parents' concomitant right  
18 and responsibility to create and maintain such  
19 relationships;

20           (B) recognize that, in the absence of domestic violence  
21 or any other factor that the court expressly finds to be  
22 relevant, proximity to, and frequent contact with, both  
23 parents promotes healthy development of children;

24           (C) facilitate parental planning and agreement about  
25 the children's upbringing and allocation of parenting time  
26 and other parental responsibilities;

1           (D) continue existing parent-child relationships, and  
2           secure the maximum involvement and cooperation of parents  
3           regarding the physical, mental, moral, and emotional  
4           well-being of the children during and after the litigation;  
5           and

6           (E) promote or order parents to participate in programs  
7           designed to educate parents to:

8                   (i) minimize or eliminate rancor and the  
9                   detrimental effect of litigation in any proceeding  
10                   involving children; and

11                   (ii) facilitate the maximum cooperation of parents  
12                   in raising their children;

13           (8) ~~(5)~~ make reasonable provision for support spouses and  
14           minor children during and after an underlying dissolution of  
15           marriage, legal separation, parentage, or parental  
16           responsibility allocation action litigation, including  
17           provision for timely advances awards of interim fees and costs  
18           to all attorneys, experts, and opinion witnesses including  
19           guardians ad litem and children's representatives, to achieve  
20           substantial parity in parties' access to funds for pre-judgment  
21           litigation costs in an action for dissolution of marriage or  
22           legal separation;

23           (9) ~~(6)~~ eliminate the consideration of marital misconduct  
24           in the adjudication of rights and duties incident to ~~the legal~~  
25           dissolution of marriage, legal separation and declaration of  
26           invalidity of marriage; and

1       ~~(7) secure the maximum involvement and cooperation of both~~  
2       ~~parents regarding the physical, mental, moral and emotional~~  
3       ~~well-being of the children during and after the litigation; and~~  
4       (10) ~~(8)~~ make provision for the preservation and  
5       conservation of marital assets during the litigation.

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

7             (750 ILCS 5/104) (from Ch. 40, par. 104)

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

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

22       (Source: P.A. 82-716.)

23             (750 ILCS 5/105) (from Ch. 40, par. 105)

24       Sec. 105. Application of Civil Practice Law.)

1 (a) The provisions of the Civil Practice Law shall apply to  
2 all proceedings under this Act, except as otherwise provided in  
3 this Act.

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

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

18 (d) As used in this Section, "pleadings" includes any  
19 petition or motion filed in the dissolution of marriage case  
20 which, if independently filed, would constitute a separate  
21 cause of action, including, but not limited to, actions for  
22 declaratory judgment, injunctive relief, and orders of  
23 protection. Actions under this subsection are subject to  
24 motions filed pursuant to Sections 2-615 and 2-619 of the Code  
25 of Civil Procedure.

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

1 (750 ILCS 5/107) (from Ch. 40, par. 107)

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

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

11 (750 ILCS 5/209) (from Ch. 40, par. 209)

12 Sec. 209. Solemnization and Registration.†

13 (a) A marriage may be solemnized by a judge of a court of  
14 record, by a retired judge of a court of record, unless the  
15 retired judge was removed from office by the Judicial Inquiry  
16 Board, except that a retired judge shall not receive any  
17 compensation from the State, a county or any unit of local  
18 government in return for the solemnization of a marriage and  
19 there shall be no effect upon any pension benefits conferred by  
20 the Judges Retirement System of Illinois, by a judge of the  
21 Court of Claims, by a county clerk in counties having 2,000,000  
22 or more inhabitants, by a public official whose powers include  
23 solemnization of marriages, or in accordance with the  
24 prescriptions of any religious denomination, Indian Nation or

1 Tribe or Native Group, provided that when such prescriptions  
2 require an officiant, the officiant be in good standing with  
3 his or her religious denomination, Indian Nation or Tribe or  
4 Native Group. Either the person solemnizing the marriage, or,  
5 if no individual acting alone solemnized the marriage, both  
6 parties to the marriage, shall complete the marriage  
7 certificate form and forward it to the county clerk within 10  
8 days after such marriage is solemnized.

9 (a-5) Nothing in this Act shall be construed to require any  
10 religious denomination or Indian Nation or Tribe or Native  
11 Group, or any minister, clergy, or officiant acting as a  
12 representative of a religious denomination or Indian Nation or  
13 Tribe or Native Group, to solemnize any marriage. Instead, any  
14 religious denomination or Indian Nation or Tribe or Native  
15 Group, or any minister, clergy, or officiant acting as a  
16 representative of a religious denomination or Indian Nation or  
17 Tribe or Native Group is free to choose which marriages it will  
18 solemnize. Notwithstanding any other law to the contrary, a  
19 refusal by a religious denomination or Indian Nation or Tribe  
20 or Native Group, or any minister, clergy, or officiant acting  
21 as a representative of a religious denomination or Indian  
22 Nation or Tribe or Native Group to solemnize any marriage under  
23 this Act shall not create or be the basis for any civil,  
24 administrative, or criminal penalty, claim, or cause of action.

25 (a-10) No church, mosque, synagogue, temple,  
26 nondenominational ministry, interdenominational or ecumenical

1 organization, mission organization, or other organization  
2 whose principal purpose is the study, practice, or advancement  
3 of religion is required to provide religious facilities for the  
4 solemnization ceremony or celebration associated with the  
5 solemnization ceremony of a marriage if the solemnization  
6 ceremony or celebration associated with the solemnization  
7 ceremony is in violation of its religious beliefs. An entity  
8 identified in this subsection (a-10) shall be immune from any  
9 civil, administrative, criminal penalty, claim, or cause of  
10 action based on its refusal to provide religious facilities for  
11 the solemnization ceremony or celebration associated with the  
12 solemnization ceremony of a marriage if the solemnization  
13 ceremony or celebration associated with the solemnization  
14 ceremony is in violation of its religious beliefs. As used in  
15 this subsection (a-10), "religious facilities" means  
16 sanctuaries, parish halls, fellowship halls, and similar  
17 facilities. "Religious facilities" does not include facilities  
18 such as businesses, health care facilities, educational  
19 facilities, or social service agencies.

20 (b) The solemnization of the marriage is not invalidated:  
21 (1) by the fact that the person solemnizing the marriage was  
22 not legally qualified to solemnize it, if a reasonable person  
23 would believe the person solemnizing the marriage to be so  
24 qualified; ~~if either party to the marriage believed him or her~~  
25 ~~to be so qualified~~ or (2) by the fact that the marriage was  
26 inadvertently solemnized in a county in Illinois other than the

1 county where the license was issued and filed.

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

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

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

6 Sec. 219. Offenses.† Any official issuing a license with  
7 knowledge that the parties are thus prohibited from marrying  
8 ~~intermarrying~~ and any person authorized to solemnize ~~celebrate~~  
9 marriage who shall knowingly solemnize ~~celebrate~~ such a  
10 marriage shall be guilty of a Class C misdemeanor ~~petty~~  
11 ~~offense~~.

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

13 (750 ILCS 5/304) (from Ch. 40, par. 304)

14 Sec. 304. Retroactivity.† Unless the court finds, after a  
15 consideration of all relevant circumstances, including the  
16 effect of a retroactive judgment on third parties, that the  
17 interests of justice would be served by making the judgment not  
18 retroactive, it shall declare the marriage invalid as of the  
19 date of the marriage. The provisions of this Act relating to  
20 property rights of the spouses, maintenance, support ~~and~~  
21 ~~custody~~ of children, and allocation of parental  
22 responsibilities on dissolution of marriage are applicable to  
23 non-retroactive judgments of invalidity of marriage only.

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

1 (750 ILCS 5/401) (from Ch. 40, par. 401)

2 Sec. 401. Dissolution of marriage.

3 (a) The court shall enter a judgment of dissolution of  
4 marriage when ~~if~~ at the time the action was commenced one of  
5 the spouses was a resident of this State or was stationed in  
6 this State while a member of the armed services, and the  
7 residence or military presence had been maintained for 90 days  
8 next preceding the commencement of the action or the making of  
9 the finding:

10 Irreconcilable differences have caused the irretrievable  
11 breakdown of the marriage and the court determines that efforts  
12 at reconciliation have failed or that future attempts at  
13 reconciliation would be impracticable and not in the best  
14 interests of the family.

15 (a-5) If the parties live separate and apart for a  
16 continuous period of not less than 6 months immediately  
17 preceding the entry of the judgment dissolving the marriage,  
18 there is an irrebuttable presumption that the requirement of  
19 irreconcilable differences has been met.; provided, however,  
20 that a finding of residence of a party in any judgment entered  
21 under this Act from January 1, 1982 through June 30, 1982 shall  
22 satisfy the former domicile requirements of this Act; and if  
23 one of the following grounds for dissolution has been proved:

24 ~~(1) That, without cause or provocation by the~~  
25 ~~petitioner: the respondent was at the time of such~~

1 ~~marriage, and continues to be naturally impotent; the~~  
2 ~~respondent had a wife or husband living at the time of the~~  
3 ~~marriage; the respondent had committed adultery subsequent~~  
4 ~~to the marriage; the respondent has wilfully deserted or~~  
5 ~~absented himself or herself from the petitioner for the~~  
6 ~~space of one year, including any period during which~~  
7 ~~litigation may have pended between the spouses for~~  
8 ~~dissolution of marriage or legal separation; the~~  
9 ~~respondent has been guilty of habitual drunkenness for the~~  
10 ~~space of 2 years; the respondent has been guilty of gross~~  
11 ~~and confirmed habits caused by the excessive use of~~  
12 ~~addictive drugs for the space of 2 years, or has attempted~~  
13 ~~the life of the other by poison or other means showing~~  
14 ~~malice, or has been guilty of extreme and repeated physical~~  
15 ~~or mental cruelty, or has been convicted of a felony or~~  
16 ~~other infamous crime; or the respondent has infected the~~  
17 ~~other with a sexually transmitted disease. "Excessive use~~  
18 ~~of addictive drugs", as used in this Section, refers to use~~  
19 ~~of an addictive drug by a person when using the drug~~  
20 ~~becomes a controlling or a dominant purpose of his life; or~~

21 ~~(2) That the spouses have lived separate and apart for~~  
22 ~~a continuous period in excess of 2 years and irreconcilable~~  
23 ~~differences have caused the irretrievable breakdown of the~~  
24 ~~marriage and the court determines that efforts at~~  
25 ~~reconciliation have failed or that future attempts at~~  
26 ~~reconciliation would be impracticable and not in the best~~

1 ~~interests of the family. If the spouses have lived separate~~  
2 ~~and apart for a continuous period of not less than 6 months~~  
3 ~~next preceding the entry of the judgment dissolving the~~  
4 ~~marriage, as evidenced by testimony or affidavits of the~~  
5 ~~spouses, the requirement of living separate and apart for a~~  
6 ~~continuous period in excess of 2 years may be waived upon~~  
7 ~~written stipulation of both spouses filed with the court.~~  
8 ~~At any time after the parties cease to cohabit, the~~  
9 ~~following periods shall be included in the period of~~  
10 ~~separation:~~

11 ~~(A) any period of cohabitation during which the~~  
12 ~~parties attempted in good faith to reconcile and~~  
13 ~~participated in marriage counseling under the guidance~~  
14 ~~of any of the following: a psychiatrist, a clinical~~  
15 ~~psychologist, a clinical social worker, a marriage and~~  
16 ~~family therapist, a person authorized to provide~~  
17 ~~counseling in accordance with the prescriptions of any~~  
18 ~~religious denomination, or a person regularly engaged~~  
19 ~~in providing family or marriage counseling; and~~

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

22 ~~In computing the period during which the spouses have lived~~  
23 ~~separate and apart for purposes of this Section, periods during~~  
24 ~~which the spouses were living separate and apart prior to July~~  
25 ~~1, 1984 are included.~~

26 (b) Judgment shall not be entered unless, to the extent it

1 has jurisdiction to do so, the court has considered, approved,  
2 reserved or made provision for the allocation of parental  
3 responsibilities ~~child custody~~, the support of any child of the  
4 marriage entitled to support, the maintenance of either spouse  
5 and the disposition of property. The court shall ~~may~~ enter a  
6 judgment for dissolution that reserves any of these issues  
7 either upon (i) agreement of the parties, or (ii) motion of  
8 either party and a finding by the court that appropriate  
9 circumstances exist.

10 The death of a party subsequent to entry of a judgment for  
11 dissolution but before judgment on reserved issues shall not  
12 abate the proceedings.

13 If any provision of this Section or its application shall  
14 be adjudged unconstitutional or invalid for any reason by any  
15 court of competent jurisdiction, that judgment shall not  
16 impair, affect or invalidate any other provision or application  
17 of this Section, which shall remain in full force and effect.

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

19 (750 ILCS 5/402) (from Ch. 40, par. 402)

20 Sec. 402. Legal Separation.†

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

24 (b) Such action shall be brought in the circuit court of  
25 the county in which the petitioner or respondent resides or in

1 which the parties last resided together as husband and wife. ~~In~~  
2 ~~the event the respondent cannot be found within the State, the~~  
3 ~~action may be brought in the circuit court of the county in~~  
4 ~~which the petitioner resides.~~ Commencement of the action,  
5 temporary relief and trials shall be the same as in actions for  
6 dissolution of marriage, except that temporary relief in an  
7 action for legal separation shall be limited to the relief set  
8 forth in subdivision (a)(1) and items (ii), (iii), and (iv) of  
9 subdivision (a)(2) of Section 501. If the court deems it  
10 appropriate to enter a judgment for legal separation, the court  
11 shall consider the applicable factors in Section 504 in  
12 awarding maintenance. If the court deems it appropriate to  
13 enter a judgment for legal separation, the court may approve a  
14 property settlement agreement that the parties have requested  
15 the court to incorporate into the judgment, subject to the  
16 following provisions:-

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

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

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

22 (c) A proceeding or judgment for legal separation shall not  
23 bar either party from instituting an action for dissolution of  
24 marriage, and if the party so moving has met the requirements  
25 of Section 401, a judgment for dissolution shall be granted.  
26 Absent an agreement set forth in a separation agreement that

1 provides for non-modifiable permanent maintenance, if a party  
2 to a judgment for legal separation files an action for  
3 dissolution of marriage, the issues of temporary and permanent  
4 maintenance shall be decided de novo.

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

6 (750 ILCS 5/403) (from Ch. 40, par. 403)

7 Sec. 403. Pleadings - Commencement - Abolition of Existing  
8 Defenses - Procedure.➤

9 (a) The complaint or petition for dissolution of marriage  
10 or legal separation shall be verified and shall minimally set  
11 forth:

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

14 (2) the date of the marriage and the place at which it  
15 was registered;

16 (2.5) whether a petition for dissolution of marriage is  
17 pending in any other county or state;

18 (3) that the jurisdictional requirements of subsection  
19 (a) of Section 401 have been met and that irreconcilable  
20 differences have caused the irretrievable breakdown of the  
21 marriage; and that there exist grounds for dissolution of  
22 marriage or legal separation. The petitioner need only  
23 allege the name of the particular grounds relied upon,  
24 which shall constitute a legally sufficient allegation of  
25 the grounds; and the respondent shall be entitled to demand

1 ~~a bill of particulars prior to trial setting forth the~~  
2 ~~facts constituting the grounds, if he so chooses. The~~  
3 ~~petition must also contain:~~

4 (4) the names, ages and addresses of all living  
5 children of the marriage and whether a spouse ~~the wife~~ is  
6 pregnant;

7 (5) any arrangements as to support, allocation of  
8 parental responsibility ~~custody and visitation~~ of the  
9 children and maintenance of a spouse; and

10 (6) the relief sought.

11 (b) Either or both parties to the marriage may initiate the  
12 proceeding.

13 (c) (Blank). ~~The previously existing defense of~~  
14 ~~recrimination is abolished. The defense of condonation is~~  
15 ~~abolished only as to condonations occurring after a proceeding~~  
16 ~~is filed under this Act and after the court has acquired~~  
17 ~~jurisdiction over the respondent.~~

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

20 (e) Contested trials shall be on a bifurcated basis with  
21 the issue of whether irreconcilable differences have caused the  
22 irretrievable breakdown of the marriage, as described in  
23 Section 401, grounds being tried first, regardless of whether  
24 that issue is contested or uncontested. Upon the court  
25 determining that irreconcilable differences have caused the  
26 irretrievable breakdown of the marriage ~~the grounds exist~~, the

1 court may allow additional time for the parties to settle  
2 amicably the remaining issues before resuming the trial, or may  
3 proceed immediately to trial on the remaining issues. The court  
4 has the discretion to use the date of the trial or such other  
5 date as agreed upon by the parties, or ordered by the court  
6 within its discretion, for purposes of determining the value of  
7 assets or property. In cases where the requirements of Section  
8 401 ~~the grounds~~ are uncontested and proved as in cases of  
9 default, the trial on all other remaining issues shall proceed  
10 immediately, if so ordered by the court or if the parties so  
11 stipulate, ~~issue on the pleadings notwithstanding.~~ Except as  
12 provided in subsection (b) of Section 401, the court shall  
13 enter a judgment of dissolution of marriage, including an order  
14 dissolving the marriage, incorporation of a marital settlement  
15 agreement if applicable, and any other appropriate findings or  
16 orders, only at the conclusion of the case and not after  
17 hearing only the testimony as to whether irreconcilable  
18 differences have caused the irretrievable breakdown of the  
19 marriage.

20 (f) (Blank). ~~Even if no bill of particulars shall have been~~  
21 ~~filed demanding the specification of the particular facts~~  
22 ~~underlying the allegation of the grounds, the court shall~~  
23 ~~nonetheless require proper and sufficient proof of the~~  
24 ~~existence of the grounds.~~

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

1 (750 ILCS 5/404) (from Ch. 40, par. 404)

2 Sec. 404. Conciliation,~~mediation~~.

3 (a) If the court concludes that there is a prospect of  
4 reconciliation, the court, at the request of either party, or  
5 on its own motion, may order a conciliation conference. The  
6 conciliation conference and counseling shall take place at the  
7 established court conciliation service of that judicial  
8 district or at any similar service or facility where no court  
9 conciliation service has been established.

10 (b) The facts adduced at any conciliation conference  
11 resulting from a referral hereunder, shall not be considered in  
12 the adjudication of a pending or subsequent action, nor shall  
13 any report resulting from such conference become part of the  
14 record of the case unless the parties have stipulated in  
15 writing to the contrary.

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

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

20 (750 ILCS 5/405) (from Ch. 40, par. 405)

21 Sec. 405. Hearing on Default - Notice.➤ If the respondent  
22 is in default, the court shall proceed to hear the cause upon  
23 testimony of petitioner taken in open court, and in no case of  
24 default shall the court grant a dissolution of marriage or  
25 legal separation or declaration of invalidity of marriage,

1 unless the judge is satisfied that all proper means have been  
2 taken to notify the respondent of the pendency of the suit.  
3 Whenever the judge is satisfied that the interests of the  
4 respondent require it, the court may order such additional  
5 notice as may be required. All of the provisions of the Code of  
6 Civil Procedure relating to default hearings are applicable to  
7 hearings on default.

