SENATE JOURNAL

STATE OF ILLINOIS

NINETY-NINTH GENERAL ASSEMBLY

114TH LEGISLATIVE DAY

TUESDAY, MAY 17, 2016

12:10 O'CLOCK P.M.

NO. 114
[May 17, 2016]

SENATE
Daily Journal Index
114th Legislative Day

The Senate met pursuant to adjournment.

Senator Terry Link, Waukegan, Illinois, presiding.

Prayer by Pastor Paul Davis, Greater All Nations Tabernacle Church of God in Christ, Springfield, Illinois.

Senator Cunningham led the Senate in the Pledge of Allegiance.

The Journal of Friday, May 22, 2015, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Monday, May 25, 2015, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

Senator Hunter moved that reading and approval of the Journal of Thursday, May 12, 2016, be postponed, pending arrival of the printed Journal.

The motion prevailed.

REPORT RECEIVED

The Secretary placed before the Senate the following report:

Reporting Requirement of Public Act 94-0987 (Law Enforcement Camera Grant Act), submitted by the Palatine Police Department.

The foregoing report was ordered received and placed on file in the Secretary's Office.

LEGISLATIVE MEASURES FILED

The following Floor amendment to the Senate Bill listed below has been filed with the Secretary and referred to the Committee on Assignments:

Floor Amendment No. 1 to Senate Bill 324

The following Floor amendments to the House Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

Floor Amendment No. 2 to House Bill 3898
Floor Amendment No. 1 to House Bill 4334
Floor Amendment No. 1 to House Bill 4648
Floor Amendment No. 1 to House Bill 5711
Floor Amendment No. 1 to House Bill 5720
Floor Amendment No. 3 to House Bill 6084

JOINT ACTION MOTION FILED

The following Joint Action Motion to the Senate Bill listed below has been filed with the Secretary and referred to the Committee on Assignments:

Motion to Concur in House Amendments 1 and 3 Senate Bill 2864

MESSAGES FROM THE PRESIDENT

OFFICE OF THE SENATE PRESIDENT

STATE OF ILLINOIS

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, IL 62706
217-782-2728

May 13, 2016

Mr. Tim Anderson
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to the provisions of Senate Rule 2-10, I hereby extend the committee deadline to May 27, 2016, for the following House bills:

173 , 696 , 747 , 1380 , 3363 , 3687 , 4212 , 4264 , 4326 , 4362 , 4446 , 4633 , 4661 , 5104 , 5604 , 5619 , 5681 , 5907 , 5915 , 5945 , 5958 , 5995 , 6163 , 6167 , 6200 and 6303.

In addition, I hereby extend all applicable committee and 3rd reading deadlines to May 27, 2016, for the following Senate bills:

126 , 141 , 150 , 165, 166 , 194, 203 , 230 , 237 , 239 , 243 , 244 , 250 , 281 , 282 , 283 , 319 , 323, 324 , 345 , 347 , 385 , 387 , 390 , 391 , 401 , 441 , 442 , 465 , 469 , 470 , 471 , 510 , 517 , 519 , 549 , 550 , 553 , 573 , 577 , 582 , 583 , 584 , 585 , 586 , 587 , 588 , 589 , 630 , 631 , 912 , 1041 , 1048 , 1055 , 1525 , 1642 , 2130 , 2143 , 2147 , 2151 , 2166 , 2170 , 2209 , 2210, 2211 , 2212 , 2224 , 2233, 2295 , 2334 , 2356, 2361 , 2428 , 2430 , 2519 , 2539 , 2563 , 2747 , 2770 , 2781 , 2785 , 2792 , 2803 , 2815 , 2816 , 2844 , 2855, 2856 , 2857 , 2858 , 2859 , 2865 , 2886 , 2913 , 2923 , 2932 , 2938 , 2939 , 2949 , 2952 , 2957 , 2973 , 2999 , 3000 , 3001 , 3002 , 3006 , 3008 , 3028 , 3030 , 3053 , 3069 , 3073 , 3074 , 3076 , 3084 , 3094 , 3109 , 3133 , 3134 , 3161 , 3170 , 3259 , 3272 , 3283 , 3292 , 3297 , 3302 , 3318 , 3332 , 3402 , 3403 , and 3404.

Sincerely,
s/John J. Cullerton
John J. Cullerton
Senate President

cc: Senate Republican Leader Christine Radogno

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, IL 62706
217-782-2728

May 13, 2016

Mr. Tim Anderson
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to the provisions of Senate Rule 2-10, I hereby extend the committee deadline to May 27, 2016, for House Bill 114.

In addition, I hereby extend all applicable committee and 3rd reading deadlines to May 27, 2016, for the following Senate bills:

2191 , 2431 , 2758 , 3142 , 3152 , 3304 , 3327 and 3331.

