



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2330

Introduced 2/14/2023, by

SYNOPSIS AS INTRODUCED:

750 ILCS 5/504	from Ch. 40, par. 504
750 ILCS 5/505	from Ch. 40, par. 505
750 ILCS 5/509	from Ch. 40, par. 509
750 ILCS 5/600	
750 ILCS 5/602.10	
750 ILCS 5/607.5	

Amends the Illinois Marriage and Dissolution of Marriage Act. Removes language providing that no maintenance shall accrue while a party is imprisoned for failure to comply with the court's order for the payment of the maintenance. Provides that employment barriers and other relevant background factors in the case shall be considered when determining the potential income of a parent who is voluntarily unemployed or underemployed. Provides that incarceration shall not be considered voluntary unemployment for child support purposes in establishing or modifying child support. Changes the definition of "relocation" to specify that the mileage shall be measured by an internet mapping surface using surface roads, and that, if the internet mapping service offers alternative routes, the alternative route that is the shortest distance shall be used. Provides that, if the underlying action in which the parenting plan or allocation judgment is approved or entered by the court and the underlying action is subsequently dismissed, the parenting plan or allocation judgment is void and unenforceable. Provides that a parenting plan or allocation judgment, once approved or entered by the court, is considered final for purposes for modification or appeal so long as the underlying action is pending. Provides that, if the court orders the parties to participate in family or individual counseling, the counseling is subject to the Mental Health and Developmental Disabilities Confidentiality Act and the federal Health Insurance Portability and Accountability Act of 1996. Removes language providing that, if counseling is ordered, all counseling sessions are confidential, and the communications in counseling shall not be used in any manner in litigation nor relied upon by an expert appointed by the court or retained by a party. Makes other changes.

LRB103 26819 LNS 53183 b

A BILL FOR

1 AN ACT concerning civil law.

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

4 Section 5. The Illinois Marriage and Dissolution of
5 Marriage Act is amended by changing Sections 504, 505, 509,
6 600, 602.10, and 607.5 as follows:

7 (750 ILCS 5/504) (from Ch. 40, par. 504)

8 Sec. 504. Maintenance.

9 (a) Entitlement to maintenance. In a proceeding for
10 dissolution of marriage, legal separation, declaration of
11 invalidity of marriage, or dissolution of a civil union, a
12 proceeding for maintenance following a legal separation or
13 dissolution of the marriage or civil union by a court which
14 lacked personal jurisdiction over the absent spouse, a
15 proceeding for modification of a previous order for
16 maintenance under Section 510 of this Act, or any proceeding
17 authorized under Section 501 of this Act, the court may grant a
18 maintenance award for either spouse in amounts and for periods
19 of time as the court deems just, without regard to marital
20 misconduct, and the maintenance may be paid from the income or
21 property of the other spouse. The court shall first make a
22 finding as to whether a maintenance award is appropriate,
23 after consideration of all relevant factors, including:

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

6 (2) the needs of each party;

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

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

14 (5) any impairment of the realistic present or future
15 earning capacity of the party against whom maintenance is
16 sought;

17 (6) the time necessary to enable the party seeking
18 maintenance to acquire appropriate education, training,
19 and employment, and whether that party is able to support
20 himself or herself through appropriate employment;

21 (6.1) the effect of any parental responsibility
22 arrangements and its effect on a party's ability to seek
23 or maintain employment;

24 (7) the standard of living established during the
25 marriage;

26 (8) the duration of the marriage;

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

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

7 (11) the tax consequences to each party;

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

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

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

14 (b) (Blank).

15 (b-1) Amount and duration of maintenance. Unless the court
16 finds that a maintenance award is appropriate, it shall bar
17 maintenance as to the party seeking maintenance regardless of
18 the length of the marriage at the time the action was
19 commenced. Only if the court finds that a maintenance award is
20 appropriate, the court shall order guideline maintenance in
21 accordance with paragraph (1) or non-guideline maintenance in
22 accordance with paragraph (2) of this subsection (b-1). If the
23 application of guideline maintenance results in a combined
24 maintenance and child support obligation that exceeds 50% of
25 the payor's net income, the court may determine non-guideline
26 maintenance in accordance with paragraph (2) of this

1 subsection (b-1), non-guideline child support in accordance
2 with paragraph (3.4) of subsection (a) of Section 505, or
3 both.

4 (1) Maintenance award in accordance with guidelines.
5 If the combined gross annual income of the parties is less
6 than \$500,000 and the payor has no obligation to pay child
7 support or maintenance or both from a prior relationship,
8 maintenance payable after the date the parties' marriage
9 is dissolved shall be in accordance with subparagraphs (A)
10 and (B) of this paragraph (1), unless the court makes a
11 finding that the application of the guidelines would be
12 inappropriate.

13 (A) The amount of maintenance under this paragraph
14 (1) shall be calculated by taking 33 1/3% of the
15 payor's net annual income minus 25% of the payee's net
16 annual income. The amount calculated as maintenance,
17 however, when added to the net income of the payee,
18 shall not result in the payee receiving an amount that
19 is in excess of 40% of the combined net income of the
20 parties.

21 (A-1) Modification of maintenance orders entered
22 before January 1, 2019 that are and continue to be
23 eligible for inclusion in the gross income of the
24 payee for federal income tax purposes and deductible
25 by the payor shall be calculated by taking 30% of the
26 payor's gross annual income minus 20% of the payee's

1 gross annual income, unless both parties expressly
2 provide otherwise in the modification order. The
3 amount calculated as maintenance, however, when added
4 to the gross income of the payee, may not result in the
5 payee receiving an amount that is in excess of 40% of
6 the combined gross income of the parties.