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

9 (750 ILCS 5/409) (from Ch. 40, par. 409)

10 Sec. 409. Proof of Foreign Marriage.† A marriage which may  
11 have been solemnized ~~celebrated~~ or had in any foreign state or  
12 country, may be proved by the acknowledgment of the parties,  
13 their cohabitation, and other evidence. Certified copies of  
14 records of a marriage performed in any foreign state or country  
15 obtained from an authorized state governmental unit, embassy,  
16 or consulate may be admitted as an exception to the hearsay  
17 rule ~~circumstantial testimony.~~

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

19 (750 ILCS 5/411) (from Ch. 40, par. 411)

20 Sec. 411. Commencement of Action.†

21 (a) Actions for dissolution of marriage or legal separation  
22 shall be commenced as in other civil cases or, at the option of  
23 petitioner, by filing a praecipe for summons with the clerk of  
24 the court and paying the regular filing fees, in which latter

1 case, a petition shall be filed within 6 months thereafter, or  
2 any extension for good cause shown granted by the court.

3 (b) When a praecipe for summons is filed without the  
4 petition, the summons shall recite that petitioner has  
5 commenced suit for dissolution of marriage or legal separation  
6 and shall require the respondent to file his or her appearance  
7 not later than 30 days from the day the summons is served and  
8 to plead to the petitioner's petition within 30 days from the  
9 day the petition is filed.

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

14 After the filing of the petition, the party filing the same  
15 shall, within 2 days, serve a copy thereof upon the other  
16 party, in the manner provided by rule of the Supreme Court for  
17 service of notices in other civil cases.

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

24 (d) An action for dissolution of marriage or legal  
25 separation commenced by the filing a praecipe for summons  
26 without the petition may ~~shall~~ be dismissed if ~~unless~~ a

1 petition for dissolution of marriage or legal separation has  
2 not been filed within 6 months after the commencement of the  
3 action or within the extension granted under subsection (a) of  
4 this Section.

5 (e) The filing of a praecipe for summons under this Section  
6 constitutes the commencement of an action that serves as  
7 grounds for involuntary dismissal under subdivision (a)(3) of  
8 Section 2-619 of the Code of Civil Procedure of a subsequently  
9 filed petition for dissolution of marriage or legal separation  
10 in another county.

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

12 (750 ILCS 5/413) (from Ch. 40, par. 413)

13 Sec. 413. Judgment.†

14 (a) A judgment of dissolution of marriage or of legal  
15 separation or of declaration of invalidity of marriage shall be  
16 entered within 60 days of the closing of proofs; however, if  
17 the court enters an order specifying good cause as to why the  
18 court needs an additional 30 days, the judgment shall be  
19 entered within 90 days of the closing of proofs, including any  
20 hearing under subsection (j) of Section 503 of this Act and  
21 submission of closing arguments. A judgment of dissolution of  
22 marriage or of legal separation or of declaration of invalidity  
23 of marriage is final when entered, subject to the right of  
24 appeal. An appeal from the judgment of dissolution of marriage  
25 that does not challenge the finding as to grounds does not

1 delay the finality of that provision of the judgment which  
2 dissolves the marriage, beyond the time for appealing from that  
3 provision, and either of the parties may remarry pending  
4 appeal. An order requiring maintenance or support of a spouse  
5 or a minor child or children entered under this Act or any  
6 other law of this State shall not be suspended or the  
7 enforcement thereof stayed pending the filing and resolution of  
8 post-judgment motions or an appeal.

9 (b) The clerk of the court shall give notice of the entry  
10 of a judgment of dissolution of marriage or legal separation or  
11 a declaration of invalidity of marriage:

12 (1) if the marriage is registered in this State, to the  
13 county clerk of the county where the marriage is  
14 registered, who shall enter the fact of dissolution of  
15 marriage or legal separation or declaration of invalidity  
16 of marriage in the marriage registry; and within 45 days  
17 after the close of the month in which the judgment is  
18 entered, the clerk shall forward the certificate to the  
19 Department of Public Health on a form furnished by the  
20 Department; or

21 (2) if the marriage is registered in another  
22 jurisdiction, to the appropriate official of that  
23 jurisdiction, with the request that he enter the fact of  
24 dissolution of marriage or legal separation or declaration  
25 of invalidity of marriage in the appropriate record.

26 (c) Upon request by a wife whose marriage is dissolved or

1 declared invalid, the court shall order her maiden name or a  
2 former name restored.

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

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

8 (750 ILCS 5/452)

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

13 (a) Neither party is dependent on the other party for  
14 support or each party is willing to waive the right to  
15 support; and the parties understand that consultation with  
16 attorneys may help them determine eligibility for spousal  
17 support.

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

20 (c) The requirements of Section 401 regarding  
21 residence or military presence and proof of irreconcilable  
22 differences have been met. ~~Irreconcilable differences have~~  
23 ~~caused the irretrievable breakdown of the marriage and the~~  
24 ~~parties have been separated 6 months or more and efforts at~~  
25 ~~reconciliation have failed or future attempts at~~

1 ~~reconciliation would be impracticable and not in the best~~  
2 ~~interests of the family.~~

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

6 (e) The duration of the marriage does not exceed 8  
7 years.

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

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

13 (h) The total fair market value of all marital  
14 property, after deducting all encumbrances, is less than  
15 \$50,000 ~~\$10,000~~, the combined gross annualized income from  
16 all sources is less than \$60,000 ~~\$35,000~~, and neither party  
17 has a gross annualized income from all sources in excess of  
18 \$30,000 ~~\$20,000~~.

19 (i) The parties have disclosed to each other all assets  
20 and liabilities and their tax returns for all years of the  
21 marriage.

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

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

1 (750 ILCS 5/453)

2 Sec. 453. Procedure; Judgment. The parties shall use the  
3 forms, including a form for the affidavit required under  
4 Section 454, provided by the circuit court clerk, and the clerk  
5 shall submit the petition to the court. The court shall  
6 expeditiously consider the cause. Both parties shall appear in  
7 person before the court and, if the court so directs, testify.  
8 The court, after examination of the petition and the parties  
9 and finding the agreement of the parties not unconscionable,  
10 shall enter a judgment granting the dissolution if the  
11 requirements of this Part IV-A have been met and the parties  
12 have submitted the affidavit required under Section 454. No  
13 transcript of proceedings shall be required.

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

15 (750 ILCS 5/501) (from Ch. 40, par. 501)

16 Sec. 501. Temporary Relief.† In all proceedings under this  
17 Act, temporary relief shall be as follows:

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

19 (1) temporary maintenance or temporary support of a  
20 child of the marriage entitled to support, accompanied by  
21 an affidavit as to the factual basis for the relief  
22 requested. One form of financial affidavit, as determined  
23 by the Supreme Court, shall be used statewide. The  
24 financial affidavit shall be supported by documentary

1 evidence including, but not limited to, income tax returns,  
2 pay stubs, and banking statements. Unless the court  
3 otherwise directs, any affidavit or supporting documentary  
4 evidence submitted pursuant to this paragraph shall not be  
5 made part of the public record of the proceedings but shall  
6 be available to the court or an appellate court in which  
7 the proceedings are subject to review, to the parties,  
8 their attorneys, and such other persons as the court may  
9 direct. Upon motion of a party, a court may hold a hearing  
10 to determine whether and why there is a disparity between a  
11 party's sworn affidavit and the supporting documentation.  
12 If a party intentionally or recklessly files an inaccurate  
13 or misleading financial affidavit, the court shall impose  
14 significant penalties and sanctions including, but not  
15 limited to, costs and attorney's fees;

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

19 (i) restraining any person from transferring,  
20 encumbering, concealing or otherwise disposing of any  
21 property except in the usual course of business or for  
22 the necessities of life, and, if so restrained,  
23 requiring him to notify the moving party and his  
24 attorney of any proposed extraordinary expenditures  
25 made after the order is issued; however, an order need  
26 not include an exception for transferring,

1           encumbering, or otherwise disposing of property in the  
2           usual course of business or for the necessities of life  
3           if the court enters appropriate orders that enable the  
4           parties to pay their necessary personal and business  
5           expenses including, but not limited to, appropriate  
6           professionals to assist the court pursuant to  
7           subsection (1) of Section 503 to administer the payment  
8           and accounting of such living and business expenses;

9           (ii) enjoining a party from removing a child from  
10          the jurisdiction of the court;

11          (iii) enjoining a party from striking or  
12          interfering with the personal liberty of the other  
13          party or of any child; or

14          (iv) providing other injunctive relief proper in  
15          the circumstances; or

16          (3) other appropriate temporary relief including, in  
17          the discretion of the court, ordering the purchase or sale  
18          of assets and requiring that a party or parties borrow  
19          funds in the appropriate circumstances.

20          Issues concerning temporary maintenance or temporary  
21          support of a child entitled to support shall be dealt with on a  
22          summary basis based on financial affidavits, tax returns, pay  
23          stubs, banking statements, and other relevant documentation,  
24          except an evidentiary hearing may be held upon a showing of  
25          good cause. If a party intentionally or recklessly files an  
26          inaccurate or misleading financial affidavit, the court shall

1 impose significant penalties and sanctions including, but not  
2 limited to, costs and attorney's fees resulting from the  
3 improper representation.

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

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

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

19 (1) Except for good cause shown, a proceeding for (or  
20 relating to) interim attorney's fees and costs in a  
21 pre-judgment dissolution proceeding shall be  
22 nonevidentiary and summary in nature. All hearings for or  
23 relating to interim attorney's fees and costs under this  
24 subsection shall be scheduled expeditiously by the court.  
25 When a party files a petition for interim attorney's fees  
26 and costs supported by one or more affidavits that

1 delineate relevant factors, the court (or a hearing  
2 officer) shall assess an interim award after affording the  
3 opposing party a reasonable opportunity to file a  
4 responsive pleading. A responsive pleading shall set out  
5 the amount of each retainer or other payment or payments,  
6 or both, previously paid to the responding party's counsel  
7 by or on behalf of the responding party. A responsive  
8 pleading shall include costs incurred, and shall indicate  
9 whether the costs are paid or unpaid. In assessing an  
10 interim award, the court shall consider all relevant  
11 factors, as presented, that appear reasonable and  
12 necessary, including to the extent applicable:

13 (A) the income and property of each party,  
14 including alleged marital property within the sole  
15 control of one party and alleged non-marital property  
16 within access to a party;

17 (B) the needs of each party;

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

19 (D) any impairment to present earning capacity of  
20 either party, including age and physical and emotional  
21 health;

22 (E) the standard of living established during the  
23 marriage;

24 (F) the degree of complexity of the issues,  
25 including allocation of parental responsibility  
26 ~~custody~~, valuation or division (or both) of closely

1 held businesses, and tax planning, as well as  
2 reasonable needs for expert investigations or expert  
3 witnesses, or both;

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

5 (H) the amount of the payment or payments made or  
6 reasonably expected to be made to the attorney for the  
7 other party; and

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

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

1 successor counsel, as the court determines and directs,  
2 after notice in a form designated by the Supreme Court. An  
3 order for the award of interim attorney's fees shall be a  
4 standardized form order and labeled "Interim Fee Award  
5 Order".

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

1 a manner that achieves substantial parity between the  
2 parties.

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

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

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

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

26 (2) may be revoked or modified before final judgment,

1 on a showing by affidavit and upon hearing; and

2 (3) terminates when the final judgment is entered or  
3 when the petition for dissolution of marriage or legal  
4 separation or declaration of invalidity of marriage is  
5 dismissed.

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

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

11 (750 ILCS 5/501.1) (from Ch. 40, par. 501.1)

12 Sec. 501.1. Dissolution action stay.

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

21 ~~(1) restraining both parties from transferring,~~  
22 ~~encumbering, concealing, destroying, spending, damaging, or in~~  
23 ~~any way disposing of any property, without the consent of the~~  
24 ~~other party or an order of the court, except in the usual~~  
25 ~~course of business, for the necessities of life, or for~~

1 ~~reasonable costs, expenses, and attorney's fees arising from~~  
2 ~~the proceeding, as well as requiring each party to provide~~  
3 ~~written notice to the other party and his or her attorney of~~  
4 ~~any proposed extraordinary expenditure or transaction;~~

5       (1) ~~(2)~~ restraining both parties from physically  
6 abusing, harassing, intimidating, striking, or interfering  
7 with the personal liberty of the other party or the minor  
8 children of either party; and

9       (2) ~~(3)~~ restraining both parties from removing any  
10 minor child of either party from the State of Illinois or  
11 from concealing any such child from the other party,  
12 without the consent of the other party or an order of the  
13 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       ~~A restraint of the parties' actions under this Section does~~  
18 ~~not affect the rights of a bona fide purchaser or mortgagee~~  
19 ~~whose interest in real property or whose beneficial interest in~~  
20 ~~real property under an Illinois land trust was acquired before~~  
21 ~~the filing of a lis pendens notice under Section 2-1901 of the~~  
22 ~~Code of Civil Procedure.~~

23       (b) (Blank). ~~Notice of any proposed extraordinary~~  
24 ~~expenditure or transaction, as required by subsection (a),~~  
25 ~~shall be given as soon as practicable, but not less than 7 days~~  
26 ~~before the proposed date for the carrying out or commencement~~

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

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

1 ~~either party.~~

2 (d) (Blank). ~~If the party making an extraordinary~~  
3 ~~expenditure or transaction fails to provide proper notice or if~~  
4 ~~despite proper notice the other party filed a petition and~~  
5 ~~prevailed on that petition, and the extraordinary expenditure~~  
6 ~~or transaction results in a loss of income or reduction in the~~  
7 ~~amount or in the value of property, there is a presumption of~~  
8 ~~dissipation of property, equal to the amount of the loss or~~  
9 ~~reduction, charged against the party for purposes of property~~  
10 ~~distribution under Section 503.~~

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

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

15 (750 ILCS 5/502) (from Ch. 40, par. 502)

16 Sec. 502. Agreement.

17 (a) To promote amicable settlement of disputes between  
18 parties to a marriage attendant upon the dissolution of their  
19 marriage, the parties may enter into an ~~a written or oral~~  
20 agreement containing provisions for disposition of any  
21 property owned by either of them, maintenance of either of  
22 them, ~~and~~ support, parental responsibility allocation custody  
23 ~~and visitation~~ of their children, and support of their children  
24 as provided in Section 513 after the children attain majority.  
25 Any agreement pursuant to this Section must be in writing,

1 except for good cause shown with the approval of the court,  
2 before proceeding to an oral prove up.

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

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

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

24 (e) Terms of the agreement set forth in the judgment are  
25 enforceable by all remedies available for enforcement of a  
26 judgment, including contempt, and are enforceable as contract

1 terms.

2 (f) Child ~~Except for terms concerning the support, support~~  
3 ~~of children as provided in Section 513 after the children~~  
4 ~~attain majority, and parental responsibility allocation of~~  
5 ~~children may be modified upon a showing of a substantial change~~  
6 ~~in circumstances. The parties may provide that maintenance is~~  
7 ~~non-modifiable in amount, duration, or both. If the parties do~~  
8 ~~not provide that maintenance is non-modifiable in amount,~~  
9 ~~duration, or both, then those terms are modifiable upon a~~  
10 ~~substantial change of circumstances. Property provisions of an~~  
11 ~~agreement are never modifiable. The custody or visitation of~~  
12 ~~children, the judgment may expressly preclude or limit~~  
13 modification of other terms set forth in the judgment if the  
14 agreement so provides. Otherwise, terms of an agreement set  
15 forth in the judgment are automatically modified by  
16 modification of the judgment.

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

18 (750 ILCS 5/503) (from Ch. 40, par. 503)

19 Sec. 503. Disposition of property and debts.

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

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

1           (2) property acquired in exchange for property  
2           acquired before the marriage ~~or in exchange for property~~  
3           ~~acquired by gift, legacy or descent;~~

4           (3) property acquired by a spouse after a judgment of  
5           legal separation;

6           (4) property excluded by valid agreement of the  
7           parties, including a premarital agreement or a postnuptial  
8           agreement;

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

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

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

26          (7) the increase in value of non-marital property

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

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

10 Property acquired prior to a marriage that would otherwise  
11 be non-marital property shall not be deemed to be marital  
12 property solely because the property was acquired in  
13 contemplation of marriage.

14 The court shall make specific factual findings as to its  
15 classification of assets as marital or non-marital property,  
16 values, and other factual findings supporting its property  
17 award.

18 (b) (1) For purposes of distribution of property ~~pursuant to~~  
19 ~~this Section~~, all property acquired by either spouse after the  
20 marriage and before a judgment of dissolution of marriage or  
21 declaration of invalidity of marriage is presumed marital  
22 property. This presumption includes, ~~including~~ non-marital  
23 property transferred into some form of co-ownership between the  
24 spouses, ~~is presumed to be marital property,~~ regardless of  
25 whether title is held individually or by the spouses in some  
26 form of co-ownership such as joint tenancy, tenancy in common,

1 tenancy by the entirety, or community property. A spouse may  
2 overcome the ~~The~~ presumption of marital property ~~is overcome~~ by  
3 ~~a~~ showing through clear and convincing evidence that the  
4 property was acquired by a method listed in subsection (a) of  
5 this Section or was done for estate or tax planning purposes or  
6 for other reasons that establish that the transfer was not  
7 intended to be a gift.

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

24 The value of pension benefits in a retirement system  
25 subject to the Illinois Pension Code shall be determined in  
26 accordance with the valuation procedures established by the

1 retirement system.

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

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

1 Section, the following:

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

8 (ii) The length of time from the grant of the option to  
9 the time the option is exercisable.

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

20 (c) Commingled marital and non-marital property shall be  
21 treated in the following manner, unless otherwise agreed by the  
22 spouses:

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

26 (i) If the contributed property loses its

1           identity, the contributed property transmutes to the  
2           estate receiving the property, subject to the  
3           provisions of paragraph (2) of this subsection (c).

4           (ii) If the contributed property retains its  
5           identity, it does not transmute and remains property of  
6           the contributing estate.

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

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

23           (B) When a spouse contributes personal effort to  
24           non-marital property, it shall be deemed a contribution  
25           from the marital estate, which shall receive reimbursement  
26           for the efforts if the efforts are significant and result

1 in substantial appreciation to the non-marital property  
2 except that if the marital estate reasonably has been  
3 compensated for his or her efforts, it shall not be deemed  
4 a contribution to the marital estate and there shall be no  
5 reimbursement to the marital estate. The court may provide  
6 for reimbursement out of the marital property to be divided  
7 or by imposing a lien against the non-marital property  
8 which received the contribution.