Sincerely,
s/John J. Cullerton
John J. Cullerton
Senate President

cc: Senate Republican Leader Christine Radogno

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, IL 62706
217-782-2728

May 16, 2016

Mr. Tim Anderson
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to the provisions of Senate Rule 2-10, I hereby extend 3rd reading deadlines to May 27, 2016, for the following Senate Bills:

346 , 911 , 951 , 952 , 969 , 972 , 974 , 1047 , 1049 , 1050 , 1051 , 1052 , 1053 , 1054 , 1056 , 2717 , 2903 and 3052.

Sincerely,
s/John J. Cullerton
John J. Cullerton
Senate President

cc: Senate Republican Leader Christine Radogno

COMMUNICATION

ILLINOIS STATE SENATE
DON HARMON
PRESIDENT PRO TEMPORE
39TH DISTRICT

DISCLOSURE TO THE SENATE

Date: 5/12/16

Legislative Measure(s): SB 3020

Venue:
Committee on_____
X Full Senate

X Due to a potential conflict of interest (or the potential appearance thereof), I abstained from voting (or voted "present") on the above legislative measure(s).

Notwithstanding a potential conflict of interest (or the potential appearance thereof), I voted in favor of or against the above legislative measure(s) because I believe doing so is in the best interests of the State.

s/Don Harmon
Senator Don Harmon

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 1866
Offered by Senator Althoff and all Senators:
Mourns the death of Dr. David Allen Frey of Woodstock.

SENATE RESOLUTION NO. 1867
Offered by Senator Althoff and all Senators:
Mourns the death of Thomas E. Low of McHenry.

SENATE RESOLUTION NO. 1868
Offered by Senator Althoff and all Senators:
Mourns the death of James J. Wasicak of McHenry.

SENATE RESOLUTION NO. 1869
Offered by Senator Althoff and all Senators:
Mourns the death of Brian A. Knight of Ringwood.

SENATE RESOLUTION NO. 1870
Offered by Senator Althoff and all Senators:
Mourns the death of Roger H. Sass, Sr., of Woodstock.

SENATE RESOLUTION NO. 1871
Offered by Senator Althoff and all Senators:
Mourns the death of Betty J. Hettermann of Johnsburg.

SENATE RESOLUTION NO. 1872
Offered by Senator Anderson and all Senators:
Mourns the death of Jay L. "Jack" Barnard of Moline.

SENATE RESOLUTION NO. 1873
Offered by Senator Anderson and all Senators:
Mourns the death of Roscoe "Dallas" Davenport of Silvis.

SENATE RESOLUTION NO. 1874
Offered by Senator Haine and all Senators:
Mourns the death of Dale C. King of South Roxana.

SENATE RESOLUTION NO. 1875
Offered by Senator Manar and all Senators:
Mourns the death of Carl H. Raymond of Bunker Hill.

SENATE RESOLUTION NO. 1876
Offered by Senator Manar and all Senators:
Mourns the death of Merle Emery of Bunker Hill.

By unanimous consent, the foregoing resolutions were referred to the Resolutions Consent Calendar.

INTRODUCTION OF BILL

SENATE BILL NO. 3428. Introduced by Senator Radogno, a bill for AN ACT concerning appropriations.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

MESSAGES FROM THE HOUSE

A message from the House by
Mr. Mapes, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE JOINT RESOLUTION NO. 92

WHEREAS, The members of the Illinois General Assembly are saddened to learn of the death of Thomas Cellini, who passed away on June 9, 2015; and

WHEREAS, Thomas Cellini was born on May 30, 1939 in Chicago Heights; his parents were Paul and Maria Cellini; and

WHEREAS, At the age of 16, Thomas Cellini started showing interest in auto repair, which led him to start a business in 1956; the business was made into a corporation in 1960; he was also the proprietor for Broadway Auto in South Chicago Heights from 1970 to 2013 and served his community for many years; and

WHEREAS, In 1986, Thomas Cellini started showing signs of Huntington's disease, a degenerative brain disorder that causes spontaneous body movements and eventually diminishes one's ability to walk, talk, think, and reason; in 2005, he and his wife started The Thomas Cellini Huntington's Foundation to help those with Huntington's disease and their families; and

WHEREAS, Thomas Cellini was the loving husband of Barbara Embry, whom he married on June 23, 1959; the father of 5 children; the grandfather of 13; the great-grandfather of 2; and the brother of Paul Cellini, late baby Betty Jean, and baby Tommy Cellini; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we designate the portion of East End Avenue between the intersections of 26th Street and East End Avenue and Sauk Trail and East End Avenue in South Chicago Heights as Honorary Thomas Cellini Way; and be it further

RESOLVED, That the Illinois Department of Transportation is requested to erect at suitable locations, consistent with State and federal regulations, appropriate plaques or signs giving notice of the name of Honorary Thomas Cellini Way; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the family of Thomas Cellini and the Secretary of the Illinois Department of Transportation.