7 (B) The duration of an award under this paragraph
8 (1) shall be calculated by multiplying the length of
9 the marriage at the time the action was commenced by
10 whichever of the following factors applies: less than
11 5 years (.20); 5 years or more but less than 6 years
12 (.24); 6 years or more but less than 7 years (.28); 7
13 years or more but less than 8 years (.32); 8 years or
14 more but less than 9 years (.36); 9 years or more but
15 less than 10 years (.40); 10 years or more but less
16 than 11 years (.44); 11 years or more but less than 12
17 years (.48); 12 years or more but less than 13 years
18 (.52); 13 years or more but less than 14 years (.56);
19 14 years or more but less than 15 years (.60); 15 years
20 or more but less than 16 years (.64); 16 years or more
21 but less than 17 years (.68); 17 years or more but less
22 than 18 years (.72); 18 years or more but less than 19
23 years (.76); 19 years or more but less than 20 years
24 (.80). For a marriage of 20 or more years, the court,
25 in its discretion, shall order maintenance for a
26 period equal to the length of the marriage or for an

1 indefinite term.

2 (1.5) In the discretion of the court, any term of
3 temporary maintenance paid by court order under Section
4 501 may be a corresponding credit to the duration of
5 maintenance set forth in subparagraph (b-1) (1) (B).

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

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

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

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

23 (3) the court shall state whether the maintenance is
24 fixed-term, indefinite, reviewable, or reserved by the
25 court.

26 (b-3) Gross income. For purposes of this Section, the term

1 "gross income" means all income from all sources, within the
2 scope of that phrase in Section 505 of this Act, except
3 maintenance payments in the pending proceedings shall not be
4 included.

5 (b-3.5) Net income. As used in this Section, "net income"
6 has the meaning provided in Section 505 of this Act, except
7 maintenance payments in the pending proceedings shall not be
8 included.

9 (b-4) Modification of maintenance orders entered before
10 January 1, 2019. For any order for maintenance or unallocated
11 maintenance and child support entered before January 1, 2019
12 that is modified after December 31, 2018, payments thereunder
13 shall continue to retain the same tax treatment for federal
14 income tax purposes unless both parties expressly agree
15 otherwise and the agreement is included in the modification
16 order.

17 (b-4.5) Maintenance designation.

18 (1) Fixed-term maintenance. If a court grants
19 maintenance for a fixed term, the court shall designate
20 the termination of the period during which this
21 maintenance is to be paid. Maintenance is barred after the
22 end of the period during which fixed-term maintenance is
23 to be paid.

24 (2) Indefinite maintenance. If a court grants
25 maintenance for an indefinite term, the court shall not
26 designate a termination date. Indefinite maintenance shall

1 continue until modification or termination under Section
2 510.

3 (3) Reviewable maintenance. If a court grants
4 maintenance for a specific term with a review, the court
5 shall designate the period of the specific term and state
6 that the maintenance is reviewable. Upon review, the court
7 shall make a finding in accordance with subdivision (b-8)
8 of this Section, unless the maintenance is modified or
9 terminated under Section 510.

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

15 (b-7) Maintenance judgments. Any new or existing
16 maintenance order including any unallocated maintenance and
17 child support order entered by the court under this Section
18 shall be deemed to be a series of judgments against the person
19 obligated to pay support thereunder. Each such judgment to be
20 in the amount of each payment or installment of support and
21 each such judgment to be deemed entered as of the date the
22 corresponding payment or installment becomes due under the
23 terms of the support order, except no judgment shall arise as
24 to any installment coming due after the termination of
25 maintenance as provided by Section 510 of the Illinois
26 Marriage and Dissolution of Marriage Act or the provisions of

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

8 (b-8) Review of maintenance. Upon review of any previously
9 ordered maintenance award, the court may extend maintenance
10 for further review, extend maintenance for a fixed
11 non-modifiable term, extend maintenance for an indefinite
12 term, or permanently terminate maintenance in accordance with
13 subdivision (b-1) ~~(1) (A)~~ of this Section.

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

17 (d) (Blank). ~~Maintenance during imprisonment. No~~
18 ~~maintenance shall accrue during the period in which a party is~~
19 ~~imprisoned for failure to comply with the court's order for~~
20 ~~the payment of such maintenance.~~

21 (e) Fees when maintenance is paid through the clerk. When
22 maintenance is to be paid through the clerk of the court in a
23 county of 500,000 inhabitants or less, the order shall direct
24 the obligor to pay to the clerk, in addition to the maintenance
25 payments, all fees imposed by the county board under paragraph
26 (4) of subsection (bb) of Section 27.1a of the Clerks of Courts

1 Act. When maintenance is to be paid through the clerk of the
2 court in a county of more than 500,000 but less than 3,000,000
3 inhabitants, the order shall direct the obligor to pay to the
4 clerk, in addition to the maintenance payments, all fees
5 imposed by the county board under paragraph (4) of subsection
6 (bb) of Section 27.2 of the Clerks of Courts Act. Unless paid
7 in cash or pursuant to an order for withholding, the payment of
8 the fee shall be by a separate instrument from the support
9 payment and shall be made to the order of the Clerk.

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

18 (1) With respect to existing life insurance, provided
19 the court is apprised through evidence, stipulation, or
20 otherwise as to level of death benefits, premium, and
21 other relevant data and makes findings relative thereto,
22 the court may allocate death benefits, the right to assign
23 death benefits, or the obligation for future premium
24 payments between the parties as it deems just.

25 (2) To the extent the court determines that its award
26 should be secured, in whole or in part, by new life

1 insurance on the payor's life, the court may only order:

2 (i) that the payor cooperate on all appropriate
3 steps for the payee to obtain such new life insurance;
4 and

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

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

21 (3) (Blank).

22 (Source: P.A. 99-90, eff. 1-1-16; 99-763, eff. 1-1-17;
23 100-520, eff. 1-1-18 (see Section 5 of P.A. 100-565 for the
24 effective date of P.A. 100-520); 100-923, eff. 1-1-19.)