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

21 ~~(2) When one estate of property makes a contribution to~~  
22 ~~another estate of property, or when a spouse contributes~~  
23 ~~personal effort to non marital property, the contributing~~  
24 ~~estate shall be reimbursed from the estate receiving the~~  
25 ~~contribution notwithstanding any transmutation; provided,~~  
26 ~~that no such reimbursement shall be made with respect to a~~

1 ~~contribution which is not retraceable by clear and~~  
2 ~~convincing evidence, or was a gift, or, in the case of a~~  
3 ~~contribution of personal effort of a spouse to non-marital~~  
4 ~~property, unless the effort is significant and results in~~  
5 ~~substantial appreciation of the non-marital property.~~  
6 ~~Personal effort of a spouse shall be deemed a contribution~~  
7 ~~by the marital estate. The court may provide for~~  
8 ~~reimbursement out of the marital property to be divided or~~  
9 ~~by imposing a lien against the non-marital property which~~  
10 ~~received the contribution.~~

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

20 (1) each party's ~~the~~ contribution ~~of each party~~ to the  
21 acquisition, preservation, or increase or decrease in  
22 value of the marital or non-marital property, including (i)  
23 any ~~such~~ decrease attributable to a ~~payment deemed to have~~  
24 ~~been~~ an advance from the parties' marital estate under  
25 subsection (c-1)(2) of Section 501; ~~and~~ (ii) the  
26 contribution of a spouse as a homemaker or to the family

1        unit; and (iii) whether the contribution is after the  
2        commencement of a proceeding for dissolution of marriage or  
3        declaration of invalidity of marriage;

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

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

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

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

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

1 ~~claiming dissipation knew or should have known of the~~  
2 ~~dissipation;~~

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

4 (4) the duration of the marriage;

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

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

13 (7) any prenuptial or postnuptial ~~antenuptial~~  
14 agreement of the parties;

15 (8) the age, health, station, occupation, amount and  
16 sources of income, vocational skills, employability,  
17 estate, liabilities, and needs of each of the parties;

18 (9) the custodial provisions for any children;

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

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

23 (12) the tax consequences of the property division upon  
24 the respective economic circumstances of the parties.

25 (e) Each spouse has a species of common ownership in the  
26 marital property which vests at the time dissolution

1 proceedings are commenced and continues only during the  
2 pendency of the action. Any such interest in marital property  
3 shall not encumber that property so as to restrict its  
4 transfer, assignment or conveyance by the title holder unless  
5 such title holder is specifically enjoined from making such  
6 transfer, assignment or conveyance.

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

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

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

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

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

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

25 (1) A petition for contribution, if not filed before  
26 the final hearing on other issues between the parties,

1 shall be filed no later than 14 ~~30~~ days after the closing  
2 of proofs in the final hearing or within such other period  
3 as the court orders.

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

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

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

24 (5) A contribution award (payable to either the  
25 petitioning party or the party's counsel, or jointly, as  
26 the court determines) may be in the form of either a set

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

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

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

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

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

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

15 (Source: P.A. 96-583, eff. 1-1-10; 96-1551, Article 1, Section  
16 985, eff. 7-1-11; 96-1551, Article 2, Section 1100, eff.  
17 7-1-11; 97-608, eff. 1-1-12; 97-941, eff. 1-1-13; 97-1109, eff.  
18 1-1-13; 97-1150, eff. 1-25-13; revised 12-10-14.)

19 (750 ILCS 5/504) (from Ch. 40, par. 504)

20 Sec. 504. Maintenance.

21 (a) Entitlement to maintenance. In a proceeding for  
22 dissolution of marriage or legal separation or declaration of  
23 invalidity of marriage, or a proceeding for maintenance  
24 following dissolution of the marriage by a court which lacked  
25 personal jurisdiction over the absent spouse, the court may

1 grant a ~~temporary or permanent~~ maintenance award for either  
2 spouse in amounts and for periods of time as the court deems  
3 just, without regard to marital misconduct, ~~in gross or for~~  
4 ~~fixed or indefinite periods of time,~~ and the maintenance may be  
5 paid from the income or property of the other spouse. The court  
6 shall first determine whether a maintenance award is  
7 appropriate, after consideration of all relevant factors,  
8 including:

9 (1) the income and property of each party, including  
10 marital property apportioned and non-marital property  
11 assigned to the party seeking maintenance as well as all  
12 financial obligations imposed on the parties as a result of  
13 the dissolution of marriage;

14 (2) the needs of each party;

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

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

22 (5) any impairment of the realistic present or future  
23 earning capacity of the party against whom maintenance is  
24 sought;

25 (6) ~~(5)~~ the time necessary to enable the party seeking  
26 maintenance to acquire appropriate education, training,

1 and employment, and whether that party is able to support  
2 himself or herself through appropriate employment or any  
3 parental responsibility arrangements and its effect on the  
4 party seeking ~~is the custodian of a child making it~~  
5 ~~appropriate that the custodian not seek~~ employment;

6 (7) ~~(6)~~ the standard of living established during the  
7 marriage;

8 (8) ~~(7)~~ the duration of the marriage;

9 (9) the age, health, station, occupation, amount and  
10 sources of income, vocational skills, employability,  
11 estate, liabilities, and the needs of each of the ~~(8) the~~  
12 ~~age and the physical and emotional condition of both~~  
13 ~~parties;~~

14 (10) ~~(9)~~ the tax consequences of the property division  
15 upon the respective economic circumstances of the parties;

16 (11) ~~(10)~~ contributions and services by the party  
17 seeking maintenance to the education, training, career or  
18 career potential, or license of the other spouse;

19 (12) ~~(11)~~ any valid agreement of the parties; and

20 (13) ~~(12)~~ any other factor that the court expressly  
21 finds to be just and equitable.

22 (b) (Blank).

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

1           (1) Maintenance award in accordance with guidelines.  
2           In situations when the combined gross income of the parties  
3           is less than \$250,000 and the payor has no obligation to  
4           pay child support or maintenance or both from a prior  
5           relationship ~~no multiple family situation exists,~~  
6           maintenance payable after the date the parties' marriage is  
7           dissolved shall be in accordance with subparagraphs (A) and  
8           (B) of this paragraph (1), unless the court makes a finding  
9           that the application of the guidelines would be  
10          inappropriate.

11           (A) The amount of maintenance under this paragraph  
12          (1) shall be calculated by taking 30% of the payor's  
13          gross income minus 20% of the payee's gross income. The  
14          amount calculated as maintenance, however, when added  
15          to the gross income of the payee, may not result in the  
16          payee receiving an amount that is in excess of 40% of  
17          the combined gross income of the parties.

18           (B) The duration of an award under this paragraph  
19          (1) shall be calculated by multiplying the length of  
20          the marriage at the time the action was commenced by  
21          whichever of the following factors applies: 5 ~~0-5~~ years  
22          or less (.20); more than 5 years but less than 10 ~~5-10~~  
23          years (.40); 10 years or more but less than 15 ~~10-15~~  
24          years (.60); or 15 years or more but less than 20 ~~15-20~~  
25          years (.80). For a marriage of 20 or more years, the  
26          court, in its discretion, shall order either permanent

1 maintenance or maintenance for a period equal to the  
2 length of the marriage.

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

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

10 (1) the court shall state its reasoning for awarding or  
11 not awarding maintenance and shall include references to  
12 each relevant factor set forth in subsection (a) of this  
13 Section; and

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

20 (b-3) Gross income. For purposes of this Section, the term  
21 "gross income" means all income from all sources, within the  
22 scope of that phase in Section 505 of this Act.

23 (b-4) Unallocated maintenance. Unless the parties  
24 otherwise agree, the court may not order unallocated  
25 maintenance and child support in any dissolution judgment or in  
26 any post-dissolution order. In its discretion, the court may

1 order unallocated maintenance and child support in any  
2 pre-dissolution temporary order.

3 (b-4.5) Fixed-term maintenance in marriages of less than 10  
4 years. If a court grants maintenance for a fixed period under  
5 subsection (a) of this Section at the conclusion of a case  
6 commenced before the tenth anniversary of the marriage, the  
7 court may also designate the termination of the period during  
8 which this maintenance is to be paid as a "permanent  
9 termination". The effect of this designation is that  
10 maintenance is barred after the ending date of the period  
11 during which maintenance is to be paid.

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

17 (b-7) Maintenance judgments. Any new or existing  
18 maintenance order including any unallocated maintenance and  
19 child support order entered by the court under this Section  
20 shall be deemed to be a series of judgments against the person  
21 obligated to pay support thereunder. Each such judgment to be  
22 in the amount of each payment or installment of support and  
23 each such judgment to be deemed entered as of the date the  
24 corresponding payment or installment becomes due under the  
25 terms of the support order, except no judgment shall arise as  
26 to any installment coming due after the termination of

1 maintenance as provided by Section 510 of the Illinois Marriage  
2 and Dissolution of Marriage Act or the provisions of any order  
3 for maintenance. Each such judgment shall have the full force,  
4 effect and attributes of any other judgment of this State,  
5 including the ability to be enforced. Notwithstanding any other  
6 State or local law to the contrary, a lien arises by operation  
7 of law against the real and personal property of the obligor  
8 for each installment of overdue support owed by the obligor.

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

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

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

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

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

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

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

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

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

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

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

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

19          (Source: P.A. 97-186, eff. 7-22-11; 97-608, eff. 1-1-12;  
20          97-813, eff. 7-13-12; 98-961, eff. 1-1-15.)

21          (750 ILCS 5/505) (from Ch. 40, par. 505)

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

23          (a) In a proceeding for dissolution of marriage, legal  
24          separation, declaration of invalidity of marriage, a  
25          proceeding for child support following dissolution of the

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

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

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

26 (2) The above guidelines shall be applied in each case

1 unless the court finds that a deviation from the guidelines  
2 is appropriate after considering the best interest of the  
3 child in light of the evidence, including, but not limited  
4 to, one or more of the following relevant factors:

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

6 (b) the financial resources and needs of the  
7 custodial parent;

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

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

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

13 (e) the financial resources and needs of the  
14 supporting ~~non-custodial~~ parent.

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

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

26 (a) health needs not covered by insurance;

- 1 (b) child care;  
2 (c) education; and  
3 (d) extracurricular activities.

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

6 (a) Federal income tax (properly calculated  
7 withholding or estimated payments);

8 (b) State income tax (properly calculated  
9 withholding or estimated payments);

10 (c) Social Security (FICA payments);

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

13 (e) Union dues;

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

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

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

24 (h) Expenditures for repayment of debts that  
25 represent reasonable and necessary expenses for the  
26 production of income including, but not limited to,

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

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

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

22            (4.5) In a proceeding for child support following  
23            dissolution of the marriage by a court that lacked personal  
24            jurisdiction over the absent spouse, and in which the court  
25            is requiring payment of support for the period before the  
26            date an order for current support is entered, there is a

1           rebuttable presumption that the supporting party's net  
2           income for the prior period was the same as his or her net  
3           income at the time the order for current support is  
4           entered.

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

18          (6) If (i) the supporting ~~non-custodial~~ parent was  
19          properly served with a request for discovery of financial  
20          information relating to the supporting ~~non-custodial~~  
21          parent's ability to provide child support, (ii) the  
22          supporting ~~non-custodial~~ parent failed to comply with the  
23          request, despite having been ordered to do so by the court,  
24          and (iii) the supporting ~~non-custodial~~ parent is not  
25          present at the hearing to determine support despite having  
26          received proper notice, then any relevant financial

1 information concerning the supporting ~~non-custodial~~  
2 parent's ability to provide child support that was obtained  
3 pursuant to subpoena and proper notice shall be admitted  
4 into evidence without the need to establish any further  
5 foundation for its admission.

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

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

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

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

26 (A) work; or

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

3 The Court may further order any part or all of the earnings  
4 of a parent during a sentence of periodic imprisonment paid to  
5 the Clerk of the Circuit Court or to the parent having the  
6 majority of parenting time ~~custody~~ or to the guardian having  
7 the majority of parenting time ~~custody~~ of the children of the  
8 sentenced parent for the support of said children until further  
9 order of the Court.

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

22 If there is a unity of interest and ownership sufficient to  
23 render no financial separation between a supporting  
24 ~~non-custodial~~ parent and another person or persons or business  
25 entity, the court may pierce the ownership veil of the person,  
26 persons, or business entity to discover assets of the

1 supporting ~~non-custodial~~ parent held in the name of that  
2 person, those persons, or that business entity. The following  
3 circumstances are sufficient to authorize a court to order  
4 discovery of the assets of a person, persons, or business  
5 entity and to compel the application of any discovered assets  
6 toward payment on the judgment for support:

7 (1) the supporting ~~non-custodial~~ parent and the  
8 person, persons, or business entity maintain records  
9 together.

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

14 (3) the supporting ~~non-custodial~~ parent transfers  
15 assets to the person, persons, or business entity with the  
16 intent to perpetrate a fraud on the ~~custodial~~ parent  
17 receiving the support.

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

26 The court may also order in cases where the parent is 90

1 days or more delinquent in payment of support or has been  
2 adjudicated in arrears in an amount equal to 90 days obligation  
3 or more, that the parent's Illinois driving privileges be  
4 suspended until the court determines that the parent is in  
5 compliance with the order of support. The court may also order  
6 that the parent be issued a family financial responsibility  
7 driving permit that would allow limited driving privileges for  
8 employment and medical purposes in accordance with Section  
9 7-702.1 of the Illinois Vehicle Code. The clerk of the circuit  
10 court shall certify the order suspending the driving privileges  
11 of the parent or granting the issuance of a family financial  
12 responsibility driving permit to the Secretary of State on  
13 forms prescribed by the Secretary. Upon receipt of the  
14 authenticated documents, the Secretary of State shall suspend  
15 the parent's driving privileges until further order of the  
16 court and shall, if ordered by the court, subject to the  
17 provisions of Section 7-702.1 of the Illinois Vehicle Code,  
18 issue a family financial responsibility driving permit to the  
19 parent.

20 In addition to the penalties or punishment that may be  
21 imposed under this Section, any person whose conduct  
22 constitutes a violation of Section 15 of the Non-Support  
23 Punishment Act may be prosecuted under that Act, and a person  
24 convicted under that Act may be sentenced in accordance with  
25 that Act. The sentence may include but need not be limited to a  
26 requirement that the person perform community service under

1 Section 50 of that Act or participate in a work alternative  
2 program under Section 50 of that Act. A person may not be  
3 required to participate in a work alternative program under  
4 Section 50 of that Act if the person is currently participating  
5 in a work program pursuant to Section 505.1 of this Act.

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

22 (c) A one-time charge of 20% is imposable upon the amount  
23 of past-due child support owed on July 1, 1988 which has  
24 accrued under a support order entered by the court. The charge  
25 shall be imposed in accordance with the provisions of Section  
26 10-21 of the Illinois Public Aid Code and shall be enforced by

1 the court upon petition.

2 (d) Any new or existing support order entered by the court  
3 under this Section shall be deemed to be a series of judgments  
4 against the person obligated to pay support thereunder, each  
5 such judgment to be in the amount of each payment or  
6 installment of support and each such judgment to be deemed  
7 entered as of the date the corresponding payment or installment  
8 becomes due under the terms of the support order. Each such  
9 judgment shall have the full force, effect and attributes of  
10 any other judgment of this State, including the ability to be  
11 enforced. Notwithstanding any other State or local law to the  
12 contrary, a lien arises by operation of law against the real  
13 and personal property of the supporting ~~noncustodial~~ parent for  
14 each installment of overdue support owed by the supporting  
15 ~~noncustodial~~ parent.

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

25 (f) All orders for support, when entered or modified, shall  
26 include a provision requiring the supporting parent ~~obligor~~ to

1 notify the court and, in cases in which a party is receiving  
2 child and spouse services under Article X of the Illinois  
3 Public Aid Code, the Department of Healthcare and Family  
4 Services, within 7 days, (i) of the name and address of any new  
5 employer of the obligor, (ii) whether the supporting parent  
6 ~~obligor~~ has access to health insurance coverage through the  
7 employer or other group coverage and, if so, the policy name  
8 and number and the names of persons covered under the policy,  
9 except only the initials of any covered minors shall be  
10 included, and (iii) of any new residential or mailing address  
11 or telephone number of the supporting ~~non-custodial~~ parent. In  
12 any subsequent action to enforce a support order, upon a  
13 sufficient showing that a diligent effort has been made to  
14 ascertain the location of the supporting ~~non-custodial~~ parent,  
15 service of process or provision of notice necessary in the case  
16 may be made at the last known address of the supporting  
17 ~~non-custodial~~ parent in any manner expressly provided by the  
18 Code of Civil Procedure or this Act, which service shall be  
19 sufficient for purposes of due process.

20 (g) An order for support shall include a date on which the  
21 current support obligation terminates. The termination date  
22 shall be no earlier than the date on which the child covered by  
23 the order will attain the age of 18. However, if the child will  
24 not graduate from high school until after attaining the age of  
25 18, then the termination date shall be no earlier than the  
26 earlier of the date on which the child's high school graduation

1 will occur or the date on which the child will attain the age  
2 of 19. The order for support shall state that the termination  
3 date does not apply to any arrearage that may remain unpaid on  
4 that date. Nothing in this subsection shall be construed to  
5 prevent the court from modifying the order or terminating the  
6 order in the event the child is otherwise emancipated.

7 (g-5) If there is an unpaid arrearage or delinquency (as  
8 those terms are defined in the Income Withholding for Support  
9 Act) equal to at least one month's support obligation on the  
10 termination date stated in the order for support or, if there  
11 is no termination date stated in the order, on the date the  
12 child attains the age of majority or is otherwise emancipated,  
13 the periodic amount required to be paid for current support of  
14 that child immediately prior to that date shall automatically  
15 continue to be an obligation, not as current support but as  
16 periodic payment toward satisfaction of the unpaid arrearage or  
17 delinquency. That periodic payment shall be in addition to any  
18 periodic payment previously required for satisfaction of the  
19 arrearage or delinquency. The total periodic amount to be paid  
20 toward satisfaction of the arrearage or delinquency may be  
21 enforced and collected by any method provided by law for  
22 enforcement and collection of child support, including but not  
23 limited to income withholding under the Income Withholding for  
24 Support Act. Each order for support entered or modified on or  
25 after the effective date of this amendatory Act of the 93rd  
26 General Assembly must contain a statement notifying the parties

1 of the requirements of this subsection. Failure to include the  
2 statement in the order for support does not affect the validity  
3 of the order or the operation of the provisions of this  
4 subsection with regard to the order. This subsection shall not  
5 be construed to prevent or affect the establishment or  
6 modification of an order for support of a minor child or the  
7 establishment or modification of an order for support of a  
8 non-minor child or educational expenses under Section 513 of  
9 this Act.

10 (h) An order entered under this Section shall include a  
11 provision requiring the supporting parent ~~obligor~~ to report to  
12 the receiving parent ~~obligee~~ and to the clerk of court within  
13 10 days each time the supporting parent ~~obligor~~ obtains new  
14 employment, and each time the supporting parent's ~~obligor's~~  
15 employment is terminated for any reason. The report shall be in  
16 writing and shall, in the case of new employment, include the  
17 name and address of the new employer. Failure to report new  
18 employment or the termination of current employment, if coupled  
19 with nonpayment of support for a period in excess of 60 days,  
20 is indirect criminal contempt. For any supporting parent  
21 ~~obligor~~ arrested for failure to report new employment bond  
22 shall be set in the amount of the child support that should  
23 have been paid during the period of unreported employment. An  
24 order entered under this Section shall also include a provision  
25 requiring the supporting parent ~~obligor~~ and receiving ~~obligee~~  
26 parents to advise each other of a change in residence within 5

1 days of the change except when the court finds that the  
2 physical, mental, or emotional health of a party or that of a  
3 child, or both, would be seriously endangered by disclosure of  
4 the party's address.

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

10 (Source: P.A. 97-186, eff. 7-22-11; 97-608, eff. 1-1-12;  
11 97-813, eff. 7-13-12; 97-878, eff. 8-2-12; 97-941, eff. 1-1-13;  
12 97-1029, eff. 1-1-13; 98-463, eff. 8-16-13; 98-961, eff.  
13 1-1-15.)