Adopted by the House, September 24, 2015.

TIMOTHY D. MAPES, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 92 was referred to the Committee on Assignments.

A message from the House by
Mr. Mapes, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE JOINT RESOLUTION NO. 121

WHEREAS, It is highly fitting that the Illinois General Assembly pays honor and respect to individuals who have given their lives in the line of duty; and

WHEREAS, Trooper Chong Soo Lim, Badge #4348, was killed in the line of duty on June 6, 1995, at the age of 29; and

WHEREAS, Trooper Lim was killed on Interstate 90 Westbound at (then) Milepost 18.3 when his patrol car was struck from behind as he conducted a traffic stop on the Northwest Tollway; and

WHEREAS, Trooper Lim had been a State Trooper for 5 years and was a graduate of the University of Illinois in Chicago; and

WHEREAS, Trooper Lim was born in South Korea and moved with his family to the United States in the late 1970s; and

WHEREAS, Trooper Lim patrolled District 3 in Chicago upon his graduation from the Illinois State Police Academy; he transferred to the midnight shift in District 15, Oak Brook, just one month before his death; and

WHEREAS, Annually the Asian American Law Enforcement Association honors Trooper Lim with a memorial scholarship; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we designate the State Route 59 overpass over Interstate 90 the "Trooper Chong Soo Lim Memorial Overpass"; and be it further

RESOLVED, That the Illinois State Tollway Highway Authority is requested to erect at suitable locations, consistent with State and federal regulations, appropriate plaques or signs giving notice of the name of the "Trooper Chong Soo Lim Memorial Overpass"; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the family of Trooper Lim and the Executive Director of the Illinois State Tollway Highway Authority.

Adopted by the House, May 4, 2016.

TIMOTHY D. MAPES, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 121 was referred to the Committee on Assignments.

APPOINTMENT MESSAGES

Appointment Message No. 990507

To the Honorable Members of the Senate, Ninety-Ninth General Assembly:

I, Bruce Rauner, Governor, am nominating and, by and with the advice and consent of the Senate, appointing the following named individual to the office enumerated below. The advice and consent of this Honorable Body is respectfully requested.

Title of Office: Member

Agency or Other Body: Illinois Department of State Police Merit Board

Start Date: May 16, 2016

End Date: March 21, 2022

Name: Richard Porter

Residence: 875 Bryant Ave., Winnetka, IL 60093

Annual Compensation: $23,700

Per diem: Not Applicable

Nominee's Senator: Senator Daniel Biss

Most Recent Holder of Office: Arthur Pradel

Superseded Appointment Message: Not Applicable

Appointment Message No. 990508

To the Honorable Members of the Senate, Ninety-Ninth General Assembly:

I, Bruce Rauner, Governor, am nominating and, by and with the advice and consent of the Senate, appointing the following named individual to the office enumerated below. The advice and consent of this Honorable Body is respectfully requested.

Title of Office: Member

Agency or Other Body: Will County Metropolitan Exposition and Auditorium Authority

Start Date: May 16, 2016

End Date: December 1, 2019

Name: Michael Murray

Residence: 407 Rookery Ct., Joliet, IL 60431

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Pat McGuire

Most Recent Holder of Office: James Smith

Superseded Appointment Message: Not Applicable

Appointment Message No. 990509

To the Honorable Members of the Senate, Ninety-Ninth General Assembly:

I, Lisa Madigan, Attorney General, am nominating and, by and with the advice and consent of the Senate, appointing the following named individual to the office enumerated below. The advice and consent of this Honorable Body is respectfully requested.

Title of Office: Commissioner

Agency or Other Body: Executive Ethics Commission

Start Date: July 1, 2016

End Date: June 30, 2020

Name: Shawn W. Denney

Residence: 3813 Bergamot Drive, Springfield, IL 62712

Annual Compensation: $37,571

Per diem: Not Applicable

Nominee's Senator: Senator Andy Manar

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

Under the rules, the foregoing Appointment Messages were referred to the Committee on Assignments.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Bush, **House Bill No. 582** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Collins, **House Bill No. 119** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Collins, **House Bill No. 3199** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Forby, **House Bill No. 3217** having been printed, was taken up and read by title a second time.

Committee Amendment No. 1 was held in the Committee on Assignments.

The following amendment was offered in the Committee on State Government and Veterans Affairs, adopted and ordered printed:

AMENDMENT NO. 2 TO HOUSE BILL 3217

AMENDMENT NO. 2. Amend House Bill 3217 on page 2, line 16, by changing "State and federal" to "federal"; and

on page 3, line 25, by changing "Indians" to "State-recognized tribes"; and

on page 4, by inserting immediately below line 9 the following:

"(c) State agencies may adopt rules regarding benefits and services available to State-recognized tribes.".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 3239** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rose, **House Bill No. 2262** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Mulroe, **House Bill No. 3898** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 3898

AMENDMENT NO. 1. Amend House Bill 3898 by replacing everything after the enacting clause with the following:

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

(750 ILCS 5/452)

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

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

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

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

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

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

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

(g) The parties waive any rights to maintenance.