25 (750 ILCS 5/505) (from Ch. 40, par. 505)

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

2 (a) In a proceeding for dissolution of marriage, legal
3 separation, declaration of invalidity of marriage, or
4 dissolution of a civil union, a proceeding for child support
5 following a legal separation or dissolution of the marriage or
6 civil union by a court that lacked personal jurisdiction over
7 the absent spouse, a proceeding for modification of a previous
8 order for child support under Section 510 of this Act, or any
9 proceeding authorized under Section 501 or 601 of this Act,
10 the court may order either or both parents owing a duty of
11 support to a child of the marriage or civil union to pay an
12 amount reasonable and necessary for support. The duty of
13 support owed to a child includes the obligation to provide for
14 the reasonable and necessary physical, mental and emotional
15 health needs of the child. For purposes of this Section, the
16 term "child" shall include any child under age 18 and any child
17 age 19 or younger who is still attending high school. For
18 purposes of this Section, the term "obligor" means the parent
19 obligated to pay support to the other parent.

20 (1) Child support guidelines. The Illinois Department
21 of Healthcare and Family Services shall adopt rules
22 establishing child support guidelines which include
23 worksheets to aid in the calculation of the child support
24 obligations and a schedule of basic child support
25 obligations that reflects the percentage of combined net
26 income that parents living in the same household in this

1 State ordinarily spend on their child. The child support
2 guidelines have the following purposes:

3 (A) to establish as State policy an adequate
4 standard of support for a child, subject to the
5 ability of parents to pay;

6 (B) to make child support obligations more
7 equitable by ensuring more consistent treatment of
8 parents in similar circumstances;

9 (C) to improve the efficiency of the court process
10 by promoting settlements and giving courts and the
11 parties guidance in establishing levels of child
12 support;

13 (D) to calculate child support based upon the
14 parents' combined net income estimated to have been
15 allocated for the support of the child if the parents
16 and child were living in an intact household;

17 (E) to adjust child support based upon the needs
18 of the child; and

19 (F) to allocate the amount of child support to be
20 paid by each parent based upon a parent's net income
21 and the child's physical care arrangements.

22 (1.5) Computation of basic child support obligation.
23 The court shall compute the basic child support obligation
24 by taking the following steps:

25 (A) determine each parent's monthly net income;

26 (B) add the parents' monthly net incomes together

1 to determine the combined monthly net income of the
2 parents;

3 (C) select the corresponding appropriate amount
4 from the schedule of basic child support obligations
5 based on the parties' combined monthly net income and
6 number of children of the parties; and

7 (D) calculate each parent's percentage share of
8 the basic child support obligation.

9 Although a monetary obligation is computed for each
10 parent as child support, the receiving parent's share is
11 not payable to the other parent and is presumed to be spent
12 directly on the child.

13 (2) Duty of support. The court shall determine child
14 support in each case by applying the child support
15 guidelines unless the court makes a finding that
16 application of the guidelines would be inappropriate,
17 after considering the best interests of the child and
18 evidence which shows relevant factors including, but not
19 limited to, one or more of the following:

20 (A) the financial resources and needs of the
21 child;

22 (B) the financial resources and needs of the
23 parents;

24 (C) the standard of living the child would have
25 enjoyed had the marriage or civil union not been
26 dissolved; and

1 (D) the physical and emotional condition of the
2 child and his or her educational needs.

3 (3) Income.

4 (A) As used in this Section, "gross income" means
5 the total of all income from all sources, except
6 "gross income" does not include (i) benefits received
7 by the parent from means-tested public assistance
8 programs, including, but not limited to, Temporary
9 Assistance for Needy Families, Supplemental Security
10 Income, and the Supplemental Nutrition Assistance
11 Program or (ii) benefits and income received by the
12 parent for other children in the household, including,
13 but not limited to, child support, survivor benefits,
14 and foster care payments. Social security disability
15 and retirement benefits paid for the benefit of the
16 subject child must be included in the disabled or
17 retired parent's gross income for purposes of
18 calculating the parent's child support obligation, but
19 the parent is entitled to a child support credit for
20 the amount of benefits paid to the other party for the
21 child. "Gross income" includes maintenance treated as
22 taxable income for federal income tax purposes to the
23 payee and received pursuant to a court order in the
24 pending proceedings or any other proceedings and shall
25 be included in the payee's gross income for purposes
26 of calculating the parent's child support obligation.

1 (B) As used in this Section, "net income" means
2 gross income minus either the standardized tax amount
3 calculated pursuant to subparagraph (C) of this
4 paragraph (3) or the individualized tax amount
5 calculated pursuant to subparagraph (D) of this
6 paragraph (3), and minus any adjustments pursuant to
7 subparagraph (F) of this paragraph (3). The
8 standardized tax amount shall be used unless the
9 requirements for an individualized tax amount set
10 forth in subparagraph (E) of this paragraph (3) are
11 met. "Net income" includes maintenance not includable
12 in the gross taxable income of the payee for federal
13 income tax purposes under a court order in the pending
14 proceedings or any other proceedings and shall be
15 included in the payee's net income for purposes of
16 calculating the parent's child support obligation.

17 (C) As used in this Section, "standardized tax
18 amount" means the total of federal and state income
19 taxes for a single person claiming the standard tax
20 deduction, one personal exemption, and the applicable
21 number of dependency exemptions for the minor child or
22 children of the parties, and Social Security and
23 Medicare tax calculated at the Federal Insurance
24 Contributions Act rate.

25 (I) Unless a court has determined otherwise or
26 the parties otherwise agree, the party with the

1 majority of parenting time shall be deemed
2 entitled to claim the dependency exemption for the
3 parties' minor child.

4 (II) The Illinois Department of Healthcare and
5 Family Services shall promulgate a standardized
6 net income conversion table that computes net
7 income by deducting the standardized tax amount
8 from gross income.