14 (750 ILCS 5/506) (from Ch. 40, par. 506)

15 Sec. 506. Representation of child.

16 (a) Duties. In any proceedings involving the support,  
17 custody, visitation, allocation of parental responsibilities,  
18 education, parentage, property interest, or general welfare of  
19 a minor or dependent child, the court may, on its own motion or  
20 that of any party, appoint an attorney to serve in one of the  
21 following capacities to address the issues the court  
22 delineates:

23 (1) Attorney. The attorney shall provide independent  
24 legal counsel for the child and shall owe the same duties  
25 of undivided loyalty, confidentiality, and competent

1 representation as are due an adult client.

2 (2) Guardian ad litem. The guardian ad litem shall  
3 testify or submit a written report to the court regarding  
4 his or her recommendations in accordance with the best  
5 interest of the child. The report shall be made available  
6 to all parties. The guardian ad litem may be called as a  
7 witness for purposes of cross-examination regarding the  
8 guardian ad litem's report or recommendations. The  
9 guardian ad litem shall investigate the facts of the case  
10 and interview the child and the parties.

11 (3) Child representative. The child representative  
12 shall advocate what the child representative finds to be in  
13 the best interests of the child after reviewing the facts  
14 and circumstances of the case. The child representative  
15 shall meet with the child and the parties, investigate the  
16 facts of the case, and encourage settlement and the use of  
17 alternative forms of dispute resolution. The child  
18 representative shall have the same authority and  
19 obligation to participate in the litigation as does an  
20 attorney for a party and shall possess all the powers of  
21 investigation as does a guardian ad litem. The child  
22 representative shall consider, but not be bound by, the  
23 expressed wishes of the child. A child representative shall  
24 have received training in child advocacy or shall possess  
25 such experience as determined to be equivalent to such  
26 training by the chief judge of the circuit where the child

1 representative has been appointed. The child  
2 representative shall not disclose confidential  
3 communications made by the child, except as required by law  
4 or by the Rules of Professional Conduct. The child  
5 representative shall not render an opinion,  
6 recommendation, or report to the court and shall not be  
7 called as a witness, but shall offer evidence-based legal  
8 arguments. The child representative shall disclose the  
9 position as to what the child representative intends to  
10 advocate in a pre-trial memorandum that shall be served  
11 upon all counsel of record prior to the trial. The position  
12 disclosed in the pre-trial memorandum shall not be  
13 considered evidence. The court and the parties may consider  
14 the position of the child representative for purposes of a  
15 settlement conference.

16 (a-3) Additional appointments. During the proceedings the  
17 court may appoint an additional attorney to serve in the  
18 capacity described in subdivision (a)(1) or an additional  
19 attorney to serve in another of the capacities described in  
20 subdivision (a)(2) or (a)(3) on the court's own motion or that  
21 of a party only for good cause shown and when the reasons for  
22 the additional appointment are set forth in specific findings.

23 (a-5) Appointment considerations. In deciding whether to  
24 make an appointment of an attorney for the minor child, a  
25 guardian ad litem, or a child representative, the court shall  
26 consider the nature and adequacy of the evidence to be

1 presented by the parties and the availability of other methods  
2 of obtaining information, including social service  
3 organizations and evaluations by mental health professions, as  
4 well as resources for payment.

5 In no event is this Section intended to or designed to  
6 abrogate the decision making power of the trier of fact. Any  
7 appointment made under this Section is not intended to nor  
8 should it serve to place any appointed individual in the role  
9 of a surrogate judge.

10 (b) Fees and costs. The court shall enter an order as  
11 appropriate for costs, fees, and disbursements, including a  
12 retainer, when the attorney, guardian ad litem, or child's  
13 representative is appointed. Any person appointed under this  
14 Section shall file with the court within 90 days of his or her  
15 appointment, and every subsequent 90-day period thereafter  
16 during the course of his or her representation, a detailed  
17 invoice for services rendered with a copy being sent to each  
18 party. The court shall review the invoice submitted and approve  
19 the fees, if they are reasonable and necessary. Any order  
20 approving the fees shall require payment by either or both  
21 parents, by any other party or source, or from the marital  
22 estate or the child's separate estate. The court may not order  
23 payment by the Department of Healthcare and Family Services in  
24 cases in which the Department is providing child support  
25 enforcement services under Article X of the Illinois Public Aid  
26 Code. Unless otherwise ordered by the court at the time fees

1 and costs are approved, all fees and costs payable to an  
2 attorney, guardian ad litem, or child representative under this  
3 Section are by implication deemed to be in the nature of  
4 support of the child and are within the exceptions to discharge  
5 in bankruptcy under 11 U.S.C.A. 523. The provisions of Sections  
6 501 and 508 of this Act shall apply to fees and costs for  
7 attorneys appointed under this Section.

8 (Source: P.A. 94-640, eff. 1-1-06; 95-331, eff. 8-21-07.)

9 (750 ILCS 5/508) (from Ch. 40, par. 508)

10 Sec. 508. Attorney's Fees; Client's Rights and  
11 Responsibilities Respecting Fees and Costs.

12 (a) The court from time to time, after due notice and  
13 hearing, and after considering the financial resources of the  
14 parties, may order any party to pay a reasonable amount for his  
15 own or the other party's costs and attorney's fees. Interim  
16 attorney's fees and costs may be awarded from the opposing  
17 party, in a pre-judgment dissolution proceeding in accordance  
18 with subsection (c-1) of Section 501 and in any other  
19 proceeding under this subsection. At the conclusion of any  
20 pre-judgment dissolution proceeding under this subsection,  
21 contribution to attorney's fees and costs may be awarded from  
22 the opposing party in accordance with subsection (j) of Section  
23 503 and in any other proceeding under this subsection. Fees and  
24 costs may be awarded in any proceeding to counsel from a former  
25 client in accordance with subsection (c) of this Section.

1 Awards may be made in connection with the following:

2 (1) The maintenance or defense of any proceeding under  
3 this Act.

4 (2) The enforcement or modification of any order or  
5 judgment under this Act.

6 (3) The defense of an appeal of any order or judgment  
7 under this Act, including the defense of appeals of  
8 post-judgment orders.

9 (3.1) The prosecution of any claim on appeal (if the  
10 prosecuting party has substantially prevailed).

11 (4) The maintenance or defense of a petition brought  
12 under Section 2-1401 of the Code of Civil Procedure seeking  
13 relief from a final order or judgment under this Act. Fees  
14 incurred with respect to motions under Section 2-1401 of  
15 the Code of Civil Procedure may be granted only to the  
16 party who substantially prevails.

17 (5) The costs and legal services of an attorney  
18 rendered in preparation of the commencement of the  
19 proceeding brought under this Act.

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

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

25 All petitions for or relating to interim fees and costs  
26 under this subsection shall be accompanied by an affidavit as

1 to the factual basis for the relief requested and all hearings  
2 relative to any such petition shall be scheduled expeditiously  
3 by the court. All provisions for contribution under this  
4 subsection shall also be subject to paragraphs (3), (4), and  
5 (5) of subsection (j) of Section 503.

6 The court may order that the award of attorney's fees and  
7 costs (including an interim or contribution award) shall be  
8 paid directly to the attorney, who may enforce the order in his  
9 or her name, or that it shall be paid to the appropriate party.  
10 Judgment may be entered and enforcement had accordingly. Except  
11 as otherwise provided in subdivision (e)(1) of this Section,  
12 subsection (c) of this Section is exclusive as to the right of  
13 any counsel (or former counsel) of record to petition a court  
14 for an award and judgment for final fees and costs during the  
15 pendency of a proceeding under this Act.

16 A petition for temporary attorney's fees in a post-judgment  
17 case may be heard on a non-evidentiary, summary basis.

18 (b) In every proceeding for the enforcement of an order or  
19 judgment when the court finds that the failure to comply with  
20 the order or judgment was without compelling cause or  
21 justification, the court shall order the party against whom the  
22 proceeding is brought to pay promptly the costs and reasonable  
23 attorney's fees of the prevailing party. If non-compliance is  
24 with respect to a discovery order, the non-compliance is  
25 presumptively without compelling cause or justification, and  
26 the presumption may only be rebutted by clear and convincing

1 evidence. If at any time a court finds that a hearing under  
2 this Act was precipitated or conducted for any improper  
3 purpose, the court shall allocate fees and costs of all parties  
4 for the hearing to the party or counsel found to have acted  
5 improperly. Improper purposes include, but are not limited to,  
6 harassment, unnecessary delay, or other acts needlessly  
7 increasing the cost of litigation.

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

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

1           Petition for Setting Final Fees and Costs may be given, and  
2           documents served, in accordance with Illinois Supreme  
3           Court Rules 11 and 12.

4           (2) No final hearing under this subsection (c) is  
5           permitted unless: (i) the counsel and the client had  
6           entered into a written engagement agreement at the time the  
7           client retained the counsel (or reasonably soon  
8           thereafter) and the agreement meets the requirements of  
9           subsection (f); (ii) the written engagement agreement is  
10          attached to an affidavit of counsel that is filed with the  
11          petition or with the counsel's response to a client's  
12          petition; (iii) judgment in any contribution hearing on  
13          behalf of the client has been entered or the right to a  
14          contribution hearing under subsection (j) of Section 503  
15          has been waived; (iv) the counsel has withdrawn as counsel  
16          of record; and (v) the petition seeks adjudication of all  
17          unresolved claims for fees and costs between the counsel  
18          and the client. Irrespective of a Petition for Setting  
19          Final Fees and Costs being heard in conjunction with an  
20          original proceeding under this Act, the relief requested  
21          under a Petition for Setting Final Fees and Costs  
22          constitutes a distinct cause of action. A pending but  
23          undetermined Petition for Setting Final Fees and Costs  
24          shall not affect appealability or enforceability of any  
25          judgment or other adjudication in the original proceeding.

26          (3) The determination of reasonable attorney's fees

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

25 (4) No final hearing under this subsection (c) is  
26 permitted unless any controversy over fees and costs (that

1 is not otherwise subject to some form of alternative  
2 dispute resolution) has first been submitted to mediation,  
3 arbitration, or any other court approved alternative  
4 dispute resolution procedure, except as follows:

5 (A) In any circuit court for a single county with a  
6 population in excess of 1,000,000, the requirement of  
7 the controversy being submitted to an alternative  
8 dispute resolution procedure is mandatory unless the  
9 client and the counsel both affirmatively opt out of  
10 such procedures; or

11 (B) In any other circuit court, the requirement of  
12 the controversy being submitted to an alternative  
13 dispute resolution procedure is mandatory only if  
14 neither the client nor the counsel affirmatively opts  
15 out of such procedures.

16 After completion of any such procedure (or after one or  
17 both sides has opted out of such procedures), if the  
18 dispute is unresolved, any pending motion for leave to  
19 withdraw as counsel shall be promptly granted and a final  
20 hearing under this subsection (c) shall be expeditiously  
21 set and completed.

22 (5) A petition (or a praecipe for fee hearing without  
23 the petition) shall be filed no later than the end of the  
24 period in which it is permissible to file a motion pursuant  
25 to Section 2-1203 of the Code of Civil Procedure. A  
26 praecipe for fee hearing shall be dismissed if a Petition

1 for Setting Final Fees and Costs is not filed within 60  
2 days after the filing of the praecipe. A counsel who  
3 becomes a party by filing a Petition for Setting Final Fees  
4 and Costs, or as a result of the client filing a Petition  
5 for Setting Final Fees and Costs, shall not be entitled to  
6 exercise the right to a substitution of a judge without  
7 cause under subdivision (a)(2) of Section 2-1001 of the  
8 Code of Civil Procedure. Each of the foregoing deadlines  
9 for the filing of a praecipe or a petition shall be:

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

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

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

22 (d) A consent judgment, in favor of a current counsel of  
23 record against his or her own client for a specific amount in a  
24 marital settlement agreement, dissolution judgment, or any  
25 other instrument involving the other litigant, is prohibited. A  
26 consent judgment between client and counsel, however, is

1 permissible if it is entered pursuant to a verified petition  
2 for entry of consent judgment, supported by an affidavit of the  
3 counsel of record that includes the counsel's representation  
4 that the client has been provided an itemization of the billing  
5 or billings to the client, detailing hourly costs, time spent,  
6 and tasks performed, and by an affidavit of the client  
7 acknowledging receipt of that documentation, awareness of the  
8 right to a hearing, the right to be represented by counsel  
9 (other than counsel to whom the consent judgment is in favor),  
10 and the right to be present at the time of presentation of the  
11 petition, and agreement to the terms of the judgment. The  
12 petition may be filed at any time during which it is  
13 permissible for counsel of record to file a petition (or a  
14 praecipe) for a final fee hearing, except that no such petition  
15 for entry of consent judgment may be filed before adjudication  
16 (or waiver) of the client's right to contribution under  
17 subsection (j) of Section 503 or filed after the filing of a  
18 petition (or a praecipe) by counsel of record for a fee hearing  
19 under subsection (c) if the petition (or praecipe) remains  
20 pending. No consent security arrangement between a client and a  
21 counsel of record, pursuant to which assets of a client are  
22 collateralized to secure payment of legal fees or costs, is  
23 permissible unless approved in advance by the court as being  
24 reasonable under the circumstances.

25 (e) Counsel may pursue an award and judgment against a  
26 former client for legal fees and costs in an independent

1 proceeding in the following circumstances:

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

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

11 In an independent proceeding, the prior applicability of this  
12 Section shall in no way be deemed to have diminished any other  
13 right of any counsel (or former counsel) to pursue an award and  
14 judgment for legal fees and costs on the basis of remedies that  
15 may otherwise exist under applicable law; and the limitations  
16 period for breach of contract shall apply. In an independent  
17 proceeding under subdivision (e) (1) in which the former counsel  
18 had represented a former client in a dissolution case that is  
19 still pending, the former client may bring in his or her spouse  
20 as a third-party defendant, provided on or before the final  
21 date for filing a petition (or praecipe) under subsection (c),  
22 the party files an appropriate third-party complaint under  
23 Section 2-406 of the Code of Civil Procedure. In any such case,  
24 any judgment later obtained by the former counsel shall be  
25 against both spouses or ex-spouses, jointly and severally  
26 (except that, if a hearing under subsection (j) of Section 503

1 has already been concluded and the court hearing the  
2 contribution issue has imposed a percentage allocation between  
3 the parties as to fees and costs otherwise being adjudicated in  
4 the independent proceeding, the allocation shall be applied  
5 without deviation by the court in the independent proceeding  
6 and a separate judgment shall be entered against each spouse  
7 for the appropriate amount). After the period for the  
8 commencement of a proceeding under subsection (c), the  
9 provisions of this Section (other than the standard set forth  
10 in subdivision (c) (3) and the terms respecting consent security  
11 arrangements in subsection (d) of this Section 508) shall be  
12 inapplicable.

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

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

19 "STATEMENT OF CLIENT'S RIGHTS AND RESPONSIBILITIES

20 (1) WRITTEN ENGAGEMENT AGREEMENT. The written engagement  
21 agreement, prepared by the counsel, shall clearly address the  
22 objectives of representation and detail the fee arrangement,  
23 including all material terms. If fees are to be based on  
24 criteria apart from, or in addition to, hourly rates, such  
25 criteria (e.g., unique time demands and/or utilization of

1 unique expertise) shall be delineated. The client shall receive  
2 a copy of the written engagement agreement and any additional  
3 clarification requested and is advised not to sign any such  
4 agreement which the client finds to be unsatisfactory or does  
5 not understand.

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

22 (3) COMMUNICATION. The counsel will keep the client  
23 reasonably informed about the status of representation and will  
24 promptly respond to reasonable requests for information,  
25 including any reasonable request for an estimate respecting  
26 future costs of the representation or an appropriate portion of

1 it. The client shall be truthful in all discussions with the  
2 counsel and provide all information or documentation required  
3 to enable the counsel to provide competent representation.  
4 During representation, the client is entitled to receive all  
5 pleadings and substantive documents prepared on behalf of the  
6 client and every document received from any other counsel of  
7 record. At the end of the representation and on written request  
8 from the client, the counsel will return to the client all  
9 original documents and exhibits. In the event that the counsel  
10 withdraws from representation, or is discharged by the client,  
11 the counsel will turn over to the substituting counsel (or, if  
12 no substitutions, to the client) all original documents and  
13 exhibits together with complete copies of all pleadings and  
14 discovery within thirty (30) days of the counsel's withdrawal  
15 or discharge.

16 (4) ETHICAL CONDUCT. The counsel cannot be required to  
17 engage in conduct which is illegal, unethical, or fraudulent.  
18 In matters involving minor children, the counsel may refuse to  
19 engage in conduct which, in the counsel's professional  
20 judgment, would be contrary to the best interest of the  
21 client's minor child or children. A counsel who cannot  
22 ethically abide by his client's directions shall be allowed to  
23 withdraw from representation.

24 (5) FEES. The counsel's fee for services may not be  
25 contingent upon the securing of a dissolution of marriage or ~~7~~  
26 upon being allocated parental responsibility ~~obtaining~~

1 ~~custody,~~ or be based upon the amount of maintenance, child  
2 support, or property settlement received, except as  
3 specifically permitted under Supreme Court rules. The counsel  
4 may not require a non-refundable retainer fee, but must remit  
5 back any overpayment at the end of the representation. The  
6 counsel may enter into a consensual security arrangement with  
7 the client whereby assets of the client are pledged to secure  
8 payment of legal fees or costs, but only if the counsel first  
9 obtains approval of the Court. The counsel will prepare and  
10 provide the client with an itemized billing statement detailing  
11 hourly rates (and/or other criteria), time spent, tasks  
12 performed, and costs incurred on a regular basis, at least  
13 quarterly. The client should review each billing statement  
14 promptly and address any objection or error in a timely manner.  
15 The client will not be billed for time spent to explain or  
16 correct a billing statement. If an appropriately detailed  
17 written estimate is submitted to a client as to future costs  
18 for a counsel's representation or a portion of the contemplated  
19 services (i.e., relative to specific steps recommended by the  
20 counsel in the estimate) and, without objection from the  
21 client, the counsel then performs the contemplated services,  
22 all such services are presumptively reasonable and necessary,  
23 as well as to be deemed pursuant to the client's direction. In  
24 an appropriate case, the client may pursue contribution to his  
25 or her fees and costs from the other party.

26 (6) DISPUTES. The counsel-client relationship is regulated

1 by the Illinois Rules of Professional Conduct (Article VIII of  
2 the Illinois Supreme Court Rules), and any dispute shall be  
3 reviewed under the terms of such Rules."

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

7 (1) Subdivisions (c)(1) and (c)(2) of this Section 508,  
8 as well as provisions of subdivision (c)(3) of this Section  
9 508 pertaining to written engagement agreements, apply  
10 only to cases filed on or after June 1, 1997.

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

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

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

15 (C) The changes to this Section 508 made by this  
16 amendatory Act of 1996 pertaining to the final setting  
17 of fees.

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

19 (750 ILCS 5/509) (from Ch. 40, par. 509)

20 Sec. 509. Independence of Provisions of Judgment or  
21 Temporary Order.→ If a party fails to comply with a provision  
22 of a judgment, order or injunction, the obligation of the other  
23 party to make payments for support or maintenance or to permit  
24 visitation or parenting time is not suspended; but he may move  
25 the court to grant an appropriate order.

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

2 (750 ILCS 5/510) (from Ch. 40, par. 510)

3 Sec. 510. Modification and termination of provisions for  
4 maintenance, support, educational expenses, and property  
5 disposition.