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

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

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

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

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

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

(a) Either party may petition or move for:

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

inaccurate or misleading financial affidavit, the court shall impose significant penalties and sanctions including, but not limited to, costs and attorney's fees;

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

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

(ii) enjoining a party from removing a child from the jurisdiction of the court <u>for more than 14 days;</u>

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

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

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

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

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

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

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

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

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

(B) the needs of each party;

(C) the realistic earning capacity of each party;

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

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

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

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

(H) the amount of the payment or payments made or reasonably expected to be made to

the attorney for the other party; and

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

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

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

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

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

(d) A temporary order entered under this Section:

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

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

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

(e) The fees or costs of mediation shall be borne by the parties and may be assessed by the court as it deems equitable without prejudice and are subject to reallocation at the conclusion of the case.
(Source: P.A. 99-90, eff. 1-1-16.)

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

Sec. 501.1. Dissolution action stay.

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

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

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

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

(b) (Blank).

(c) (Blank).

(d) (Blank).

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

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

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

Sec. 502. Agreement.

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

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

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

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

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

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

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

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

Sec. 503. Disposition of property and debts.

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

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

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

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

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

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

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

(6.5) all property acquired by a spouse by the sole use of non-marital property as

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) the duration of the marriage;

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

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

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

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

(9) the custodial provisions for any children;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 504. Maintenance.

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

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

(2) the needs of each party;

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

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

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

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

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

(8) the duration of the marriage;

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

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

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

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

(13) any valid agreement of the parties; and

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

(b) (Blank).

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

(1) Maintenance award in accordance with guidelines. In situations when the combined

gross income of the parties is less than $250,000 and the payor has no obligation to pay child support or maintenance or both from a prior relationship, maintenance payable after the date the parties' marriage is dissolved shall be in accordance with subparagraphs (A) and (B) of this paragraph (1), unless the court makes a finding that the application of the guidelines would be inappropriate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 505. Child support; contempt; penalties.

(a) In a proceeding for dissolution of marriage, legal separation, declaration of invalidity of marriage, a proceeding for child support following dissolution of the marriage by a court that lacked personal jurisdiction over the absent spouse, a proceeding for modification of a previous order for child support under Section 510 of this Act, or any proceeding authorized under Section 501 or 601 of this Act, the court may order either or both parents owing a duty of support to a child of the marriage to pay an amount reasonable and necessary for the support of the child, without regard to marital misconduct. The duty of support owed to a child includes the obligation to provide for the reasonable and necessary educational, physical, mental and emotional health needs of the child. For purposes of this Section, the term "child" shall include any child under age 18 and any child under age 19 who is still attending high school. For purposes of this Section, the term "supporting parent" means the parent obligated to pay support to the other parent.

(1) The Court shall determine the minimum amount of 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%

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

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

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

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

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

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

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

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

(a) health needs not covered by insurance;

(b) child care;

(c) education; and

(d) extracurricular activities.

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

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

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

(c) Social Security (FICA payments);

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

(e) Union dues;

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

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

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

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

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

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

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

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

(6) If (i) the supporting parent was properly served with a request for discovery of

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

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

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

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

(2) sentenced to periodic imprisonment for a period not to exceed 6 months; provided,

however, that the Court may permit the parent to be released for periods of time during the day or night to:

(A) work; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(g-5) If there is an unpaid arrearage or delinquency (as those terms are defined in the Income Withholding for Support Act) equal to at least one month's support obligation on the termination date stated in the order for support or, if there is no termination date stated in the order, on the date the child attains the age of majority or is otherwise emancipated, the periodic amount required to be paid for current

support of that child immediately prior to that date shall automatically continue to be an obligation, not as current support but as periodic payment toward satisfaction of the unpaid arrearage or delinquency. That periodic payment shall be in addition to any periodic payment previously required for satisfaction of the arrearage or delinquency. The total periodic amount to be paid toward satisfaction of the arrearage or delinquency may be enforced and collected by any method provided by law for enforcement and collection of child support, including but not limited to income withholding under the Income Withholding for Support Act. Each order for support entered or modified on or after the effective date of this amendatory Act of the 93rd General Assembly must contain a statement notifying the parties of the requirements of this subsection. Failure to include the statement in the order for support does not affect the validity of the order or the operation of the provisions of this subsection with regard to the order. This subsection shall not be construed to prevent or affect the establishment or modification of an order for support of a minor child or the establishment or modification of an order for support of a non-minor child or educational expenses under Section 513 of this Act.