9 (D) As used in this Section, "individualized tax
10 amount" means the aggregate of the following taxes:

11 (I) federal income tax (properly calculated
12 withholding or estimated payments);

13 (II) State income tax (properly calculated
14 withholding or estimated payments); and

15 (III) Social Security or self-employment tax,
16 if applicable (or, if none, mandatory retirement
17 contributions required by law or as a condition of
18 employment) and Medicare tax calculated at the
19 Federal Insurance Contributions Act rate.

20 (E) In lieu of a standardized tax amount, a
21 determination of an individualized tax amount may be
22 made under items (I), (II), or (III) below. If an
23 individualized tax amount determination is made under
24 this subparagraph (E), all relevant tax attributes
25 (including filing status, allocation of dependency
26 exemptions, and whether a party is to claim the use of

1 the standard deduction or itemized deductions for
2 federal income tax purposes) shall be as the parties
3 agree or as the court determines. To determine a
4 party's reported income, the court may order the party
5 to complete an Internal Revenue Service Form 4506-T,
6 Request for Tax Transcript.

7 (I) Agreement. Irrespective of whether the
8 parties agree on any other issue before the court,
9 if they jointly stipulate for the record their
10 concurrence on a computation method for the
11 individualized tax amount that is different from
12 the method set forth under subparagraph (D), the
13 stipulated method shall be used by the court
14 unless the court rejects the proposed stipulated
15 method for good cause.

16 (II) Summary hearing. If the court determines
17 child support in a summary hearing under Section
18 501 and an eligible party opts in to the
19 individualized tax amount method under this item
20 (II), the individualized tax amount shall be
21 determined by the court on the basis of
22 information contained in one or both parties'
23 Supreme Court approved Financial Affidavit (Family
24 & Divorce Cases) and relevant supporting documents
25 under applicable court rules. No party, however,
26 is eligible to opt in unless the party, under

1 applicable court rules, has served the other party
2 with the required Supreme Court approved Financial
3 Affidavit (Family & Divorce Cases) and has
4 substantially produced supporting documents
5 required by the applicable court rules.

6 (III) Evidentiary hearing. If the court
7 determines child support in an evidentiary
8 hearing, whether for purposes of a temporary order
9 or at the conclusion of a proceeding, item (II) of
10 this subparagraph (E) does not apply. In each such
11 case (unless item (I) governs), the individualized
12 tax amount shall be as determined by the court on
13 the basis of the record established.

14 (F) Adjustments to income.

15 (I) Multi-family adjustment. If a parent is
16 also legally responsible for support of a child
17 not shared with the other parent and not subject
18 to the present proceeding, there shall be an
19 adjustment to net income as follows:

20 (i) Multi-family adjustment with court
21 order. The court shall deduct from the
22 parent's net income the amount of child
23 support actually paid by the parent pursuant
24 to a support order unless the court makes a
25 finding that it would cause economic hardship
26 to the child.

1 (ii) Multi-family adjustment without court
2 order. Upon the request or application of a
3 parent actually supporting a presumed,
4 acknowledged, or adjudicated child living in
5 or outside of that parent's household, there
6 shall be an adjustment to child support. The
7 court shall deduct from the parent's net
8 income the amount of financial support
9 actually paid by the parent for the child or
10 75% of the support the parent should pay under
11 the child support guidelines (before this
12 adjustment), whichever is less, unless the
13 court makes a finding that it would cause
14 economic hardship to the child. The adjustment
15 shall be calculated using that parent's income
16 alone.

17 (II) Spousal Maintenance adjustment.
18 Obligations pursuant to a court order for spousal
19 maintenance in the pending proceeding actually
20 paid or payable to the same party to whom child
21 support is to be payable or actually paid to a
22 former spouse pursuant to a court order shall be
23 deducted from the parent's after-tax income,
24 unless the maintenance obligation is tax
25 deductible to the payor for federal income tax
26 purposes, in which case it shall be deducted from

1 the payor's gross income for purposes of
2 calculating the parent's child support obligation.

3 (3.1) Business income. For purposes of calculating
4 child support, net business income from the operation of a
5 business means gross receipts minus ordinary and necessary
6 expenses required to carry on the trade or business. As
7 used in this paragraph, "business" includes, but is not
8 limited to, sole proprietorships, closely held
9 corporations, partnerships, other flow-through business
10 entities, and self-employment. The court shall apply the
11 following:

12 (A) The accelerated component of depreciation and
13 any business expenses determined either judicially or
14 administratively to be inappropriate or excessive
15 shall be excluded from the total of ordinary and
16 necessary business expenses to be deducted in the
17 determination of net business income from gross
18 business income.

19 (B) Any item of reimbursement or in-kind payment
20 received by a parent from a business, including, but
21 not limited to, a company car, reimbursed meals, free
22 housing, or a housing allowance, shall be counted as
23 income if not otherwise included in the recipient's
24 gross income, if the item is significant in amount and
25 reduces personal expenses.

26 (3.2) Unemployment or underemployment. If a parent is

1 voluntarily unemployed or underemployed, child support
2 shall be calculated based on a determination of potential
3 income. A determination of potential income shall be made
4 by determining employment potential and probable earnings
5 level based on the obligor's work history, occupational
6 qualifications, prevailing job opportunities, the
7 ownership by a parent of a substantial non-income
8 producing asset, ~~and~~ earnings levels in the community,
9 employment barriers, and other relevant background factors
10 in the case. Incarceration shall not be considered
11 voluntary unemployment for child support purposes in
12 establishing or modifying child support. If there is
13 insufficient work history to determine employment
14 potential and probable earnings level, there shall be a
15 rebuttable presumption that the parent's potential income
16 is 75% of the most recent United States Department of
17 Health and Human Services Federal Poverty Guidelines for a
18 family of one person.

19 (3.3) Rebuttable presumption in favor of guidelines.
20 There is a rebuttable presumption in any judicial or
21 administrative proceeding for child support that the
22 amount of the child support obligation that would result
23 from the application of the child support guidelines is
24 the correct amount of child support.