6 (a) Except as otherwise provided in paragraph (f) of  
7 Section 502 and in subsection (b), clause (3) of Section 505.2,  
8 the provisions of any judgment respecting maintenance or  
9 support may be modified only as to installments accruing  
10 subsequent to due notice by the moving party of the filing of  
11 the motion for modification. An order for child support may be  
12 modified as follows:

13 (1) upon a showing of a substantial change in  
14 circumstances; and

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

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

1           (B) upon a showing of a need to provide for the  
2           health care needs of the child under the order through  
3           health insurance or other means. In no event shall the  
4           eligibility for or receipt of medical assistance be  
5           considered to meet the need to provide for the child's  
6           health care needs.

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

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

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

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

24                 (3) any impairment of the present and future earning  
25                 capacity of either party;

26                 (4) the tax consequences of the maintenance payments

1 upon the respective economic circumstances of the parties;

2 (5) the duration of the maintenance payments  
3 previously paid (and remaining to be paid) relative to the  
4 length of the marriage;

5 (6) the property, including retirement benefits,  
6 awarded to each party under the judgment of dissolution of  
7 marriage, judgment of legal separation, or judgment of  
8 declaration of invalidity of marriage and the present  
9 status of the property;

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

13 (8) the property acquired and currently owned by each  
14 party after the entry of the judgment of dissolution of  
15 marriage, judgment of legal separation, or judgment of  
16 declaration of invalidity of marriage; and

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

19 (a-6) In a review under subsection (b-4.5) of Section 504  
20 of this Act, the court may enter a fixed-term maintenance award  
21 that bars future maintenance only if at the time of the entry  
22 of the award, the marriage had lasted 10 years or less at the  
23 time the original action was commenced.

24 (b) The provisions as to property disposition may not be  
25 revoked or modified, unless the court finds the existence of  
26 conditions that justify the reopening of a judgment under the

1 laws of this State.

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

26 (c-5) In an adjudicated case, the court shall make specific

1 factual findings as to the reason for the modification as well  
2 as the amount, nature, and duration of the modified maintenance  
3 award.

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

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

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

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

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

12 (750 ILCS 5/512) (from Ch. 40, par. 512)

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

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

22 (b) If one or both of the parties then resides in the  
23 judicial circuit wherein the judgment was entered or last  
24 modified, further proceedings shall be had in the judicial  
25 circuit that last exercised jurisdiction in the matter;

1 provided, however, that the court may in its discretion,  
2 transfer matters involving a change in the allocation of  
3 parental responsibility ~~child custody~~ to the judicial circuit  
4 where the minor or dependent child resides.

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

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

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

18 (750 ILCS 5/513) (from Ch. 40, par. 513)

19 Sec. 513. Educational Expenses ~~Support~~ for a Non-minor  
20 Child ~~Children and Educational Expenses~~.

21 (a) The court may award sums of money out of the property  
22 and income of either or both parties or the estate of a  
23 deceased parent, as equity may require, for the educational  
24 expenses ~~support~~ of any ~~the~~ ~~child~~ ~~or~~ ~~children~~ of the parties.  
25 Unless otherwise agreed to by the parties, all educational

1 expenses which are the subject of a petition brought pursuant  
2 to this Section shall be incurred no later than the student's  
3 23rd birthday, except for good cause shown, but in no event  
4 later than the child's 25th birthday.

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

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

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

23 (1) except for good cause shown, the actual cost of the  
24 child's post-secondary expenses, including tuition and  
25 fees, provided that the cost for tuition and fees does not  
26 exceed the amount of tuition and fees paid by a student at

1 the University of Illinois at Urbana-Champaign for the same  
2 academic year;

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

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

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

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

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

22 (5) the cost of books and other supplies necessary to  
23 attend college.

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

1 sees fit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (3) The financial resources of the child.

19 (4) The child's academic performance.

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

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

25 (750 ILCS 5/513.5 new)

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

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

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

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

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

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

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

14          (c) As used in this Section:

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

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

21               (750 ILCS 5/Pt. VI heading)

22                               PART VI

23                       ALLOCATION OF PARENTAL RESPONSIBILITIES ~~CUSTODY~~

24               (750 ILCS 5/600 new)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (g) "Relocation" means:

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

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

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

16 (h) "Religious upbringing" means the choice of religion or  
17 denomination of a religion, religious schooling, religious  
18 training, or participation in religious customs or practices.

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

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

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

25 (l) "Step-parent" means a person married to a child's  
26 parent, including a person married to the child's parent

1 immediately prior to the parent's death.

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

4 (750 ILCS 5/601.2 new)

5 Sec. 601.2. Jurisdiction; commencement of proceeding.

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

11 (b) A proceeding for allocation of parental  
12 responsibilities with respect to a child is commenced in the  
13 court:

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

16 (2) by filing a petition for allocation of parental  
17 responsibilities with respect to the child in the county in  
18 which the child resides;

19 (3) by a person other than a parent, by filing a  
20 petition for allocation of parental responsibilities in  
21 the county in which the child is permanently resident or  
22 found, but only if he or she is not in the physical custody  
23 of one of his or her parents;

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

1           (A) the parent having the majority of parenting  
2           time is deceased or is disabled and cannot perform the  
3           duties of a parent to the child;

4           (B) the step-parent provided for the care,  
5           control, and welfare of the child prior to the  
6           initiation of proceedings for allocation of parental  
7           responsibilities;

8           (C) the child wishes to live with the step-parent;  
9           and

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

13           (5) when one of the parents is deceased, by a  
14           grandparent who is a parent or step-parent of a deceased  
15           parent, by filing a petition, if one or more of the  
16           following existed at the time of the parent's death:

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

20           (B) the surviving parent was in State or federal  
21           custody; or

22           (C) the surviving parent had: (i) received  
23           supervision for or been convicted of any violation of  
24           Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,  
25           11-1.70, 12C-5, 12C-10, 12C-35, 12C-40, 12C-45, 18-6,  
26           19-6, or Article 12 of the Criminal Code of 1961 or the

1 Criminal Code of 2012 directed towards the deceased  
2 parent or the child; or (ii) received supervision or  
3 been convicted of violating an order of protection  
4 entered under Section 217, 218, or 219 of the Illinois  
5 Domestic Violence Act of 1986 for the protection of the  
6 deceased parent or the child.

7 (c) When a proceeding for allocation of parental  
8 responsibilities is commenced, the party commencing the action  
9 must, at least 30 days before any hearing on the petition,  
10 serve a written notice and a copy of the petition on the  
11 child's parent, guardian, person currently allocated parental  
12 responsibilities pursuant to subdivision (b) (4) or (b) (5) of  
13 Section 601.2, and any person with a pending motion for  
14 allocation of parental responsibilities with respect to the  
15 child. Nothing in this Section shall preclude a party in a  
16 proceeding for allocation of parental responsibilities from  
17 moving for a temporary order under Section 603.5.

18 (750 ILCS 5/602.3)

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

20 (a) If the court awards joint parenting time to both  
21 parents ~~custody under Section 602.1 or visitation rights under~~  
22 ~~Section 607~~ 602.7 or 602.8, the court may consider, consistent  
23 with the best interests ~~interest~~ of the child as defined in  
24 Section 602.7 ~~Section 602~~, whether to award to one or both of  
25 the parties the right of first refusal to provide child care

1 for the minor child or children during the other parent's  
2 normal parenting time, unless the need for child care is  
3 attributable to an emergency.

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

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

17 (2) notification to the other parent and for his or her  
18 response;

19 (3) transportation requirements; and

20 (4) any other action necessary to protect and promote  
21 the best interest of the minor child or children.

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

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

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

2 (750 ILCS 5/602.5 new)

3 Sec. 602.5. Allocation of parental responsibilities:  
4 decision-making.

5 (a) Generally. The court shall allocate decision-making  
6 responsibilities according to the child's best interests.  
7 Nothing in this Act requires that each parent be allocated  
8 decision-making responsibilities.

9 (b) Allocation of significant decision-making  
10 responsibilities. Unless the parents otherwise agree in  
11 writing on an allocation of significant decision-making  
12 responsibilities, the court shall make the determination. The  
13 court shall allocate to one or both of the parents the  
14 significant decision-making responsibility for each  
15 significant issue affecting the child. Those significant  
16 issues shall include, without limitation, the following:

17 (1) Education, including the choice of schools and  
18 tutors.

19 (2) Health, including all decisions relating to the  
20 medical, dental, and psychological needs of the child and  
21 to the treatments arising or resulting from those needs.

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

23 (A) The court shall allocate decision-making  
24 responsibility for the child's religious upbringing in  
25 accordance with any express or implied agreement

1           between the parents.

2           (B) The court shall consider evidence of the  
3           parents' past conduct as to the child's religious  
4           upbringing in allocating decision-making  
5           responsibilities consistent with demonstrated past  
6           conduct in the absence of an express or implied  
7           agreement between the parents.

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

15          (4) Extracurricular activities.

16          (c) Determination of child's best interests. In  
17          determining the child's best interests for purposes of  
18          allocating significant decision-making responsibilities, the  
19          court shall consider all relevant factors, including, without  
20          limitation, the following:

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

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

26               (3) the mental and physical health of all individuals

1 involved;

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

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

7 (6) any prior agreement or course of conduct between  
8 the parents relating to decision-making with respect to the  
9 child;

10 (7) the wishes of the parents;

11 (8) the child's needs;

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

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

18 (11) the willingness and ability of each parent to  
19 facilitate and encourage a close and continuing  
20 relationship between the other parent and the child;

21 (12) the physical violence or threat of physical  
22 violence by the child's parent directed against the child;

23 (13) the occurrence of abuse against the child or other  
24 member of the child's household;

25 (14) whether one of the parents is a sex offender, and  
26 if so, the exact nature of the offense and what, if any,

1 treatment in which the parent has successfully  
2 participated; and

3 (15) any other factor that the court expressly finds to  
4 be relevant.

5 (d) A parent shall have sole responsibility for making  
6 routine decisions with respect to the child and for emergency  
7 decisions affecting the child's health and safety during that  
8 parent's parenting time.

9 (e) In allocating significant decision-making  
10 responsibilities, the court shall not consider conduct of a  
11 parent that does not affect that parent's relationship to the  
12 child.

13 (750 ILCS 5/602.7 new)

14 Sec. 602.7. Allocation of parental responsibilities:  
15 parenting time.

16 (a) Best interests. The court shall allocate parenting time  
17 according to the child's best interests.

18 (b) Allocation of parenting time. Unless the parents  
19 present a mutually agreed written parenting plan and that plan  
20 is approved by the court, the court shall allocate parenting  
21 time. It is presumed both parents are fit and the court shall  
22 not place any restrictions on parenting time as defined in  
23 Section 600 and described in Section 603.10, unless it finds by  
24 a preponderance of the evidence that a parent's exercise of  
25 parenting time would seriously endanger the child's physical,

1 mental, moral, or emotional health.

2 In determining the child's best interests for purposes of  
3 allocating parenting time, the court shall consider all  
4 relevant factors, including, without limitation, the  
5 following:

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

7 (2) the wishes of the child, taking into account the  
8 child's maturity and ability to express reasoned and  
9 independent preferences as to parenting time;

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

15 (4) any prior agreement or course of conduct between  
16 the parents relating to caretaking functions with respect  
17 to the child;

18 (5) the interaction and interrelationship of the child  
19 with his or her parents and siblings and with any other  
20 person who may significantly affect the child's best  
21 interests;

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

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

26 (8) the child's needs;

1           (9) the distance between the parents' residences, the  
2           cost and difficulty of transporting the child, each  
3           parent's and the child's daily schedules, and the ability  
4           of the parents to cooperate in the arrangement;

5           (10) whether a restriction on parenting time is  
6           appropriate;

7           (11) the physical violence or threat of physical  
8           violence by the child's parent directed against the child  
9           or other member of the child's household;

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

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

15           (14) the occurrence of abuse against the child or other  
16           member of the child's household;

17           (15) whether one of the parents is a convicted sex  
18           offender or lives with a convicted sex offender and, if so,  
19           the exact nature of the offense and what if any treatment  
20           the offender has successfully participated in; the parties  
21           are entitled to a hearing on the issues raised in this  
22           paragraph (15);

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

1           (17) any other factor that the court expressly finds to  
2           be relevant.

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

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

10          (e) Upon motion, the court may allow a parent who is  
11          deployed or who has orders to be deployed as a member of the  
12          United States Armed Forces to designate a person known to the  
13          child to exercise reasonable substitute visitation on behalf of  
14          the deployed parent, if the court determines that substitute  
15          visitation is in the best interests of the child. In  
16          determining whether substitute visitation is in the best  
17          interests of the child, the court shall consider all of the  
18          relevant factors listed in subsection (b) of this Section and  
19          apply those factors to the person designated as a substitute  
20          for the deployed parent for visitation purposes. Visitation  
21          orders entered under this subsection are subject to subsections  
22          (e) and (f) of Section 602.9 and subsections (c) and (d) of  
23          Section 603.10.

24          (f) If the street address of a parent is not identified  
25          pursuant to Section 708 of this Act, the court shall require  
26          the parties to identify reasonable alternative arrangements

1 for parenting time by the other parent including, but not  
2 limited to, parenting time of the minor child at the residence  
3 of another person or at a local public or private facility.

4 (750 ILCS 5/602.8 new)

5 Sec. 602.8. Parenting time by parents not allocated  
6 significant decision-making responsibilities.

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

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

22 (c) If the street address of the parent allocated parental  
23 responsibilities is not identified, pursuant to Section 708 of  
24 this Act, the court shall require the parties to identify  
25 reasonable alternative arrangements for parenting time by a

1 parent not allocated parental responsibilities, including but  
2 not limited to parenting time of the minor child at the  
3 residence of another person or at a local public or private  
4 facility.

5 (750 ILCS 5/602.9 new)

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

7 (a) As used in this Section:

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

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

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

22 (4) "visitation" means in-person time spent between a  
23 child and the child's grandparent, great-grandparent,  
24 sibling, step-parent, or any person designated under  
25 subsection (e) of Section 602.7. In appropriate

1 circumstances, visitation may include electronic  
2 communication under conditions and at times determined by  
3 the court.

4 (b) General provisions.

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

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

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

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

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

26 (D) who has been previously adopted by an

1 individual or individuals who are not related to the  
2 biological parents of the child or who is the subject  
3 of a pending adoption petition by an individual or  
4 individuals who are not related to the biological  
5 parents of the child; or

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

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

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

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

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

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

26 (C) the mental and physical health of the

1 grandparent, great-grandparent, sibling, or  
2 step-parent;

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (C) a parent has been incarcerated in jail or

1           prison for a period in excess of 90 days immediately  
2           prior to the filing of the petition; or

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

22           (E) the child is born to parents who are not  
23           married to each other, the parents are not living  
24           together, and the petitioner is a grandparent,  
25           great-grandparent, step-parent, or sibling of the  
26           child, and parentage has been established by a court of

1 competent jurisdiction.

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

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

7 (B) whether the child had frequent and regular  
8 contact or visitation with the petitioner for at least  
9 12 consecutive months; and

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

15 (3) An order granting visitation privileges under this  
16 Section is subject to subsections (c) and (d) of Section  
17 603.10.

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

23 (d) Modification of visitation orders.

24 (1) Unless by stipulation of the parties, no motion to  
25 modify a grandparent, great-grandparent, sibling, or  
26 step-parent visitation order may be made earlier than 2

1 years after the date the order was filed, unless the court  
2 permits it to be made on the basis of affidavits that there  
3 is reason to believe the child's present environment may  
4 endanger seriously the child's mental, physical, or  
5 emotional health.

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

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

25 (4) Attorney's fees and costs shall be assessed against  
26 a party seeking modification of the visitation order if the

1 court finds that the modification action is vexatious and  
2 constitutes harassment.

3 (e) No child's grandparent, great-grandparent, sibling, or  
4 step-parent, or any person to whom the court is considering  
5 granting visitation privileges pursuant to subsection (e) of  
6 Section 602.7, who was convicted of any offense involving an  
7 illegal sex act perpetrated upon a victim less than 18 years of  
8 age including, but not limited to, offenses for violations of  
9 Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-1.70,  
10 or Article 12 of the Criminal Code of 1961 or the Criminal Code  
11 of 2012, is entitled to visitation while incarcerated or while  
12 on parole, probation, conditional discharge, periodic  
13 imprisonment, or mandatory supervised release for that  
14 offense, and upon discharge from incarceration for a  
15 misdemeanor offense or upon discharge from parole, probation,  
16 conditional discharge, periodic imprisonment, or mandatory  
17 supervised release for a felony offense. Visitation shall be  
18 denied until the person successfully completes a treatment  
19 program approved by the court. Upon completion of treatment,  
20 the court may deny visitation based on the factors listed in  
21 subdivision (b) (5) of Section 607 of this Act.

22 (f) No child's grandparent, great-grandparent, sibling, or  
23 step-parent, or any person to whom the court is considering  
24 granting visitation privileges pursuant to subsection (e) of  
25 Section 602.7, may be granted visitation if he or she has been  
26 convicted of first degree murder of a parent, grandparent,

1 great-grandparent, or sibling of the child who is the subject  
2 of the visitation request. Pursuant to a motion to modify  
3 visitation, the court shall revoke visitation rights  
4 previously granted to any person who would otherwise be  
5 entitled to petition for visitation rights under this Section  
6 or granted visitation under subsection (e) of Section 602.7, if  
7 the person has been convicted of first degree murder of a  
8 parent, grandparent, great-grandparent, or sibling of the  
9 child who is the subject of the visitation order. Until an  
10 order is entered pursuant to this subsection, no person may  
11 visit, with the child present, a person who has been convicted  
12 of first degree murder of the parent, grandparent,  
13 great-grandparent, or sibling of the child without the consent  
14 of the child's parent, other than a parent convicted of first  
15 degree murder as set forth herein, or legal guardian.

16 (750 ILCS 5/602.10 new)

17 Sec. 602.10. Parenting plan.

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

24 (b) No parenting plan filed. In the absence of filing of  
25 one or more parenting plans, the court must conduct an

1 evidentiary hearing to allocate parental responsibilities.

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

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

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

1 be based on the child's best interests. The filing of the plan  
2 may be excused by the court if:

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

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

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

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

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

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

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

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

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

25 (4) each parent's right of access to medical, dental,  
26 and psychological records (subject to the Mental Health and

1 Developmental Disabilities Confidentiality Act), child  
2 care records, and school and extracurricular records,  
3 reports, and schedules, unless expressly denied by a court  
4 order or denied under subsection (g) of Section 602.5;

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

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

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

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

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

22 and

23 (B) the address of the new residence;

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

1           (10) transportation arrangements between the parents;

2           (11) provisions for communications, including  
3 electronic communications, with the child during the other  
4 parent's parenting time;

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

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

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

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

15               (ii) notification to the other parent and for his  
16 or her response;

17               (iii) transportation requirements; and

18               (iv) any other provision related to the exercise of  
19 the right of first refusal necessary to protect and  
20 promote the best interests of the minor child; and

21           (15) any other provision that addresses the child's  
22 best interests or that will otherwise facilitate  
23 cooperation between the parents.

24           The personal information under items (6), (7), and (8) of  
25 this subsection is not required if there is evidence of or the  
26 parenting plan states that there is a history of domestic

1 violence or abuse, or it is shown that the release of the  
2 information is not in the child's or parent's best interests.