(h) An order entered under this Section shall include a provision requiring either parent to report to the other parent and to the clerk of court within 10 days each time either parent obtains new employment, and each time either parent's employment is terminated for any reason. The report shall be in writing and shall, in the case of new employment, include the name and address of the new employer. Failure to report new employment or the termination of current employment, if coupled with nonpayment of support for a period in excess of 60 days, is indirect criminal contempt. For either parent arrested for failure to report new employment bond shall be set in the amount of the child support that should have been paid during the period of unreported employment. An order entered under this Section shall also include a provision requiring either parent to advise the other of a change in residence within 5 days of the change except when the court finds that the physical, mental, or emotional health of a party or that of a child, or both, would be seriously endangered by disclosure of the party's address.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a-5) A petition for temporary attorney's fees in a post-judgment case may be heard on a non-evidentiary, summary basis.

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

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

(1) No petition of a counsel of record may be filed against a client unless the filing counsel previously has been granted leave to withdraw as counsel of record or has filed a motion for leave to withdraw as counsel. On receipt of a petition of a client under this subsection (c), the counsel of record shall promptly file a motion for leave to withdraw as counsel. If the client and the counsel of record agree, however, a hearing on the motion for leave to withdraw as counsel filed pursuant to this subdivision (c)(1) may be deferred until completion of any alternative dispute resolution procedure under subdivision (c)(4). As to any Petition for Setting Final Fees and Costs against a client or counsel over whom the court has not obtained jurisdiction, a separate summons shall issue. Whenever a separate summons is not required, original notice as to a Petition for Setting Final Fees and Costs may be given, and documents served, in accordance with Illinois Supreme Court Rules 11 and 12.

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

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

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

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

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

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

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

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

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

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

(d) A consent judgment, in favor of a current counsel of record against his or her own client for a specific amount in a marital settlement agreement, dissolution judgment, or any other instrument involving the other litigant, is prohibited. A consent judgment between client and counsel, however, is permissible if it is entered pursuant to a verified petition for entry of consent judgment, supported by an affidavit of the counsel of record that includes the counsel's representation that the client has been provided an itemization of the billing or billings to the client, detailing hourly costs, time spent, and tasks performed, and by an affidavit of the client acknowledging receipt of that documentation, awareness of the right to a hearing, the right to be represented by counsel (other than counsel to whom the consent judgment is in favor), and the right to be present at the time of presentation of the petition, and agreement to the terms of the judgment. The petition may be filed at any time during which it is permissible for counsel of record to file a petition (or a praecipe) for a final fee hearing, except that no such petition for entry of consent judgment may be filed before adjudication (or waiver) of the client's right to contribution under subsection (j) of Section 503 or filed after the filing of a petition (or a praecipe) by counsel of record for a fee hearing under subsection (c) if the petition (or praecipe) remains pending. No consent security arrangement between a client and a counsel of record, pursuant to which assets of a client are collateralized to secure payment of legal fees or costs, is permissible unless approved in advance by the court as being reasonable under the circumstances.

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

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

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

In an independent proceeding, the prior applicability of this Section shall in no way be deemed to have diminished any other right of any counsel (or former counsel) to pursue an award and judgment for legal fees and costs on the basis of remedies that may otherwise exist under applicable law; and the limitations period for breach of contract shall apply. In an independent proceeding under subdivision (e)(1) in which the former counsel had represented a former client in a dissolution case that is still pending, the former client may bring in his or her spouse as a third-party defendant, provided on or before the final date for filing a petition (or praecipe) under subsection (c), the party files an appropriate third-party complaint under Section 2-406 of the Code of Civil Procedure. In any such case, any judgment later obtained by the

former counsel shall be against both spouses or ex-spouses, jointly and severally (except that, if a hearing under subsection (j) of Section 503 has already been concluded and the court hearing the contribution issue has imposed a percentage allocation between the parties as to fees and costs otherwise being adjudicated in the independent proceeding, the allocation shall be applied without deviation by the court in the independent proceeding and a separate judgment shall be entered against each spouse for the appropriate amount). After the period for the commencement of a proceeding under subsection (c), the provisions of this Section (other than the standard set forth in subdivision (c)(3) and the terms respecting consent security arrangements in subsection (d) of this Section 508) shall be inapplicable.

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

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

"STATEMENT OF CLIENT'S RIGHTS AND RESPONSIBILITIES

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

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

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

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

(5) FEES. The counsel's fee for services may not be contingent upon the securing of a dissolution of marriage or upon being allocated parental responsibility or be based upon the amount of maintenance, child support, or property settlement received, except as specifically permitted under Supreme Court rules. The counsel may not require a non-refundable retainer fee, but must remit back any overpayment at the end of the representation. The counsel may enter into a consensual security arrangement with the client whereby assets of the client are pledged to secure payment of legal fees or costs, but only if the counsel first obtains approval of the Court. The counsel will prepare and provide the client with an itemized billing statement detailing hourly rates (and/or other criteria), time spent, tasks performed, and costs incurred on a regular basis, at least quarterly. The client should review each billing statement promptly and address any objection or error in a timely manner. The client will not be billed for time spent to explain or correct a billing statement. If an appropriately detailed written estimate is submitted to a client as to future costs for a counsel's representation or a portion of the contemplated services (i.e., relative to specific steps

recommended by the counsel in the estimate) and, without objection from the client, the counsel then performs the contemplated services, all such services are presumptively reasonable and necessary, as well as to be deemed pursuant to the client's direction. In an appropriate case, the client may pursue contribution to his or her fees and costs from the other party.