25 (3.3a) Minimum child support obligation. There is a
26 rebuttable presumption that a minimum child support

1 obligation of \$40 per month, per child, will be entered
2 for an obligor who has actual or imputed gross income at or
3 less than 75% of the most recent United States Department
4 of Health and Human Services Federal Poverty Guidelines
5 for a family of one person, with a maximum total child
6 support obligation for that obligor of \$120 per month to
7 be divided equally among all of the obligor's children.

8 (3.3b) Zero dollar child support order. For parents
9 with no gross income, who receive only means-tested
10 assistance, or who cannot work due to a medically proven
11 disability, incarceration, or institutionalization, there
12 is a rebuttable presumption that the \$40 per month minimum
13 support order is inapplicable and a zero dollar order
14 shall be entered.

15 (3.4) Deviation factors. In any action to establish or
16 modify child support, whether pursuant to a temporary or
17 final administrative or court order, the child support
18 guidelines shall be used as a rebuttable presumption for
19 the establishment or modification of the amount of child
20 support. The court may deviate from the child support
21 guidelines if the application would be inequitable,
22 unjust, or inappropriate. Any deviation from the
23 guidelines shall be accompanied by written findings by the
24 court specifying the reasons for the deviation and the
25 presumed amount under the child support guidelines without
26 a deviation. These reasons may include:

1 (A) extraordinary medical expenditures necessary
2 to preserve the life or health of a party or a child of
3 either or both of the parties;

4 (B) additional expenses incurred for a child
5 subject to the child support order who has special
6 medical, physical, or developmental needs; and

7 (C) any other factor the court determines should
8 be applied upon a finding that the application of the
9 child support guidelines would be inappropriate, after
10 considering the best interest of the child.

11 (3.5) Income in excess of the schedule of basic child
12 support obligation. A court may use its discretion to
13 determine child support if the combined adjusted net
14 income of the parties exceeds the highest level of the
15 schedule of basic child support obligation, except that
16 the basic child support obligation shall not be less than
17 the highest level of combined net income set forth in the
18 schedule of basic child support obligation.

19 (3.6) Extracurricular activities and school expenses.
20 The court, in its discretion, in addition to the basic
21 child support obligation, may order either or both parents
22 owing a duty of support to the child to contribute to the
23 reasonable school and extracurricular activity expenses
24 incurred which are intended to enhance the educational,
25 athletic, social, or cultural development of the child.

26 (3.7) Child care expenses. The court, in its

1 discretion, in addition to the basic child support
2 obligation, may order either or both parents owing a duty
3 of support to the child to contribute to the reasonable
4 child care expenses of the child. The child care expenses
5 shall be made payable directly to a party or directly to
6 the child care provider at the time of child care
7 services.

8 (A) "Child care expenses" means actual expenses
9 reasonably necessary to enable a parent or non-parent
10 custodian to be employed, to attend educational or
11 vocational training programs to improve employment
12 opportunities, or to search for employment. "Child
13 care expenses" also includes deposits for securing
14 placement in a child care program, the cost of before
15 and after school care, and camps when school is not in
16 session. A child's special needs shall be a
17 consideration in determining reasonable child care
18 expenses.

19 (B) Child care expenses shall be prorated in
20 proportion to each parent's percentage share of
21 combined net income, and may be added to the basic
22 child support obligation if not paid directly by each
23 parent to the provider of child care services. The
24 obligor's and obligee's portion of actual child care
25 expenses shall appear in the support order. If
26 allowed, the value of the federal income tax credit

1 for child care shall be subtracted from the actual
2 cost to determine the net child care costs.

3 (C) The amount of child care expenses shall be
4 adequate to obtain reasonable and necessary child
5 care. The actual child care expenses shall be used to
6 calculate the child care expenses, if available. When
7 actual child care expenses vary, the actual child care
8 expenses may be averaged over the most recent 12-month
9 period. When a parent is temporarily unemployed or
10 temporarily not attending educational or vocational
11 training programs, future child care expenses shall be
12 based upon prospective expenses to be incurred upon
13 return to employment or educational or vocational
14 training programs.

15 (D) An order for child care expenses may be
16 modified upon a showing of a substantial change in
17 circumstances. The party incurring child care expenses
18 shall notify the other party within 14 days of any
19 change in the amount of child care expenses that would
20 affect the annualized child care amount as determined
21 in the support order.

22 (3.8) Shared physical care. If each parent exercises
23 146 or more overnights per year with the child, the basic
24 child support obligation is multiplied by 1.5 to calculate
25 the shared care child support obligation. The court shall
26 determine each parent's share of the shared care child

1 support obligation based on the parent's percentage share
2 of combined net income. The child support obligation is
3 then computed for each parent by multiplying that parent's
4 portion of the shared care support obligation by the
5 percentage of time the child spends with the other parent.
6 The respective child support obligations are then offset,
7 with the parent owing more child support paying the
8 difference between the child support amounts. The Illinois
9 Department of Healthcare and Family Services shall
10 promulgate a worksheet to calculate child support in cases
11 in which the parents have shared physical care and use the
12 standardized tax amount to determine net income.

13 (3.9) Split physical care. When there is more than one
14 child and each parent has physical care of at least one but
15 not all of the children, the support is calculated by
16 using 2 child support worksheets to determine the support
17 each parent owes the other. The support shall be
18 calculated as follows:

19 (A) compute the support the first parent would owe
20 to other parent as if the child in his or her care was
21 the only child of the parties; then

22 (B) compute the support the other parent would owe
23 to the first parent as if the child in his or her care
24 were the only child of the parties; then

25 (C) subtract the lesser support obligation from
26 the greater.

1 The parent who owes the greater obligation shall be
2 ordered to pay the difference in support to the other
3 parent, unless the court determines, pursuant to other
4 provisions of this Section, that it should deviate from
5 the guidelines.

6 (4) Health care to be addressed by the court.