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

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

13 (750 ILCS 5/603.5 new)

14 Sec. 603.5. Temporary orders.

15 (a) A court may order a temporary allocation of parental  
16 responsibilities in the child's best interests before the entry  
17 of a final allocation judgment. Any temporary allocation shall  
18 be made in accordance with the standards set forth in Sections  
19 602.5 and 602.7: (i) after a hearing; or (ii) if there is no  
20 objection, on the basis of a parenting plan that, at a minimum,  
21 complies with subsection (f) of Section 602.10.

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

1 601.5.

2 (750 ILCS 5/603.10 new)

3 Sec. 603.10. Restriction of parental responsibilities.

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

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

15 (2) supervision, including ordering the Department of  
16 Children and Family Services to exercise continuing  
17 supervision under Section 5 of the Children and Family  
18 Services Act;

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

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

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

1 immediately preceding the exercise of parenting time;

2 (6) restricting the presence of specific persons while  
3 a parent is exercising parenting time with the child;

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

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

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

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

25 (1) abuse, neglect, or abandonment of the child;

26 (2) abusing or allowing abuse of another person that

1 had an impact upon the child;

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

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

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

23 (d) If parenting time of a parent is restricted, an order  
24 granting visitation to a non-parent with a child or an order  
25 granting parenting time to the other parent shall contain the  
26 following language:

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

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

20           (f) A parent may not, while the child is present, visit any  
21           person granted visitation or parenting time who has been  
22           convicted of first degree murder, unless the court finds, after  
23           considering all relevant factors, including those set forth in  
24           subsection (b) of Section 602.7, that it would be in the  
25           child's best interests to allow the child to be present during  
26           such a visit.

1 (750 ILCS 5/604.10 new)

2 Sec. 604.10. Interviews; evaluations; investigation.

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

11 (b) Court's professional. The court may seek the advice of  
12 any professional, whether or not regularly employed by the  
13 court, to assist the court in determining the child's best  
14 interests. The advice to the court shall be in writing and sent  
15 by the professional to counsel for the parties and to the  
16 court, under seal. The writing may be admitted into evidence  
17 without testimony from its author, unless a party objects. A  
18 professional consulted by the court shall testify as the  
19 court's witness and be subject to cross-examination. The court  
20 shall order all costs and fees of the professional to be paid  
21 by one or more of the parties, subject to reallocation in  
22 accordance with subsection (a) of Section 508.

23 The professional's report must, at a minimum, set forth the  
24 following:

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

- 1       evaluation;
- 2           (2) a report of the data collected;
- 3           (3) all test results;
- 4           (4) any conclusions of the professional relating to the  
5       allocation of parental responsibilities under Sections  
6       602.5 and 602.7;
- 7           (5) any recommendations of the professional concerning  
8       the allocation of parental responsibilities or the child's  
9       relocation; and
- 10          (6) an explanation of any limitations in the evaluation  
11       or any reservations of the professional regarding the  
12       resulting recommendations.

13       The professional shall send his or her report to all  
14       attorneys of record, and to any party not represented, at least  
15       60 days before the hearing on the allocation of parental  
16       responsibilities. The court shall examine and consider the  
17       professional's report only after it has been admitted into  
18       evidence or after the parties have waived their right to  
19       cross-examine the professional.

20       (c) Evaluation by a party's retained professional. In a  
21       proceeding to allocate parental responsibilities or to  
22       relocate a child, upon notice and motion made by a parent or  
23       any party to the litigation within a reasonable time before  
24       trial, the court shall order an evaluation to assist the court  
25       in determining the child's best interests unless the court  
26       finds that an evaluation under this Section is untimely or not

1 in the best interests of the child. The evaluation may be in  
2 place of or in addition to any advice given to the court by a  
3 professional under subsection (b). A motion for an evaluation  
4 under this subsection must, at a minimum, identify the proposed  
5 evaluator and the evaluator's specialty or discipline. An order  
6 for an evaluation under this subsection must set forth the  
7 evaluator's name, address, and telephone number and the time,  
8 place, conditions, and scope of the evaluation. No person shall  
9 be required to travel an unreasonable distance for the  
10 evaluation. The party requesting the evaluation shall pay the  
11 evaluator's fees and costs unless otherwise ordered by the  
12 court.

13 The evaluator's report must, at a minimum, set forth the  
14 following:

15 (1) a description of the procedures employed during the  
16 evaluation;

17 (2) a report of the data collected;

18 (3) all test results;

19 (4) any conclusions of the evaluator relating to the  
20 allocation of parental responsibilities under Sections  
21 602.5 and 602.7;

22 (5) any recommendations of the evaluator concerning  
23 the allocation of parental responsibilities or the child's  
24 relocation; and

25 (6) an explanation of any limitations in the evaluation  
26 or any reservations of the evaluator regarding the

1 resulting recommendations.

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

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

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

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

26 The investigator's report must, at a minimum, set forth the

1 following:

2 (1) a description of the procedures employed during the  
3 investigation;

4 (2) a report of the data collected;

5 (3) all test results;

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

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

12 (6) an explanation of any limitations in the  
13 investigation or any reservations of the investigator  
14 regarding the resulting recommendations.

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

22 The investigator shall make available to all attorneys of  
23 record, and to any party not represented, the investigator's  
24 file, and the names and addresses of all persons whom the  
25 investigator has consulted, except that if such disclosure  
26 would risk abuse to the party or any member of the party's

1 immediate family or household or reveal the confidential  
2 address of a shelter for domestic violence victims, that  
3 address may be omitted from the report. Any party to the  
4 proceeding may call the investigator, or any person consulted  
5 by the investigator as a court's witness, for  
6 cross-examination. No fees shall be paid for any investigation  
7 by a governmental agency. The fees incurred by any other  
8 investigator shall be allocated in accordance with Section 508.

9 (750 ILCS 5/606.5 new)

10 Sec. 606.5. Hearings.

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

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

15 (c) Previous statements made by the child relating to any  
16 allegations that the child is an abused or neglected child  
17 within the meaning of the Abused and Neglected Child Reporting  
18 Act, or an abused or neglected minor within the meaning of the  
19 Juvenile Court Act of 1987, shall be admissible in evidence in  
20 a hearing concerning allocation of parental responsibilities  
21 in accordance with Section 11.1 of the Abused and Neglected  
22 Child Reporting Act. No such statement, however, if  
23 uncorroborated and not subject to cross examination, shall be  
24 sufficient in itself to support a finding of abuse or neglect.

25 (d) If the court finds that a public hearing may be

1 detrimental to the child's best interests, the court shall  
2 exclude the public from the hearing, but the court may admit  
3 any person having:

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

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

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

10 (750 ILCS 5/606.10 new)

11 Sec. 606.10. Designation of custodian for purposes of other  
12 statutes. Solely for the purposes of all State and federal  
13 statutes that require a designation or determination of custody  
14 or a custodian, a parenting plan shall designate the parent who  
15 is allocated the majority of parenting time. This designation  
16 shall not affect parents' rights and responsibilities under the  
17 parenting plan. For purposes of Section 10-20.12b of the School  
18 Code only, the parent with the majority of parenting time is  
19 considered to have legal custody.

20 (750 ILCS 5/607.5 new)

21 Sec. 607.5. Abuse of allocated parenting time.

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

24 (b) An action for the enforcement of allocated parenting

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

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

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

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

26 (3) upon consideration of all relevant factors,

1 particularly a history or possibility of domestic  
2 violence, a requirement that the parties participate in  
3 family or individual counseling, the expense of which shall  
4 be allocated by the court;

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

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

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

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

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

25 (7) an imposition on the non-complying parent of an  
26 appropriate civil fine per incident of denied parenting

1 time;

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

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

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

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

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

25 (1) Suspension of a party's Illinois driving  
26 privileges pursuant to Section 7-703 of the Illinois

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

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

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

16 (A) work; or

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

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

23 (g) When the court issues an order holding a party in  
24 contempt of court for violation of a parenting order, the clerk  
25 shall transmit a copy of the contempt order to the sheriff of  
26 the county. The sheriff shall furnish a copy of each contempt

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

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

8 (750 ILCS 5/609.2 new)

9 Sec. 609.2. Parent's relocation.

10 (a) A parent's relocation constitutes a substantial change  
11 in circumstances for purposes of Section 610.5.

12 (b) A parent who has been allocated a majority of parenting  
13 time or either parent who has been allocated equal parenting  
14 time may seek to relocate with a child.

15 (c) A parent intending a relocation, as that term is  
16 defined in paragraph (1), (2), or (3) of subsection (g) of  
17 Section 600 of this Act, must provide written notice of the  
18 relocation to the other parent under the parenting plan or  
19 allocation judgment. A copy of the notice required under this  
20 Section shall be filed with the clerk of the circuit court. The  
21 court may waive or seal some or all of the information required  
22 in the notice if there is a history of domestic violence.

23 (d) The notice must provide at least 60 days' written  
24 notice before the relocation unless such notice is  
25 impracticable (in which case written notice shall be given at

1 the earliest date practicable) or unless otherwise ordered by  
2 the court. At a minimum, the notice must set forth the  
3 following:

4 (1) the intended date of the parent's relocation;

5 (2) the address of the parent's intended new residence,  
6 if known; and

7 (3) the length of time the relocation will last, if the  
8 relocation is not for an indefinite or permanent period.

9 The court may consider a parent's failure to comply with  
10 the notice requirements of this Section without good cause (i)  
11 as a factor in determining whether the parent's relocation is  
12 in good faith; and (ii) as a basis for awarding reasonable  
13 attorney's fees and costs resulting from the parent's failure  
14 to comply with these provisions.

15 (e) If the non-relocating parent signs the notice that was  
16 provided pursuant to subsection (c) and the relocating parent  
17 files the notice with the court, relocation shall be allowed  
18 without any further court action. The court shall modify the  
19 parenting plan or allocation judgment to accommodate a parent's  
20 relocation as agreed by the parents, as long as the agreed  
21 modification is in the child's best interests.

22 (f) If the non-relocating parent objects to the relocation,  
23 fails to sign the notice provided under subsection (c), or the  
24 parents cannot agree on modification of the parenting plan or  
25 allocation judgment, the parent seeking relocation must file a  
26 petition seeking permission to relocate.

1       (g) The court shall modify the parenting plan or allocation  
2 judgment in accordance with the child's best interests. The  
3 court shall consider the following factors:

4           (1) the circumstances and reasons for the intended  
5 relocation;

6           (2) the reasons, if any, why a parent is objecting to  
7 the intended relocation;

8           (3) the history and quality of each parent's  
9 relationship with the child and specifically whether a  
10 parent has substantially failed or refused to exercise the  
11 parental responsibilities allocated to him or her under the  
12 parenting plan or allocation judgment;

13           (4) the educational opportunities for the child at the  
14 existing location and at the proposed new location;

15           (5) the presence or absence of extended family at the  
16 existing location and at the proposed new location;

17           (6) the anticipated impact of the relocation on the  
18 child;

19           (7) whether the court will be able to fashion a  
20 reasonable allocation of parental responsibilities between  
21 all parents if the relocation occurs;

22           (8) the wishes of the child, taking into account the  
23 child's maturity and ability to express reasoned and  
24 independent preferences as to relocation;

25           (9) possible arrangements for the exercise of parental  
26 responsibilities appropriate to the parents' resources and

1 circumstances and the developmental level of the child;

2 (10) minimization of the impairment to a parent-child  
3 relationship caused by a parent's relocation; and

4 (11) any other relevant factors bearing on the child's  
5 best interests.

6 (h) If a parent moves with the child 25 miles or less from  
7 the child's current primary residence to a new primary  
8 residence outside Illinois, Illinois continues to be the home  
9 state of the child under subsection (c) of Section 202 of the  
10 Uniform Child-Custody Jurisdiction and Enforcement Act. Any  
11 subsequent move from the new primary residence outside Illinois  
12 greater than 25 miles from the child's original primary  
13 residence in Illinois must be in compliance with the provisions  
14 of this Section.

15 (750 ILCS 5/610.5 new)

16 Sec. 610.5. Modification.

17 (a) Unless by stipulation of the parties or except as  
18 provided in subsection (b) of this Section or Section 603.10 of  
19 this Act, no motion to modify an order allocating parental  
20 responsibilities may be made earlier than 2 years after its  
21 date, unless the court permits it to be made on the basis of  
22 affidavits that there is reason to believe the child's present  
23 environment may endanger seriously his or her mental, moral, or  
24 physical health or significantly impair the child's emotional  
25 development.

1       (b) A motion to modify an order allocating parental  
2 responsibilities may be made at any time by a party who has  
3 been informed of the existence of facts requiring notice to be  
4 given under Section 609.5 of this Act.

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

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

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

23           (1) the modification reflects the actual arrangement  
24 under which the child has been receiving care, without  
25 parental objection, for the 6 months preceding the filing  
26 of the petition for modification, provided that the

1 arrangement is not the result of a parent's acquiescence  
2 resulting from circumstances that negated the parent's  
3 ability to give meaningful consent;

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

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

11 (4) the parties agree to the modification.

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

18 (750 ILCS 5/801) (from Ch. 40, par. 801)

19 Sec. 801. Application.†

20 (a) This Act applies to all proceedings commenced on or  
21 after its effective date.

22 (b) This Act applies to all pending actions and proceedings  
23 commenced prior to its effective date with respect to issues on  
24 which a judgment has not been entered. Evidence adduced after  
25 the effective date of this Act shall be in compliance with this

1 Act.

2 (c) This Act applies to all proceedings commenced after its  
3 effective date for the modification of a judgment or order  
4 entered prior to the effective date of this Act. ~~Alimony in  
5 gross or settlements in lieu of alimony provided for in  
6 judgments entered prior to October 1, 1977 shall not be  
7 modifiable or terminable as maintenance thereafter.~~

8 (d) In any action or proceeding in which an appeal was  
9 pending or a new trial was ordered prior to the effective date  
10 of this Act, the law in effect at the time of the order  
11 sustaining the appeal or the new trial governs the appeal, the  
12 new trial, and any subsequent trial or appeal.

13 (e) On and after the effective date of this amendatory Act  
14 of the 99th General Assembly, the term "parenting time" is used  
15 in place of "visitation" with respect to time during which a  
16 parent is responsible for exercising caretaking functions and  
17 non-significant decision-making responsibilities concerning  
18 the child. On and after the effective date of this amendatory  
19 Act of the 99th General Assembly, the term "parental  
20 responsibility" is used in place of "custody" and related terms  
21 such as "custodial" and "custodian". It is not the intent of  
22 the General Assembly to modify or change the rights arising  
23 under any order entered concerning custody or visitation prior  
24 to the effective date of this amendatory Act of the 99th  
25 General Assembly.

26 (Source: P.A. 82-566.)

- 1 (750 ILCS 5/406 rep.)
- 2 (750 ILCS 5/407 rep.)
- 3 (750 ILCS 5/408 rep.)
- 4 (750 ILCS 5/412 rep.)
- 5 (750 ILCS 5/514 rep.)
- 6 (750 ILCS 5/515 rep.)
- 7 (750 ILCS 5/516 rep.)
- 8 (750 ILCS 5/517 rep.)
- 9 (750 ILCS 5/601 rep.)
- 10 (750 ILCS 5/601.5 rep.)
- 11 (750 ILCS 5/602 rep.)
- 12 (750 ILCS 5/602.1 rep.)
- 13 (750 ILCS 5/603 rep.)
- 14 (750 ILCS 5/604 rep.)
- 15 (750 ILCS 5/604.5 rep.)
- 16 (750 ILCS 5/605 rep.)
- 17 (750 ILCS 5/606 rep.)
- 18 (750 ILCS 5/607 rep.)
- 19 (750 ILCS 5/607.1 rep.)
- 20 (750 ILCS 5/608 rep.)
- 21 (750 ILCS 5/609 rep.)
- 22 (750 ILCS 5/610 rep.)
- 23 (750 ILCS 5/611 rep.)
- 24 (750 ILCS 5/701 rep.)
- 25 (750 ILCS 5/703 rep.)

1           Section 5-20. The Illinois Marriage and Dissolution of  
2 Marriage Act is amended by repealing Sections 406, 407, 408,  
3 412, 514, 515, 516, 517, 601, 601.5, 602, 602.1, 603, 604,  
4 604.5, 605, 606, 607, 607.1, 608, 609, 610, 611, 701, and 703.

5           Section 5-23. The Uniform Child-Custody Jurisdiction and  
6 Enforcement Act is amended by changing Section 202 as follows:

7           (750 ILCS 36/202)

8           Sec. 202. Exclusive, Continuing Jurisdiction.

9           (a) Except as otherwise provided in Section 204, a court of  
10 this State which has made a child-custody determination  
11 consistent with Section 201 or 203 has exclusive, continuing  
12 jurisdiction over the determination until:

13           (1) a court of this State determines that neither the  
14 child, the child's parents, and any person acting as a  
15 parent do not have a significant connection with this State  
16 and that substantial evidence is no longer available in  
17 this State concerning the child's care, protection,  
18 training, and personal relationships; or

19           (2) a court of this State or a court of another state  
20 determines that the child, the child's parents, and any  
21 person acting as a parent do not presently reside in this  
22 State.

23           (b) A court of this State which has made a child-custody  
24 determination and does not have exclusive, continuing

1 jurisdiction under this Section may modify that determination  
2 only if it has jurisdiction to make an initial determination  
3 under Section 201.

4 (c) A court of this State shall continue to exercise  
5 exclusive jurisdiction and be considered the home state of a  
6 child if a parent moves with a child under subsection (h) of  
7 Section 609.2 of the Illinois Marriage and Dissolution of  
8 Marriage Act.

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

10 Section 5-25. The Illinois Domestic Violence Act of 1986 is  
11 amended by changing Sections 214 and 223 as follows:

12 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

13 Sec. 214. Order of protection; remedies.

14 (a) Issuance of order. If the court finds that petitioner  
15 has been abused by a family or household member or that  
16 petitioner is a high-risk adult who has been abused, neglected,  
17 or exploited, as defined in this Act, an order of protection  
18 prohibiting the abuse, neglect, or exploitation shall issue;  
19 provided that petitioner must also satisfy the requirements of  
20 one of the following Sections, as appropriate: Section 217 on  
21 emergency orders, Section 218 on interim orders, or Section 219  
22 on plenary orders. Petitioner shall not be denied an order of  
23 protection because petitioner or respondent is a minor. The  
24 court, when determining whether or not to issue an order of

1 protection, shall not require physical manifestations of abuse  
2 on the person of the victim. Modification and extension of  
3 prior orders of protection shall be in accordance with this  
4 Act.

5 (b) Remedies and standards. The remedies to be included in  
6 an order of protection shall be determined in accordance with  
7 this Section and one of the following Sections, as appropriate:  
8 Section 217 on emergency orders, Section 218 on interim orders,  
9 and Section 219 on plenary orders. The remedies listed in this  
10 subsection shall be in addition to other civil or criminal  
11 remedies available to petitioner.

12 (1) Prohibition of abuse, neglect, or exploitation.  
13 Prohibit respondent's harassment, interference with  
14 personal liberty, intimidation of a dependent, physical  
15 abuse, or willful deprivation, neglect or exploitation, as  
16 defined in this Act, or stalking of the petitioner, as  
17 defined in Section 12-7.3 of the Criminal Code of 2012, if  
18 such abuse, neglect, exploitation, or stalking has  
19 occurred or otherwise appears likely to occur if not  
20 prohibited.