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

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

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

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

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

(B) Subsection (j) of Section 503.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) The financial resources of the child.

(4) The child's academic performance.

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

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

(750 ILCS 5/600)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(g) "Relocation" means:

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

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

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

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

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

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

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

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

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

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

(750 ILCS 5/602.9)

Sec. 602.9. Visitation by certain non-parents.

(a) As used in this Section:

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

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

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

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

(b) General provisions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(D) the child's parents have been granted a dissolution of marriage or have been legally separated from each other or there is pending a dissolution proceeding involving a parent of the child or another court proceeding involving parental responsibilities or visitation of the child (other than an adoption proceeding of an unrelated child, a proceeding under Article II of the Juvenile Court Act of 1987, or an action for an order of protection under the Illinois Domestic Violence Act of 1986 or Article 112A of the Code of Criminal Procedure of 1963) and at least one parent does not

object to the grandparent, great-grandparent, step-parent, or sibling having visitation with the child. The visitation of the grandparent, great-grandparent, step-parent, or sibling must not diminish the parenting time of the parent who is not related to the grandparent, great-grandparent, step-parent, or sibling seeking visitation; or

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

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

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

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

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

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

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

(d) Modification of visitation orders.

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

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

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

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

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

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

subsection, no person may visit, with the child present, a person who has been convicted of first degree murder of the parent, grandparent, great-grandparent, or sibling of the child without the consent of the child's parent, other than a parent convicted of first degree murder as set forth herein, or legal guardian. (Source: P.A. 99-90, eff. 1-1-16.)

(750 ILCS 5/602.10)

Sec. 602.10. Parenting plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) a requirement that a parent changing his or her residence provide at least 60 days prior written notice of the change to any other parent under the parenting plan or allocation judgment, unless such notice is impracticable or unless otherwise ordered by the court. If such notice is

impracticable, written notice shall be given at the earliest date practicable. At a minimum, the notice shall set forth the following:

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

(B) the address of the new residence;

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

(10) transportation arrangements between the parents;

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

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

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

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

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

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

(iii) transportation requirements; and

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

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

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

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

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

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

(750 ILCS 5/602.11)

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

(a) Notwithstanding any other provision of law, access to records and information pertaining to a child including, but not limited to, medical, dental, child care, and school records shall not be denied to a parent for the reason that such parent has not been allocated parental responsibility; however, no parent shall have access to the school records of a child if the parent is prohibited by an order of protection from inspecting or obtaining such records pursuant to the Domestic Violence Act of 1986 or the Code of Criminal Procedure of 1963. ~~A parent who is not allocated parenting time (not denied parental responsibility) is not entitled to access to the child's school or health care records unless a court finds that it is in the child's best interests to provide those records to the parent.~~

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

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

(750 ILCS 5/604.10)

Sec. 604.10. Interviews; evaluations; investigation.

(a) Court's interview of child. The court may interview the child in chambers to ascertain the child's wishes as to the allocation of parental responsibilities. Counsel shall be present at the interview unless

otherwise agreed upon by the parties. The entire interview shall be recorded by a court reporter. The transcript of the interview shall be filed under seal and released only upon order of the court. ~~The cost of the court reporter and transcript shall be paid by the court.~~

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

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

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

(2) a report of the data collected;

(3) all test results;

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

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

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

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

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

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

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

(2) a report of the data collected;

(3) all test results;

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

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

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

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

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

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

(d) Investigation. Upon notice and a motion by a parent or any party to the litigation, or upon the court's own motion, the court may order an investigation and report to assist the court in allocating parental responsibilities. The investigation may be made by any agency, private entity, or individual deemed

appropriate by the court. The agency, private entity, or individual appointed by the court must have expertise in the area of allocation of parental responsibilities. The court shall specify the purpose and scope of the investigation.

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

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

(2) a report of the data collected;

(3) all test results;

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

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

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

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

The investigator shall make available to all attorneys of record, and to any party not represented, the investigator's file, and the names and addresses of all persons whom the investigator has consulted, except that if such disclosure would risk abuse to the party or any member of the party's immediate family or household or reveal the confidential address of a shelter for domestic violence victims, that address may be omitted from the report. Any party to the proceeding may call the investigator, or any person consulted by the investigator as a court's witness, for cross-examination. No fees shall be paid for any investigation by a governmental agency. The fees incurred by any other investigator shall be allocated in accordance with Section 508.