7 (A) A portion of the basic child support
8 obligation is intended to cover basic ordinary
9 out-of-pocket medical expenses. The court, in its
10 discretion, in addition to the basic child support
11 obligation, shall also provide for the child's current
12 and future medical needs by ordering either or both
13 parents to initiate health insurance coverage for the
14 child through currently effective health insurance
15 policies held by the parent or parents, purchase one
16 or more or all health, dental, or vision insurance
17 policies for the child, or provide for the child's
18 current and future medical needs through some other
19 manner.

20 (B) The court, in its discretion, may order either
21 or both parents to contribute to the reasonable health
22 care needs of the child not covered by insurance,
23 including, but not limited to, unreimbursed medical,
24 dental, orthodontic, or vision expenses and any
25 prescription medication for the child not covered
26 under the child's health insurance.

1 (C) If neither parent has access to appropriate
2 private health insurance coverage, the court may
3 order:

4 (I) one or both parents to provide health
5 insurance coverage at any time it becomes
6 available at a reasonable cost; or

7 (II) the parent or non-parent custodian with
8 primary physical responsibility for the child to
9 apply for public health insurance coverage for the
10 child and require either or both parents to pay a
11 reasonable amount of the cost of health insurance
12 for the child.

13 The order may also provide that any time private
14 health insurance coverage is available at a reasonable
15 cost to that party it will be provided instead of cash
16 medical support. As used in this Section, "cash
17 medical support" means an amount ordered to be paid
18 toward the cost of health insurance provided by a
19 public entity or by another person through employment
20 or otherwise or for other medical costs not covered by
21 insurance.

22 (D) The amount to be added to the basic child
23 support obligation shall be the actual amount of the
24 total health insurance premium that is attributable to
25 the child who is the subject of the order. If this
26 amount is not available or cannot be verified, the

1 total cost of the health insurance premium shall be
2 divided by the total number of persons covered by the
3 policy. The cost per person derived from this
4 calculation shall be multiplied by the number of
5 children who are the subject of the order and who are
6 covered under the health insurance policy. This amount
7 shall be added to the basic child support obligation
8 and shall be allocated between the parents in
9 proportion to their respective net incomes.

10 (E) After the health insurance premium for the
11 child is added to the basic child support obligation
12 and allocated between the parents in proportion to
13 their respective incomes for child support purposes,
14 if the obligor is paying the premium, the amount
15 calculated for the obligee's share of the health
16 insurance premium for the child shall be deducted from
17 the obligor's share of the total child support
18 obligation. If the obligee is paying for private
19 health insurance for the child, the child support
20 obligation shall be increased by the obligor's share
21 of the premium payment. The obligor's and obligee's
22 portion of health insurance costs shall appear in the
23 support order.

24 (F) Prior to allowing the health insurance
25 adjustment, the parent requesting the adjustment must
26 submit proof that the child has been enrolled in a

1 health insurance plan and must submit proof of the
2 cost of the premium. The court shall require the
3 parent receiving the adjustment to annually submit
4 proof of continued coverage of the child to the other
5 parent, or as designated by the court.

6 (G) A reasonable cost for providing health
7 insurance coverage for the child may not exceed 5% of
8 the providing parent's gross income. Parents with a
9 net income below 133% of the most recent United States
10 Department of Health and Human Services Federal
11 Poverty Guidelines or whose child is covered by
12 Medicaid based on that parent's income may not be
13 ordered to contribute toward or provide private
14 coverage, unless private coverage is obtainable
15 without any financial contribution by that parent.

16 (H) If dental or vision insurance is included as
17 part of the employer's medical plan, the coverage
18 shall be maintained for the child. If not included in
19 the employer's medical plan, adding the dental or
20 vision insurance for the child is at the discretion of
21 the court.

22 (I) If a parent has been directed to provide
23 health insurance pursuant to this paragraph and that
24 parent's spouse or legally recognized partner provides
25 the insurance for the benefit of the child either
26 directly or through employment, a credit on the child

1 support worksheet shall be given to that parent in the
2 same manner as if the premium were paid by that parent.

3 (4.5) In a proceeding for child support following
4 dissolution of the marriage or civil union by a court that
5 lacked personal jurisdiction over the absent spouse, and
6 in which the court is requiring payment of support for the
7 period before the date an order for current support is
8 entered, there is a rebuttable presumption that the
9 obligor's net income for the prior period was the same as
10 his or her net income at the time the order for current
11 support is entered.

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

24 (6) If (i) the obligor was properly served with a
25 request for discovery of financial information relating to
26 the obligor's ability to provide child support, (ii) the

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

10 (a-3) Life insurance to secure support. At the discretion
11 of the court, a child support obligation pursuant to this
12 Section and Sections 510, 513, and 513.5 of this Act may be
13 secured, in whole or in part, by reasonably affordable life
14 insurance on the life of one or both parents on such terms as
15 the parties agree or as the court orders. The court may require
16 such insurance remain in full force and effect until the
17 termination of all obligations of support, subject to the
18 following:

19 (1) Existing life insurance. The court shall be
20 apprised through evidence, stipulation, or otherwise as to
21 the level, ownership, and type of existing life insurance
22 death benefit coverage available to one or both parents,
23 the cost of the premiums, cost ratings, and escalations
24 and assignment of the policy, if applicable, and all other
25 relevant circumstances. The court shall make findings
26 relative thereto.

1 (2) New life insurance. The court shall be apprised
2 through evidence, stipulation, or otherwise as to the
3 availability of obtaining reasonably affordable new life
4 insurance. To the extent the court determines that the
5 support obligations should be secured, in whole or in
6 part, by new life insurance on the life of one or both
7 parents, the court may order that one or both parents
8 comply with all requirements to obtain such new life
9 insurance through employment, trade union, fraternal
10 organizations, associations, or individual means.