21 (2) Grant of exclusive possession of residence.  
22 Prohibit respondent from entering or remaining in any  
23 residence, household, or premises of the petitioner,  
24 including one owned or leased by respondent, if petitioner  
25 has a right to occupancy thereof. The grant of exclusive  
26 possession of the residence, household, or premises shall

1 not affect title to real property, nor shall the court be  
2 limited by the standard set forth in Section 701 of the  
3 Illinois Marriage and Dissolution of Marriage Act.

4 (A) Right to occupancy. A party has a right to  
5 occupancy of a residence or household if it is solely  
6 or jointly owned or leased by that party, that party's  
7 spouse, a person with a legal duty to support that  
8 party or a minor child in that party's care, or by any  
9 person or entity other than the opposing party that  
10 authorizes that party's occupancy (e.g., a domestic  
11 violence shelter). Standards set forth in subparagraph  
12 (B) shall not preclude equitable relief.

13 (B) Presumption of hardships. If petitioner and  
14 respondent each has the right to occupancy of a  
15 residence or household, the court shall balance (i) the  
16 hardships to respondent and any minor child or  
17 dependent adult in respondent's care resulting from  
18 entry of this remedy with (ii) the hardships to  
19 petitioner and any minor child or dependent adult in  
20 petitioner's care resulting from continued exposure to  
21 the risk of abuse (should petitioner remain at the  
22 residence or household) or from loss of possession of  
23 the residence or household (should petitioner leave to  
24 avoid the risk of abuse). When determining the balance  
25 of hardships, the court shall also take into account  
26 the accessibility of the residence or household.

1           Hardships need not be balanced if respondent does not  
2           have a right to occupancy.

3           The balance of hardships is presumed to favor  
4           possession by petitioner unless the presumption is  
5           rebutted by a preponderance of the evidence, showing  
6           that the hardships to respondent substantially  
7           outweigh the hardships to petitioner and any minor  
8           child or dependent adult in petitioner's care. The  
9           court, on the request of petitioner or on its own  
10          motion, may order respondent to provide suitable,  
11          accessible, alternate housing for petitioner instead  
12          of excluding respondent from a mutual residence or  
13          household.

14          (3) Stay away order and additional prohibitions. Order  
15          respondent to stay away from petitioner or any other person  
16          protected by the order of protection, or prohibit  
17          respondent from entering or remaining present at  
18          petitioner's school, place of employment, or other  
19          specified places at times when petitioner is present, or  
20          both, if reasonable, given the balance of hardships.  
21          Hardships need not be balanced for the court to enter a  
22          stay away order or prohibit entry if respondent has no  
23          right to enter the premises.

24          (A) If an order of protection grants petitioner  
25          exclusive possession of the residence, or prohibits  
26          respondent from entering the residence, or orders

1           respondent to stay away from petitioner or other  
2           protected persons, then the court may allow respondent  
3           access to the residence to remove items of clothing and  
4           personal adornment used exclusively by respondent,  
5           medications, and other items as the court directs. The  
6           right to access shall be exercised on only one occasion  
7           as the court directs and in the presence of an  
8           agreed-upon adult third party or law enforcement  
9           officer.

10           (B) When the petitioner and the respondent attend  
11           the same public, private, or non-public elementary,  
12           middle, or high school, the court when issuing an order  
13           of protection and providing relief shall consider the  
14           severity of the act, any continuing physical danger or  
15           emotional distress to the petitioner, the educational  
16           rights guaranteed to the petitioner and respondent  
17           under federal and State law, the availability of a  
18           transfer of the respondent to another school, a change  
19           of placement or a change of program of the respondent,  
20           the expense, difficulty, and educational disruption  
21           that would be caused by a transfer of the respondent to  
22           another school, and any other relevant facts of the  
23           case. The court may order that the respondent not  
24           attend the public, private, or non-public elementary,  
25           middle, or high school attended by the petitioner,  
26           order that the respondent accept a change of placement

1 or change of program, as determined by the school  
2 district or private or non-public school, or place  
3 restrictions on the respondent's movements within the  
4 school attended by the petitioner. The respondent  
5 bears the burden of proving by a preponderance of the  
6 evidence that a transfer, change of placement, or  
7 change of program of the respondent is not available.  
8 The respondent also bears the burden of production with  
9 respect to the expense, difficulty, and educational  
10 disruption that would be caused by a transfer of the  
11 respondent to another school. A transfer, change of  
12 placement, or change of program is not unavailable to  
13 the respondent solely on the ground that the respondent  
14 does not agree with the school district's or private or  
15 non-public school's transfer, change of placement, or  
16 change of program or solely on the ground that the  
17 respondent fails or refuses to consent or otherwise  
18 does not take an action required to effectuate a  
19 transfer, change of placement, or change of program.  
20 When a court orders a respondent to stay away from the  
21 public, private, or non-public school attended by the  
22 petitioner and the respondent requests a transfer to  
23 another attendance center within the respondent's  
24 school district or private or non-public school, the  
25 school district or private or non-public school shall  
26 have sole discretion to determine the attendance

1 center to which the respondent is transferred. In the  
2 event the court order results in a transfer of the  
3 minor respondent to another attendance center, a  
4 change in the respondent's placement, or a change of  
5 the respondent's program, the parents, guardian, or  
6 legal custodian of the respondent is responsible for  
7 transportation and other costs associated with the  
8 transfer or change.

9 (C) The court may order the parents, guardian, or  
10 legal custodian of a minor respondent to take certain  
11 actions or to refrain from taking certain actions to  
12 ensure that the respondent complies with the order. In  
13 the event the court orders a transfer of the respondent  
14 to another school, the parents, guardian, or legal  
15 custodian of the respondent is responsible for  
16 transportation and other costs associated with the  
17 change of school by the respondent.

18 (4) Counseling. Require or recommend the respondent to  
19 undergo counseling for a specified duration with a social  
20 worker, psychologist, clinical psychologist, psychiatrist,  
21 family service agency, alcohol or substance abuse program,  
22 mental health center guidance counselor, agency providing  
23 services to elders, program designed for domestic violence  
24 abusers or any other guidance service the court deems  
25 appropriate. The Court may order the respondent in any  
26 intimate partner relationship to report to an Illinois

1 Department of Human Services protocol approved partner  
2 abuse intervention program for an assessment and to follow  
3 all recommended treatment.

4 (5) Physical care and possession of the minor child. In  
5 order to protect the minor child from abuse, neglect, or  
6 unwarranted separation from the person who has been the  
7 minor child's primary caretaker, or to otherwise protect  
8 the well-being of the minor child, the court may do either  
9 or both of the following: (i) grant petitioner physical  
10 care or possession of the minor child, or both, or (ii)  
11 order respondent to return a minor child to, or not remove  
12 a minor child from, the physical care of a parent or person  
13 in loco parentis.

14 If a court finds, after a hearing, that respondent has  
15 committed abuse (as defined in Section 103) of a minor  
16 child, there shall be a rebuttable presumption that  
17 awarding physical care to respondent would not be in the  
18 minor child's best interest.

19 (6) Temporary allocation of parental responsibilities:  
20 significant decision-making ~~legal custody~~. Award temporary  
21 decision-making responsibility ~~legal custody~~ to petitioner  
22 in accordance with this Section, the Illinois Marriage and  
23 Dissolution of Marriage Act, the Illinois Parentage Act of  
24 1984, and this State's Uniform Child-Custody Jurisdiction  
25 and Enforcement Act.

26 If a court finds, after a hearing, that respondent has

1 committed abuse (as defined in Section 103) of a minor  
2 child, there shall be a rebuttable presumption that  
3 awarding temporary significant decision-making  
4 responsibility ~~legal custody~~ to respondent would not be in  
5 the child's best interest.

6 (7) Parenting time ~~Visitation~~. Determine the parenting  
7 time ~~visitation rights~~, if any, of respondent in any case  
8 in which the court awards physical care or allocates  
9 temporary significant decision-making responsibility ~~legal~~  
10 ~~custody~~ of a minor child to petitioner. The court shall  
11 restrict or deny respondent's parenting time ~~visitation~~  
12 with a minor child if the court finds that respondent has  
13 done or is likely to do any of the following: (i) abuse or  
14 endanger the minor child during parenting time ~~visitation~~;  
15 (ii) use the parenting time ~~visitation~~ as an opportunity to  
16 abuse or harass petitioner or petitioner's family or  
17 household members; (iii) improperly conceal or detain the  
18 minor child; or (iv) otherwise act in a manner that is not  
19 in the best interests of the minor child. The court shall  
20 not be limited by the standards set forth in Section 603.10  
21 ~~607.1~~ of the Illinois Marriage and Dissolution of Marriage  
22 Act. If the court grants parenting time ~~visitation~~, the  
23 order shall specify dates and times for the parenting time  
24 ~~visitation~~ to take place or other specific parameters or  
25 conditions that are appropriate. No order for parenting  
26 time ~~visitation~~ shall refer merely to the term "reasonable

1 parenting time ~~visitation~~".

2 Petitioner may deny respondent access to the minor  
3 child if, when respondent arrives for parenting time  
4 ~~visitation~~, respondent is under the influence of drugs or  
5 alcohol and constitutes a threat to the safety and  
6 well-being of petitioner or petitioner's minor children or  
7 is behaving in a violent or abusive manner.

8 If necessary to protect any member of petitioner's  
9 family or household from future abuse, respondent shall be  
10 prohibited from coming to petitioner's residence to meet  
11 the minor child for parenting time ~~visitation~~, and the  
12 parties shall submit to the court their recommendations for  
13 reasonable alternative arrangements for parenting time  
14 ~~visitation~~. A person may be approved to supervise parenting  
15 time ~~visitation~~ only after filing an affidavit accepting  
16 that responsibility and acknowledging accountability to  
17 the court.

18 (8) Removal or concealment of minor child. Prohibit  
19 respondent from removing a minor child from the State or  
20 concealing the child within the State.

21 (9) Order to appear. Order the respondent to appear in  
22 court, alone or with a minor child, to prevent abuse,  
23 neglect, removal or concealment of the child, to return the  
24 child to the custody or care of the petitioner or to permit  
25 any court-ordered interview or examination of the child or  
26 the respondent.

1           (10) Possession of personal property. Grant petitioner  
2 exclusive possession of personal property and, if  
3 respondent has possession or control, direct respondent to  
4 promptly make it available to petitioner, if:

5           (i) petitioner, but not respondent, owns the  
6 property; or

7           (ii) the parties own the property jointly; sharing  
8 it would risk abuse of petitioner by respondent or is  
9 impracticable; and the balance of hardships favors  
10 temporary possession by petitioner.

11           If petitioner's sole claim to ownership of the property  
12 is that it is marital property, the court may award  
13 petitioner temporary possession thereof under the  
14 standards of subparagraph (ii) of this paragraph only if a  
15 proper proceeding has been filed under the Illinois  
16 Marriage and Dissolution of Marriage Act, as now or  
17 hereafter amended.

18           No order under this provision shall affect title to  
19 property.

20           (11) Protection of property. Forbid the respondent  
21 from taking, transferring, encumbering, concealing,  
22 damaging or otherwise disposing of any real or personal  
23 property, except as explicitly authorized by the court, if:

24           (i) petitioner, but not respondent, owns the  
25 property; or

26           (ii) the parties own the property jointly, and the

1 balance of hardships favors granting this remedy.

2 If petitioner's sole claim to ownership of the property  
3 is that it is marital property, the court may grant  
4 petitioner relief under subparagraph (ii) of this  
5 paragraph only if a proper proceeding has been filed under  
6 the Illinois Marriage and Dissolution of Marriage Act, as  
7 now or hereafter amended.

8 The court may further prohibit respondent from  
9 improperly using the financial or other resources of an  
10 aged member of the family or household for the profit or  
11 advantage of respondent or of any other person.

12 (11.5) Protection of animals. Grant the petitioner the  
13 exclusive care, custody, or control of any animal owned,  
14 possessed, leased, kept, or held by either the petitioner  
15 or the respondent or a minor child residing in the  
16 residence or household of either the petitioner or the  
17 respondent and order the respondent to stay away from the  
18 animal and forbid the respondent from taking,  
19 transferring, encumbering, concealing, harming, or  
20 otherwise disposing of the animal.

21 (12) Order for payment of support. Order respondent to  
22 pay temporary support for the petitioner or any child in  
23 the petitioner's care or over whom the petitioner has been  
24 allocated parental responsibility ~~custody~~, when the  
25 respondent has a legal obligation to support that person,  
26 in accordance with the Illinois Marriage and Dissolution of

1 Marriage Act, which shall govern, among other matters, the  
2 amount of support, payment through the clerk and  
3 withholding of income to secure payment. An order for child  
4 support may be granted to a petitioner with lawful physical  
5 care ~~or custody~~ of a child, or an order or agreement for  
6 physical care of a child ~~or custody~~, prior to entry of an  
7 order allocating significant decision-making  
8 responsibility ~~for legal custody~~. Such a support order  
9 shall expire upon entry of a valid order allocating  
10 parental responsibility differently and vacating the  
11 petitioner's significant decision-making authority  
12 ~~granting legal custody to another~~, unless otherwise  
13 provided in the ~~custody~~ order.

14 (13) Order for payment of losses. Order respondent to  
15 pay petitioner for losses suffered as a direct result of  
16 the abuse, neglect, or exploitation. Such losses shall  
17 include, but not be limited to, medical expenses, lost  
18 earnings or other support, repair or replacement of  
19 property damaged or taken, reasonable attorney's fees,  
20 court costs and moving or other travel expenses, including  
21 additional reasonable expenses for temporary shelter and  
22 restaurant meals.

23 (i) Losses affecting family needs. If a party is  
24 entitled to seek maintenance, child support or  
25 property distribution from the other party under the  
26 Illinois Marriage and Dissolution of Marriage Act, as

1           now or hereafter amended, the court may order  
2           respondent to reimburse petitioner's actual losses, to  
3           the extent that such reimbursement would be  
4           "appropriate temporary relief", as authorized by  
5           subsection (a) (3) of Section 501 of that Act.

6           (ii) Recovery of expenses. In the case of an  
7           improper concealment or removal of a minor child, the  
8           court may order respondent to pay the reasonable  
9           expenses incurred or to be incurred in the search for  
10          and recovery of the minor child, including but not  
11          limited to legal fees, court costs, private  
12          investigator fees, and travel costs.

13          (14) Prohibition of entry. Prohibit the respondent  
14          from entering or remaining in the residence or household  
15          while the respondent is under the influence of alcohol or  
16          drugs and constitutes a threat to the safety and well-being  
17          of the petitioner or the petitioner's children.

18          (14.5) Prohibition of firearm possession.

19          (a) Prohibit a respondent against whom an order of  
20          protection was issued from possessing any firearms  
21          during the duration of the order if the order:

22                  (1) was issued after a hearing of which such  
23                  person received actual notice, and at which such  
24                  person had an opportunity to participate;

25                  (2) restrains such person from harassing,  
26                  stalking, or threatening an intimate partner of

1           such person or child of such intimate partner or  
2           person, or engaging in other conduct that would  
3           place an intimate partner in reasonable fear of  
4           bodily injury to the partner or child; and

5           (3)(i) includes a finding that such person  
6           represents a credible threat to the physical  
7           safety of such intimate partner or child; or (ii)  
8           by its terms explicitly prohibits the use,  
9           attempted use, or threatened use of physical force  
10          against such intimate partner or child that would  
11          reasonably be expected to cause bodily injury.

12          Any Firearm Owner's Identification Card in the  
13          possession of the respondent, except as provided in  
14          subsection (b), shall be ordered by the court to be  
15          turned over to the local law enforcement agency. The  
16          local law enforcement agency shall immediately mail  
17          the card to the Department of State Police Firearm  
18          Owner's Identification Card Office for safekeeping.  
19          The court shall issue a warrant for seizure of any  
20          firearm in the possession of the respondent, to be kept  
21          by the local law enforcement agency for safekeeping,  
22          except as provided in subsection (b). The period of  
23          safekeeping shall be for the duration of the order of  
24          protection. The firearm or firearms and Firearm  
25          Owner's Identification Card, if unexpired, shall at  
26          the respondent's request, be returned to the

1           respondent at the end of the order of protection. It is  
2           the respondent's responsibility to notify the  
3           Department of State Police Firearm Owner's  
4           Identification Card Office.

5           (b) If the respondent is a peace officer as defined  
6           in Section 2-13 of the Criminal Code of 2012, the court  
7           shall order that any firearms used by the respondent in  
8           the performance of his or her duties as a peace officer  
9           be surrendered to the chief law enforcement executive  
10          of the agency in which the respondent is employed, who  
11          shall retain the firearms for safekeeping for the  
12          duration of the order of protection.

13          (c) Upon expiration of the period of safekeeping,  
14          if the firearms or Firearm Owner's Identification Card  
15          cannot be returned to respondent because respondent  
16          cannot be located, fails to respond to requests to  
17          retrieve the firearms, or is not lawfully eligible to  
18          possess a firearm, upon petition from the local law  
19          enforcement agency, the court may order the local law  
20          enforcement agency to destroy the firearms, use the  
21          firearms for training purposes, or for any other  
22          application as deemed appropriate by the local law  
23          enforcement agency; or that the firearms be turned over  
24          to a third party who is lawfully eligible to possess  
25          firearms, and who does not reside with respondent.

26          (15) Prohibition of access to records. If an order of

1 protection prohibits respondent from having contact with  
2 the minor child, or if petitioner's address is omitted  
3 under subsection (b) of Section 203, or if necessary to  
4 prevent abuse or wrongful removal or concealment of a minor  
5 child, the order shall deny respondent access to, and  
6 prohibit respondent from inspecting, obtaining, or  
7 attempting to inspect or obtain, school or any other  
8 records of the minor child who is in the care of  
9 petitioner.

10 (16) Order for payment of shelter services. Order  
11 respondent to reimburse a shelter providing temporary  
12 housing and counseling services to the petitioner for the  
13 cost of the services, as certified by the shelter and  
14 deemed reasonable by the court.

15 (17) Order for injunctive relief. Enter injunctive  
16 relief necessary or appropriate to prevent further abuse of  
17 a family or household member or further abuse, neglect, or  
18 exploitation of a high-risk adult with disabilities or to  
19 effectuate one of the granted remedies, if supported by the  
20 balance of hardships. If the harm to be prevented by the  
21 injunction is abuse or any other harm that one of the  
22 remedies listed in paragraphs (1) through (16) of this  
23 subsection is designed to prevent, no further evidence is  
24 necessary that the harm is an irreparable injury.

25 (c) Relevant factors; findings.

26 (1) In determining whether to grant a specific remedy,

1 other than payment of support, the court shall consider  
2 relevant factors, including but not limited to the  
3 following:

4 (i) the nature, frequency, severity, pattern and  
5 consequences of the respondent's past abuse, neglect  
6 or exploitation of the petitioner or any family or  
7 household member, including the concealment of his or  
8 her location in order to evade service of process or  
9 notice, and the likelihood of danger of future abuse,  
10 neglect, or exploitation to petitioner or any member of  
11 petitioner's or respondent's family or household; and

12 (ii) the danger that any minor child will be abused  
13 or neglected or improperly relocated ~~removed~~ from the  
14 jurisdiction, improperly concealed within the State or  
15 improperly separated from the child's primary  
16 caretaker.