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

(750 ILCS 5/606.5)

Sec. 606.5. Hearings.

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

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

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

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

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

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

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

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

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

(750 ILCS 5/607.5)

Sec. 607.5. Abuse of allocated parenting time.

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

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

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

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

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

(3) upon consideration of all relevant factors, particularly a history or possibility of domestic violence, a requirement that the parties participate in family or individual counseling, the expense of which shall be allocated by the court; if counseling is ordered, all counseling sessions shall be 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 any party;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) work; or

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

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

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

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

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

(750 ILCS 5/607.6 new)

Sec. 607.6. Counseling.

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

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

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

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

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

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

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

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

(750 ILCS 5/610.5)

Sec. 610.5. Modification.

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

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

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

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

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

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

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

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

(4) the parties agree to the modification.

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

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

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

(750 ILCS 46/103)

Sec. 103. Definitions. In this Act:

(a) "Acknowledged father" means a man who has established a father-child relationship under Article 3.

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

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

(1) a presumed parent or acknowledged father; or

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

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

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

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

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

(2) the likelihood that the tested man is not the father, based on the genetic markers of the tested man, mother, and child, conditioned on the hypothesis that the tested man is not the father of the child and that the father is of the same ethnic or racial group as the tested man.

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

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

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

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

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

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

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

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

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

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

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

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

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

(t) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

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

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

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

(2) establishment or modification of child support;

(3) determination of parentage; or

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

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

(750 ILCS 46/Art. 7 heading)

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

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

(750 ILCS 46/701 new)

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

(750 ILCS 46/702 new)

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

(750 ILCS 46/703 new)

Sec. 703. Parentage of child of assisted reproduction.

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

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

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

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

(750 ILCS 46/704 new)

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

(750 ILCS 46/705 new)

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

(750 ILCS 46/706 new)

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

(750 ILCS 46/707 new)

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

(750 ILCS 46/708 new)

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

(750 ILCS 46/709 new)

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

(a) In the event of gestational surrogacy, in addition to the requirements of the Gestational Surrogacy Act, a parent-child relationship is established between a person and a child if all of the following conditions are met prior to the birth of the child:

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

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

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

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

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

(b) All certifications under this Section shall be in writing and witnessed by 2 competent adults who are not the gestational surrogate, gestational surrogate's spouse, if any, or an intended parent. Certifications shall be on forms prescribed by the Illinois Department of Public Health and shall be executed prior to the birth of the child. All certifications shall be provided, prior to the birth of the child, to both the hospital where the gestational surrogate anticipates the delivery will occur and to the Illinois Department of Public Health.

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

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

(750 ILCS 40/Act rep.)

Section 15. The Illinois Parentage Act is repealed.".

Floor Amendment No. 1 was held in the Committee on Assignments.

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Anderson, **House Bill No. 4318** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Agriculture, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 4318

AMENDMENT NO. 1. Amend House Bill 4318 as follows:

on page 1, line 14, by replacing "subsection (a)" with "Section ~~subsection (a)~~"; and

on page 2, by replacing line 16 with the following:

"products. The Department shall provide applications for the signs, which shall be submitted with the required fee.".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Althoff, **House Bill No. 4327** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 4330** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Biss, **House Bill No. 4351** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Van Pelt, **House Bill No. 4360** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **House Bill No. 4371** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator T. Cullerton, **House Bill No. 4379** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Althoff, **House Bill No. 4387** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bertino-Tarrant, **House Bill No. 4391** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Barickman, **House Bill No. 4425** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Morrison, **House Bill No. 4433** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **House Bill No. 4515** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Criminal Law, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 4515

AMENDMENT NO. 1. Amend House Bill 4515 on page 3, line 16, by replacing "June 30, 2016" with "January 1, 2017"; and

on page 20, lines 13 through 14, by replacing "upon becoming law" with "January 1, 2017".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Clayborne, **House Bill No. 4522** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Local Government, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 4522

AMENDMENT NO. 1. Amend House Bill 4522 on page 1, line 16, by deleting "per vehicle".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Hastings, **House Bill No. 4536** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Local Government, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 4536

AMENDMENT NO. 1. Amend House Bill 4536 on page 2, line 26, by replacing "$25,000" with "$25,000, or a lower amount if required by board policy,"; and

on page 4, line 25, by replacing "$25,000" with "$25,000, or a lower amount if required by board policy,"; and

on page 5, line 6, by replacing "$25,000" with "$25,000, or the lower amount if required by board policy,"; and

on page 7, line 22, by replacing "$25,000" with "$25,000, or a lower amount if required by board policy,"; and

on page 8, line 22, by replacing "$25,000" with "$25,000, or a lower amount if required by board policy,".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Mulroe, **House Bill No. 4576** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Public Health, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 4576

AMENDMENT NO. 1. Amend House Bill 4576 on page 3, by deleting lines 19 through 21; and

on page 3, line 22, by replacing "(h)" with "(g)"; and

on page 4, line 2, by replacing "(j)" with "(h)".