11 In determining the level and type of death benefits
12 coverage to be obtained by a parent, the court shall
13 consider access and availability of life insurance to that
14 parent, the cost of the premium, cost ratings, and
15 escalations, if applicable, and all other relevant
16 circumstances.

17 (3) Other security. If life insurance is unavailable
18 to a parent, the court, in its discretion, or as agreed to
19 by the parties, may order other equitable and reasonable
20 means to secure a child support obligation.

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

1 of the obligor may be determined from records of the clerk of
2 the court, from the Federal Case Registry of Child Support
3 Orders, or by any other reasonable means.

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

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

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

15 (A) work; or

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

18 The court may further order any part or all of the earnings
19 of a parent during a sentence of periodic imprisonment paid to
20 the Clerk of the Circuit Court or to the parent having physical
21 possession of the child or to the non-parent custodian having
22 custody of the child of the sentenced parent for the support of
23 the child until further order of the court.

24 If a parent who is found guilty of contempt for failure to
25 comply with an order to pay support is a person who conducts a
26 business or who is self-employed, the court in addition to

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

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

20 (1) the obligor and the person, persons, or business
21 entity maintain records together.

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

25 (3) the obligor transfers assets to the person,
26 persons, or business entity with the intent to perpetrate

1 a fraud on the obligee.

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

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

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

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

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

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

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

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

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

1 the Court in a county of 500,000 inhabitants or less, the order
2 shall direct the obligor to pay to the Clerk, in addition to
3 the child support payments, all fees imposed by the county
4 board under paragraph (4) of subsection (bb) of Section 27.1a
5 of the Clerks of Courts Act. When child support is to be paid
6 through the clerk of the court in a county of more than 500,000
7 but less than 3,000,000 inhabitants, the order shall direct
8 the obligor to pay to the clerk, in addition to the child
9 support payments, all fees imposed by the county board under
10 paragraph (4) of subsection (bb) of Section 27.2 of the Clerks
11 of Courts Act. Unless paid pursuant to an Income Withholding
12 Order/Notice for Support, the payment of the fee shall be by
13 payment acceptable to the clerk and shall be made to the order
14 of the Clerk.

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

1 obligor. In any subsequent action to enforce a support order,
2 upon a sufficient showing that a diligent effort has been made
3 to ascertain the location of the obligor, service of process
4 or provision of notice necessary in the case may be made at the
5 last known address of the obligor in any manner expressly
6 provided by the Code of Civil Procedure or this Act, which
7 service shall be sufficient for purposes of due process.

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

22 (g-5) If there is an unpaid arrearage or delinquency (as
23 those terms are defined in the Income Withholding for Support
24 Act) equal to at least one month's support obligation on the
25 termination date stated in the order for support or, if there
26 is no termination date stated in the order, on the date the

1 child attains the age of majority or is otherwise emancipated,
2 the periodic amount required to be paid for current support of
3 that child immediately prior to that date shall automatically
4 continue to be an obligation, not as current support but as
5 periodic payment toward satisfaction of the unpaid arrearage
6 or delinquency. That periodic payment shall be in addition to
7 any periodic payment previously required for satisfaction of
8 the arrearage or delinquency. The total periodic amount to be
9 paid toward satisfaction of the arrearage or delinquency may
10 be enforced and collected by any method provided by law for
11 enforcement and collection of child support, including but not
12 limited to income withholding under the Income Withholding for
13 Support Act. Each order for support entered or modified on or
14 after January 1, 2005 (the effective date of Public Act
15 93-1061) must contain a statement notifying the parties of the
16 requirements of this subsection. Failure to include the
17 statement in the order for support does not affect the
18 validity of the order or the operation of the provisions of
19 this subsection with regard to the order. This subsection
20 shall not be construed to prevent or affect the establishment
21 or modification of an order for support of a minor child or the
22 establishment or modification of an order for support of a
23 non-minor child or educational expenses under Section 513 of
24 this Act.

25 (h) An order entered under this Section shall include a
26 provision requiring either parent to report to the other

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

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

24 (Source: P.A. 102-823, eff. 5-13-22.)

25 (750 ILCS 5/509) (from Ch. 40, par. 509)

1 Sec. 509. Independence of Provisions of Judgment or
2 Temporary Order. If a party fails to comply with a provision of
3 a judgment, order, or injunction, the obligation of the other
4 party to make payments for support or maintenance or to permit
5 visitation or parenting time is not suspended; but the other
6 party ~~he~~ may move the court to grant an appropriate order.

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

8 (750 ILCS 5/600)

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

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

12 (b) "Allocation judgment" means a judgment allocating
13 parental responsibilities.

14 (c) "Caretaking functions" means tasks that involve
15 interaction with a child or that direct, arrange, and
16 supervise the interaction with and care of a child provided by
17 others, or for obtaining the resources allowing for the
18 provision of these functions. The term includes, but is not
19 limited to, the following:

20 (1) satisfying a child's nutritional needs; managing a
21 child's bedtime and wake-up routines; caring for a child
22 when the child is sick or injured; being attentive to a
23 child's personal hygiene needs, including washing,
24 grooming, and dressing; playing with a child and ensuring
25 the child attends scheduled extracurricular activities;

1 protecting a child's physical safety; and providing
2 transportation for a child;

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

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

10 (4) ensuring the child attends school, including
11 remedial and special services appropriate to the child's
12 needs and interests, communicating with teachers and
13 counselors, and supervising homework;

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

17 (6) ensuring the child attends medical appointments
18 and is available for medical follow-up and meeting the
19 medical needs of the child in the home;

20 (7) providing moral and ethical guidance for a child;
21 and

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

26 (d) "Parental responsibilities" means both parenting time

1 and significant decision-making responsibilities with respect
2 to a child.

3 (e) "Parenting time" means the time during which a parent
4 is responsible for exercising caretaking functions and
5 non-significant decision-making responsibilities with respect
6 to the child.

7 (f) "Parenting plan" means a written agreement that
8 allocates significant decision-making responsibilities,
9 parenting time, or both.