17 (2) In comparing relative hardships resulting to the  
18 parties from loss of possession of the family home, the  
19 court shall consider relevant factors, including but not  
20 limited to the following:

21 (i) availability, accessibility, cost, safety,  
22 adequacy, location and other characteristics of  
23 alternate housing for each party and any minor child or  
24 dependent adult in the party's care;

25 (ii) the effect on the party's employment; and

26 (iii) the effect on the relationship of the party,

1           and any minor child or dependent adult in the party's  
2           care, to family, school, church and community.

3           (3) Subject to the exceptions set forth in paragraph  
4           (4) of this subsection, the court shall make its findings  
5           in an official record or in writing, and shall at a minimum  
6           set forth the following:

7                   (i) That the court has considered the applicable  
8                   relevant factors described in paragraphs (1) and (2) of  
9                   this subsection.

10                   (ii) Whether the conduct or actions of respondent,  
11                   unless prohibited, will likely cause irreparable harm  
12                   or continued abuse.

13                   (iii) Whether it is necessary to grant the  
14                   requested relief in order to protect petitioner or  
15                   other alleged abused persons.

16           (4) For purposes of issuing an ex parte emergency order  
17           of protection, the court, as an alternative to or as a  
18           supplement to making the findings described in paragraphs  
19           (c) (3) (i) through (c) (3) (iii) of this subsection, may use  
20           the following procedure:

21                   When a verified petition for an emergency order of  
22                   protection in accordance with the requirements of Sections  
23                   203 and 217 is presented to the court, the court shall  
24                   examine petitioner on oath or affirmation. An emergency  
25                   order of protection shall be issued by the court if it  
26                   appears from the contents of the petition and the

1 examination of petitioner that the averments are  
2 sufficient to indicate abuse by respondent and to support  
3 the granting of relief under the issuance of the emergency  
4 order of protection.

5 (5) Never married parties. No rights or  
6 responsibilities for a minor child born outside of marriage  
7 attach to a putative father until a father and child  
8 relationship has been established under the Illinois  
9 Parentage Act of 1984, the Illinois Public Aid Code,  
10 Section 12 of the Vital Records Act, the Juvenile Court Act  
11 of 1987, the Probate Act of 1985, the Revised Uniform  
12 Reciprocal Enforcement of Support Act, the Uniform  
13 Interstate Family Support Act, the Expedited Child Support  
14 Act of 1990, any judicial, administrative, or other act of  
15 another state or territory, any other Illinois statute, or  
16 by any foreign nation establishing the father and child  
17 relationship, any other proceeding substantially in  
18 conformity with the Personal Responsibility and Work  
19 Opportunity Reconciliation Act of 1996 (Pub. L. 104-193),  
20 or where both parties appeared in open court or at an  
21 administrative hearing acknowledging under oath or  
22 admitting by affirmation the existence of a father and  
23 child relationship. Absent such an adjudication, finding,  
24 or acknowledgement, no putative father shall be granted  
25 temporary allocation of parental responsibilities,  
26 including parenting time ~~custody of the minor child,~~

1       ~~visitation~~ with the minor child, or physical care and  
2       possession of the minor child, nor shall an order of  
3       payment for support of the minor child be entered.

4       (d) Balance of hardships; findings. If the court finds that  
5       the balance of hardships does not support the granting of a  
6       remedy governed by paragraph (2), (3), (10), (11), or (16) of  
7       subsection (b) of this Section, which may require such  
8       balancing, the court's findings shall so indicate and shall  
9       include a finding as to whether granting the remedy will result  
10      in hardship to respondent that would substantially outweigh the  
11      hardship to petitioner from denial of the remedy. The findings  
12      shall be an official record or in writing.

13      (e) Denial of remedies. Denial of any remedy shall not be  
14      based, in whole or in part, on evidence that:

15           (1) Respondent has cause for any use of force, unless  
16           that cause satisfies the standards for justifiable use of  
17           force provided by Article 7 of the Criminal Code of 2012;

18           (2) Respondent was voluntarily intoxicated;

19           (3) Petitioner acted in self-defense or defense of  
20           another, provided that, if petitioner utilized force, such  
21           force was justifiable under Article 7 of the Criminal Code  
22           of 2012;

23           (4) Petitioner did not act in self-defense or defense  
24           of another;

25           (5) Petitioner left the residence or household to avoid  
26           further abuse, neglect, or exploitation by respondent;

1           (6) Petitioner did not leave the residence or household  
2           to avoid further abuse, neglect, or exploitation by  
3           respondent;

4           (7) Conduct by any family or household member excused  
5           the abuse, neglect, or exploitation by respondent, unless  
6           that same conduct would have excused such abuse, neglect,  
7           or exploitation if the parties had not been family or  
8           household members.

9           (Source: P.A. 96-701, eff. 1-1-10; 96-1239, eff. 1-1-11;  
10          97-158, eff. 1-1-12; 97-294, eff. 1-1-12; 97-813, eff. 7-13-12;  
11          97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13.)

12          (750 ILCS 60/223) (from Ch. 40, par. 2312-23)  
13          Sec. 223. Enforcement of orders of protection.

14          (a) When violation is crime. A violation of any order of  
15          protection, whether issued in a civil or criminal proceeding,  
16          shall be enforced by a criminal court when:

17                 (1) The respondent commits the crime of violation of an  
18                 order of protection pursuant to Section 12-3.4 or 12-30 of  
19                 the Criminal Code of 1961 or the Criminal Code of 2012, by  
20                 having knowingly violated:

21                         (i) remedies described in paragraphs (1), (2),  
22                         (3), (14), or (14.5) of subsection (b) of Section 214  
23                         of this Act; or

24                         (ii) a remedy, which is substantially similar to  
25                         the remedies authorized under paragraphs (1), (2),

1 (3), (14), and (14.5) of subsection (b) of Section 214  
2 of this Act, in a valid order of protection which is  
3 authorized under the laws of another state, tribe, or  
4 United States territory; or

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

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

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

15 (i) remedies described in paragraphs (5), (6) or  
16 (8) of subsection (b) of Section 214 of this Act; or

17 (ii) a remedy, which is substantially similar to  
18 the remedies authorized under paragraphs (5), (6), or  
19 (8) of subsection (b) of Section 214 of this Act, in a  
20 valid order of protection which is authorized under the  
21 laws of another state, tribe, or United States  
22 territory.

23 (b) When violation is contempt of court. A violation of any  
24 valid Illinois order of protection, whether issued in a civil  
25 or criminal proceeding, may be enforced through civil or  
26 criminal contempt procedures, as appropriate, by any court with

1 jurisdiction, regardless where the act or acts which violated  
2 the order of protection were committed, to the extent  
3 consistent with the venue provisions of this Act. Nothing in  
4 this Act shall preclude any Illinois court from enforcing any  
5 valid order of protection issued in another state. Illinois  
6 courts may enforce orders of protection through both criminal  
7 prosecution and contempt proceedings, unless the action which  
8 is second in time is barred by collateral estoppel or the  
9 constitutional prohibition against double jeopardy.

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

19 (2) A petition for a rule to show cause for violation  
20 of an order of protection shall be treated as an expedited  
21 proceeding.

22 (b-1) The court shall not hold a school district or private  
23 or non-public school or any of its employees in civil or  
24 criminal contempt unless the school district or private or  
25 non-public school has been allowed to intervene.

26 (b-2) The court may hold the parents, guardian, or legal

1 custodian of a minor respondent in civil or criminal contempt  
2 for a violation of any provision of any order entered under  
3 this Act for conduct of the minor respondent in violation of  
4 this Act if the parents, guardian, or legal custodian directed,  
5 encouraged, or assisted the respondent minor in such conduct.

6 (c) Violation of custody or support orders or temporary or  
7 final judgments allocating parental responsibilities. A  
8 violation of remedies described in paragraphs (5), (6), (8), or  
9 (9) of subsection (b) of Section 214 of this Act may be  
10 enforced by any remedy provided by Section 607.5 ~~611~~ of the  
11 Illinois Marriage and Dissolution of Marriage Act. The court  
12 may enforce any order for support issued under paragraph (12)  
13 of subsection (b) of Section 214 in the manner provided for  
14 under Parts V and VII of the Illinois Marriage and Dissolution  
15 of Marriage Act.

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

20 (1) By service, delivery, or notice under Section 210.

21 (2) By notice under Section 210.1 or 211.

22 (3) By service of an order of protection under Section  
23 222.

24 (4) By other means demonstrating actual knowledge of  
25 the contents of the order.

26 (e) The enforcement of an order of protection in civil or

1 criminal court shall not be affected by either of the  
2 following:

3 (1) The existence of a separate, correlative order,  
4 entered under Section 215.

5 (2) Any finding or order entered in a conjoined  
6 criminal proceeding.

7 (f) Circumstances. The court, when determining whether or  
8 not a violation of an order of protection has occurred, shall  
9 not require physical manifestations of abuse on the person of  
10 the victim.

11 (g) Penalties.

12 (1) Except as provided in paragraph (3) of this  
13 subsection, where the court finds the commission of a crime  
14 or contempt of court under subsections (a) or (b) of this  
15 Section, the penalty shall be the penalty that generally  
16 applies in such criminal or contempt proceedings, and may  
17 include one or more of the following: incarceration,  
18 payment of restitution, a fine, payment of attorneys' fees  
19 and costs, or community service.

20 (2) The court shall hear and take into account evidence  
21 of any factors in aggravation or mitigation before deciding  
22 an appropriate penalty under paragraph (1) of this  
23 subsection.

24 (3) To the extent permitted by law, the court is  
25 encouraged to:

26 (i) increase the penalty for the knowing violation

1 of any order of protection over any penalty previously  
2 imposed by any court for respondent's violation of any  
3 order of protection or penal statute involving  
4 petitioner as victim and respondent as defendant;

5 (ii) impose a minimum penalty of 24 hours  
6 imprisonment for respondent's first violation of any  
7 order of protection; and

8 (iii) impose a minimum penalty of 48 hours  
9 imprisonment for respondent's second or subsequent  
10 violation of an order of protection

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

13 (4) In addition to any other penalties imposed for a  
14 violation of an order of protection, a criminal court may  
15 consider evidence of any violations of an order of  
16 protection:

17 (i) to increase, revoke or modify the bail bond on  
18 an underlying criminal charge pursuant to Section  
19 110-6 of the Code of Criminal Procedure of 1963;

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

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

26 (5) In addition to any other penalties, the court shall

1           impose an additional fine of \$20 as authorized by Section  
2           5-9-1.11 of the Unified Code of Corrections upon any person  
3           convicted of or placed on supervision for a violation of an  
4           order of protection. The additional fine shall be imposed  
5           for each violation of this Section.

6           (Source: P.A. 96-1551, eff. 7-1-11; 97-294, eff. 1-1-12;  
7           97-1150, eff. 1-25-13.)

8           Section 5-30. The Probate Act of 1975 is amended by  
9           changing Section 11-7.1 as follows:

10           (755 ILCS 5/11-7.1) (from Ch. 110 1/2, par. 11-7.1)

11           Sec. 11-7.1. Visitation rights.

12           (a) Whenever both ~~natural or adoptive~~ parents of a minor  
13           are deceased, visitation rights shall be granted to the  
14           grandparents of the minor who are the parents of the minor's  
15           legal parents unless it is shown that such visitation would be  
16           detrimental to the best interests and welfare of the minor. In  
17           the discretion of the court, reasonable visitation rights may  
18           be granted to any other relative of the minor or other person  
19           having an interest in the welfare of the child. However, the  
20           court shall not grant visitation privileges to any person who  
21           otherwise might have visitation privileges under this Section  
22           where the minor has been adopted subsequent to the death of  
23           both his legal parents except where such adoption is by a close  
24           relative. For the purpose of this Section, "close relative"

1 shall include, but not be limited to, a grandparent, aunt,  
2 uncle, first cousin, or adult brother or sister.

3 Where such adoption is by a close relative, the court shall  
4 not grant visitation privileges under this Section unless the  
5 petitioner alleges and proves that he or she has been  
6 unreasonably denied visitation with the child. The court may  
7 grant reasonable visitation privileges upon finding that such  
8 visitation would be in the best interest of the child.

9 An order denying visitation rights to grandparents of the  
10 minor shall be in writing and shall state the reasons for  
11 denial. An order denying visitation rights is a final order for  
12 purposes of appeal.

13 (b) Unless the court determines, after considering all  
14 relevant factors, including but not limited to those set forth  
15 in Section 602.7 ~~602(a)~~ of the Illinois Marriage and  
16 Dissolution of Marriage Act, that it would be in the best  
17 interests of the child to allow visitation, the court shall not  
18 enter an order providing visitation rights and pursuant to a  
19 motion to modify visitation brought under Section 610.5 ~~607(f)~~  
20 of the Illinois Marriage and Dissolution of Marriage Act shall  
21 revoke visitation rights previously granted to any person who  
22 would otherwise be entitled to petition for visitation rights  
23 under this Section who has been convicted of first degree  
24 murder of the parent, grandparent, great-grandparent, or  
25 sibling of the child who is the subject of the order. Until an  
26 order is entered pursuant to this subsection, no person shall

1 visit, with the child present, a person who has been convicted  
2 of first degree murder of the parent, grandparent,  
3 great-grandparent, or sibling of the child without the consent  
4 of the child's parent, other than a parent convicted of first  
5 degree murder as set forth herein, or legal guardian.

6 (Source: P.A. 90-801, eff. 6-1-99.)

1		INDEX
2		Statutes amended in order of appearance
3	735 ILCS 5/13-202	from Ch. 110, par. 13-202
4	740 ILCS 5/Act title	
5	740 ILCS 5/0.01	from Ch. 40, par. 1900
6	740 ILCS 5/7.1 new	
7	740 ILCS 5/1 rep.	
8	740 ILCS 5/2 rep.	
9	740 ILCS 5/3 rep.	
10	740 ILCS 5/4 rep.	
11	740 ILCS 5/5 rep.	
12	740 ILCS 5/6 rep.	
13	740 ILCS 5/7 rep.	
14	740 ILCS 15/0.01	from Ch. 40, par. 1800
15	740 ILCS 15/10.1 new	
16	740 ILCS 15/1 rep.	
17	740 ILCS 15/2 rep.	
18	740 ILCS 15/3 rep.	
19	740 ILCS 15/4 rep.	
20	740 ILCS 15/5 rep.	
21	740 ILCS 15/6 rep.	
22	740 ILCS 15/7 rep.	
23	740 ILCS 15/8 rep.	
24	740 ILCS 15/9 rep.	
25	740 ILCS 15/10 rep.	

1	740 ILCS 50/Act title	
2	740 ILCS 50/0.01	from Ch. 40, par. 1950
3	740 ILCS 50/7.1 new	
4	740 ILCS 50/1 rep.	
5	740 ILCS 50/2 rep.	
6	740 ILCS 50/3 rep.	
7	740 ILCS 50/4 rep.	
8	740 ILCS 50/5 rep.	
9	740 ILCS 50/6 rep.	
10	740 ILCS 50/7 rep.	
11	325 ILCS 40/7.1	from Ch. 23, par. 2257.1
12	725 ILCS 5/112A-23	from Ch. 38, par. 112A-23
13	750 ILCS 5/102	from Ch. 40, par. 102
14	750 ILCS 5/104	from Ch. 40, par. 104
15	750 ILCS 5/105	from Ch. 40, par. 105
16	750 ILCS 5/107	from Ch. 40, par. 107
17	750 ILCS 5/209	from Ch. 40, par. 209
18	750 ILCS 5/219	from Ch. 40, par. 219
19	750 ILCS 5/304	from Ch. 40, par. 304
20	750 ILCS 5/401	from Ch. 40, par. 401
21	750 ILCS 5/402	from Ch. 40, par. 402
22	750 ILCS 5/403	from Ch. 40, par. 403
23	750 ILCS 5/404	from Ch. 40, par. 404
24	750 ILCS 5/405	from Ch. 40, par. 405
25	750 ILCS 5/409	from Ch. 40, par. 409
26	750 ILCS 5/411	from Ch. 40, par. 411

1	750 ILCS 5/413	from Ch. 40, par. 413
2	750 ILCS 5/452	
3	750 ILCS 5/453	
4	750 ILCS 5/501	from Ch. 40, par. 501
5	750 ILCS 5/501.1	from Ch. 40, par. 501.1
6	750 ILCS 5/502	from Ch. 40, par. 502
7	750 ILCS 5/503	from Ch. 40, par. 503
8	750 ILCS 5/504	from Ch. 40, par. 504
9	750 ILCS 5/505	from Ch. 40, par. 505
10	750 ILCS 5/506	from Ch. 40, par. 506
11	750 ILCS 5/508	from Ch. 40, par. 508
12	750 ILCS 5/509	from Ch. 40, par. 509
13	750 ILCS 5/510	from Ch. 40, par. 510
14	750 ILCS 5/512	from Ch. 40, par. 512
15	750 ILCS 5/513	from Ch. 40, par. 513
16	750 ILCS 5/513.5 new	
17	750 ILCS 5/Pt. VI heading	
18	750 ILCS 5/600 new	
19	750 ILCS 5/601.2 new	
20	750 ILCS 5/602.3	
21	750 ILCS 5/602.5 new	
22	750 ILCS 5/602.7 new	
23	750 ILCS 5/602.8 new	
24	750 ILCS 5/602.9 new	
25	750 ILCS 5/602.10 new	
26	750 ILCS 5/603.5 new	

- 1 750 ILCS 5/603.10 new
- 2 750 ILCS 5/604.10 new
- 3 750 ILCS 5/606.5 new
- 4 750 ILCS 5/606.10 new
- 5 750 ILCS 5/607.5 new
- 6 750 ILCS 5/609.2 new
- 7 750 ILCS 5/610.5 new
- 8 750 ILCS 5/801
- 9 750 ILCS 5/406 rep.
- 10 750 ILCS 5/407 rep.
- 11 750 ILCS 5/408 rep.
- 12 750 ILCS 5/412 rep.
- 13 750 ILCS 5/514 rep.
- 14 750 ILCS 5/515 rep.
- 15 750 ILCS 5/516 rep.
- 16 750 ILCS 5/517 rep.
- 17 750 ILCS 5/601 rep.
- 18 750 ILCS 5/601.5 rep.
- 19 750 ILCS 5/602 rep.
- 20 750 ILCS 5/602.1 rep.
- 21 750 ILCS 5/603 rep.
- 22 750 ILCS 5/604 rep.
- 23 750 ILCS 5/604.5 rep.
- 24 750 ILCS 5/605 rep.
- 25 750 ILCS 5/606 rep.
- 26 750 ILCS 5/607 rep.

from Ch. 40, par. 801

- 1 750 ILCS 5/607.1 rep.
- 2 750 ILCS 5/608 rep.
- 3 750 ILCS 5/609 rep.
- 4 750 ILCS 5/610 rep.
- 5 750 ILCS 5/611 rep.
- 6 750 ILCS 5/701 rep.
- 7 750 ILCS 5/703 rep.
- 8 750 ILCS 36/202
- 9 750 ILCS 60/214 from Ch. 40, par. 2312-14
- 10 750 ILCS 60/223 from Ch. 40, par. 2312-23
- 11 755 ILCS 5/11-7.1 from Ch. 110 1/2, par. 11-7.1