



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB2357

Introduced 2/16/2005, by Rep. Marlow H. Colvin

SYNOPSIS AS INTRODUCED:

750 ILCS 5/513

from Ch. 40, par. 513

Amends the Illinois Marriage and Dissolution of Marriage Act. Provides that if the amount of child support was reduced or suspended because the obligor was incarcerated and if the full amount of child support that would have been owed but for the reduction or suspension has not been paid to the obligee by the time the child attains majority, the court, upon application, may order the obligor to make child support payments after the child attains majority. Provides that the period for which such payments are due shall begin on the date the child attains majority or the date the obligor is released from incarceration, whichever is later, and the length of the period shall be equal to the length of the period of the obligor's incarceration. Provides that the amount of support shall be the amount that was in effect immediately before the suspension of support or the amount by which the support was reduced because of the obligor's incarceration, whichever is less.

LRB094 07678 DRJ 37853 b

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 Section 513 as follows:

6 (750 ILCS 5/513) (from Ch. 40, par. 513)

7 Sec. 513. Support for Non-minor Children and Educational
8 Expenses.

9 (a) The court may award sums of money out of the property
10 and income of either or both parties or the estate of a
11 deceased parent, as equity may require, for the support of the
12 child or children of the parties who have attained majority in
13 the following instances:

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

18 (2) The court may also make provision for the
19 educational expenses of the child or children of the
20 parties, whether of minor or majority age, and an
21 application for educational expenses may be made before or
22 after the child has attained majority, or after the death
23 of either parent. The authority under this Section to make
24 provision for educational expenses extends not only to
25 periods of college education or professional or other
26 training after graduation from high school, but also to any
27 period during which the child of the parties is still
28 attending high school, even though he or she attained the
29 age of 19. The educational expenses may include, but shall
30 not be limited to, room, board, dues, tuition,
31 transportation, books, fees, registration and application
32 costs, medical expenses including medical insurance,

1 dental expenses, and living expenses during the school year
2 and periods of recess, which sums may be ordered payable to
3 the child, to either parent, or to the educational
4 institution, directly or through a special account or trust
5 created for that purpose, as the court sees fit.

6 If educational expenses are ordered payable, each
7 parent and the child shall sign any consents necessary for
8 the educational institution to provide the supporting
9 parent with access to the child's academic transcripts,
10 records, and grade reports. The consents shall not apply to
11 any non-academic records. Failure to execute the required
12 consent may be a basis for a modification or termination of
13 any order entered under this Section.

14 The authority under this Section to make provision for
15 educational expenses, except where the child is mentally or
16 physically disabled and not otherwise emancipated,
17 terminates when the child receives a baccalaureate degree.

18 (3) If the amount of child support was reduced or
19 suspended because the obligor was incarcerated and if the
20 full amount of child support that would have been owed but
21 for the reduction or suspension has not been paid to the
22 obligee by the time the child attains majority, the court,
23 upon application, may order the obligor to make child
24 support payments after the child attains majority. The
25 period for which such payments are due shall begin on the
26 date the child attains majority or the date the obligor is
27 released from incarceration, whichever is later, and the
28 length of the period shall be equal to the length of the
29 period of the obligor's incarceration. The amount of
30 support shall be the amount that was in effect immediately
31 before the suspension of support or the amount by which the
32 support was reduced because of the obligor's
33 incarceration, whichever is less.

34 (b) In making awards under paragraph (1) or (2) of
35 subsection (a), or pursuant to a petition or motion to
36 decrease, modify, or terminate any such award, the court shall

1 consider all relevant factors that appear reasonable and
2 necessary, including:

- 3 (1) The financial resources of both parents.
4 (2) The standard of living the child would have enjoyed
5 had the marriage not been dissolved.
6 (3) The financial resources of the child.
7 (4) The child's academic performance.

8 (Source: P.A. 91-204, eff. 1-1-00; 92-876, eff. 6-1-03.)