10 (g) "Relocation" means:

11 (1) a change of residence from the child's current
12 primary residence located in the county of Cook, DuPage,
13 Kane, Lake, McHenry, or Will to a new residence within
14 this State that is more than 25 miles from the child's
15 current residence, as measured by an Internet mapping
16 service using surface roads;

17 (2) a change of residence from the child's current
18 primary residence located in a county not listed in
19 paragraph (1) to a new residence within this State that is
20 more than 50 miles from the child's current primary
21 residence, as measured by an Internet mapping service
22 using surface roads; or

23 (3) a change of residence from the child's current
24 primary residence to a residence outside the borders of
25 this State that is more than 25 miles from the current
26 primary residence, as measured by an Internet mapping

1 service using surface roads.

2 If the Internet mapping service offers alternative routes,
3 the alternative route that is the shortest distance shall be
4 used.

5 (h) "Religious upbringing" means the choice of religion or
6 denomination of a religion, religious schooling, religious
7 training, or participation in religious customs or practices.

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

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

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

14 (l) "Step-parent" means a person married to a child's
15 parent, including a person married to the child's parent
16 immediately prior to the parent's death.

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

19 (Source: P.A. 99-90, eff. 1-1-16; 99-763, eff. 1-1-17.)

20 (750 ILCS 5/602.10)

21 Sec. 602.10. Parenting plan.

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

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

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

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

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

1 not approve the parenting plan, the court shall make express
2 findings of the reason or reasons for its refusal to approve
3 the plan. The court, on its own motion, may conduct an
4 evidentiary hearing to determine whether the parenting plan is
5 in the child's best interests.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 and

7 (B) the address of the new residence;

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

11 (10) transportation arrangements between the parents;

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

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

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

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

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

25 (ii) notification to the other parent and for his
26 or her response;

- 1 (iii) transportation requirements; and
2 (iv) any other provision related to the exercise
3 of the right of first refusal necessary to protect and
4 promote the best interests of the minor child; and
5 (15) any other provision that addresses the child's
6 best interests or that will otherwise facilitate
7 cooperation between the parents.

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

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

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

24 (i) If the underlying action in which the parenting plan
25 or allocation judgment is approved or entered by the court and
26 the underlying action is subsequently dismissed, the parenting

1 plan or allocation judgment shall be void and unenforceable. A
2 parenting plan or allocation judgment, once approved or
3 entered by the court, shall be considered final for purposes
4 for modification pursuant to Section 610.5 or appeal so long
5 as the underlying action is pending.

6 (Source: P.A. 99-90, eff. 1-1-16; 99-763, eff. 1-1-17.)

7 (750 ILCS 5/607.5)

8 Sec. 607.5. Abuse of allocated parenting time.

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

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

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

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

9 (2) a requirement that either or both of the parties
10 attend a parental education program at the expense of the
11 non-complying parent;

12 (3) upon consideration of all relevant factors,
13 particularly a history or possibility of domestic
14 violence, a requirement that the parties participate in
15 family or individual counseling, the expense of which
16 shall be allocated by the court. Counseling ordered under
17 this Section is subject to the Mental Health and
18 Developmental Disabilities Confidentiality Act and the
19 federal Health Insurance Portability and Accountability
20 Act of 1996; ~~if counseling is ordered, all counseling~~
21 ~~sessions shall be confidential, and the communications in~~
22 ~~counseling shall not be used in any manner in litigation~~
23 ~~nor relied upon by an expert appointed by the court or~~
24 ~~retained by any party;~~

25 (4) a requirement that the non-complying parent post a
26 cash bond or other security to ensure future compliance,

1 including a provision that the bond or other security may
2 be forfeited to the other parent for payment of expenses
3 on behalf of the child as the court shall direct;

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

7 (A) that the parenting time is of the same type and
8 duration as the parenting time that was denied,
9 including but not limited to parenting time during
10 weekends, on holidays, and on weekdays and during
11 times when the child is not in school;

12 (B) that the parenting time is made up within 6
13 months after the noncompliance occurs, unless the
14 period of time or holiday cannot be made up within 6
15 months, in which case the parenting time shall be made
16 up within one year after the noncompliance occurs;

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

19 (7) an imposition on the non-complying parent of an
20 appropriate civil fine per incident of denied parenting
21 time;

22 (8) a requirement that the non-complying parent
23 reimburse the other parent for all reasonable expenses
24 incurred as a result of the violation of the parenting
25 plan or court order; and

26 (9) any other provision that may promote the child's

1 best interests.

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

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

15 (f) When the court issues an order holding a party in
16 contempt for violation of a parenting time order and finds
17 that the party engaged in parenting time abuse, the court may
18 order one or more of the following:

19 (1) Suspension of a party's Illinois driving
20 privileges pursuant to Section 7-703 of the Illinois
21 Vehicle Code until the court determines that the party is
22 in compliance with the parenting time order. The court may
23 also order that a party be issued a family financial
24 responsibility driving permit that would allow limited
25 driving privileges for employment, for medical purposes,
26 and to transport a child to or from scheduled parenting

1 time in order to comply with a parenting time order in
2 accordance with subsection (a-1) of Section 7-702.1 of the
3 Illinois Vehicle Code.

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

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

10 (A) work; or

11 (B) conduct a business or other self-employed
12 occupation.

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

17 (g) When the court issues an order holding a party in
18 contempt of court for violation of a parenting order, the
19 clerk shall transmit a copy of the contempt order to the
20 sheriff of the county. The sheriff shall furnish a copy of each
21 contempt order to the Illinois State Police on a daily basis in
22 the form and manner required by the Department. The Department
23 shall maintain a complete record and index of the contempt
24 orders and make this data available to all local law
25 enforcement agencies.

26 (h) Nothing contained in this Section shall be construed

1 to limit the court's contempt power.
2 (Source: P.A. 102-538, eff. 8-20-21.)