Floor Amendment No. 2 was held in the Committee on Assignments.

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Muñoz, **House Bill No. 4589** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Executive, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 4589

AMENDMENT NO. 1. Amend House Bill 4589 as follows:

on page 1, line 5, by replacing ", 6-28.5, and 6-36" with "and 6-28.5"; and

by deleting line 17 on page 5 through line 2 on page 11.

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Althoff, **House Bill No. 4627** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Raoul, **House Bill No. 4641** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Connelly, **House Bill No. 4648** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Althoff, **House Bill No. 4658** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 4658

AMENDMENT NO. 1. Amend House Bill 4658 on page 11, line 9, after "Commission", by inserting the following:

", before a comparable department or body established by a county, municipality, or township pursuant to an ordinance prohibiting discrimination and established for the purpose of investigating and adjudicating charges or complaints of discrimination under the ordinance, or before a federal agency or commission that administers and enforces federal anti-discrimination laws and investigates and adjudicates charges or complaints of discrimination under such laws"; and

on page 13, line 15, by changing "subsection (d) ~~Section (b)~~" to " subsection ~~Section~~ (b)".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Nybo, **House Bill No. 4683** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Syverson, **House Bill No. 4688** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Public Health, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 4688

AMENDMENT NO. 1. Amend House Bill 4688 by replacing everything after the enacting clause with the following:

"Section 5. The Public Water Supply Regulation Act is amended by changing Section 7a as follows:
(415 ILCS 40/7a) (from Ch. 111 1/2, par. 121g1)

Sec. 7a. In order to protect the dental health of all citizens, especially children, the owners or official custodians of public water supplies shall be in compliance with ~~the Department shall promulgate rules to provide for the addition of fluoride to public water supplies by the owners or official custodians thereof. Such rules shall incorporate~~ the recommendations on optimal fluoridation for community water levels as proposed and adopted by the U.S. Department of Health and Human Services and the Centers for Disease Control and Prevention and the rules and regulations adopted by the Illinois Environmental Protection Agency and the Pollution Control Board.
(Source: P.A. 97-43, eff. 6-28-11.)

Section 99. Effective date. This Act takes effect upon becoming law.".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Rose, **House Bill No. 4820** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hunter, **House Bill No. 4966** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 4966

AMENDMENT NO. 1. Amend House Bill 4966 on page 2, line 20, by replacing ", except that" with ". Notwithstanding any other provision of this Section".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Connelly, **House Bill No. 4999** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Raoul, **House Bill No. 5017** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **House Bill No. 5539** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Raoul, **House Bill No. 5551** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 5556** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Trotter, **House Bill No. 5566** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Raoul, **House Bill No. 5572** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hutchinson, **House Bill No. 5576** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hutchinson, **House Bill No. 5598** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Nybo, **House Bill No. 5602** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Barickman, **House Bill No. 5649** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Nybo, **House Bill No. 5683** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Nybo, **House Bill No. 5684** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Syverson, **House Bill No. 5710** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Althoff, **House Bill No. 5711** was taken up, read by title a second time.
Floor Amendment No. 1 was held in the Committee on Assignments.
There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Bennett, **House Bill No. 5720** was taken up, read by title a second time.
Floor Amendment No. 1 was held in the Committee on Assignments.
There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Hastings, **House Bill No. 5756** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **House Bill No. 5771** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Connelly, **House Bill No. 5781** was taken up, read by title a second time.
Committee Amendment No. 1 and Floor Amendment No. 2 were held in the Committee on Assignments.
There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Bertino-Tarrant, **House Bill No. 5805** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hutchinson, **House Bill No. 5884** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 5898** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Noland, **House Bill No. 5910** was taken up, read by title a second time
Floor Amendment No. 1 was held in the Committee on Assignments.
There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Noland, **House Bill No. 5912** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 5918** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **House Bill No. 5924** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Biss, **House Bill No. 5933** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Althoff, **House Bill No. 5938** was taken up, read by title a second time.
Committee Amendment No. 1 was held in the Committee on Assignments.
There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Raoul, **House Bill No. 5973** having been printed, was taken up and read by title a second time.
The following amendment was offered in the Committee on Criminal Law, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 5973

AMENDMENT NO. 1. Amend House Bill 5973 by replacing everything after the enacting clause with the following:

"Section 5. The Funeral Directors and Embalmers Licensing Code is amended by changing Section 15-75 and by adding Section 15-72 as follows:
(225 ILCS 41/15-72 new)
Sec. 15-72. Applicant convictions.
(a) When reviewing a conviction by plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or by sentencing of an initial applicant, the Department may only deny a license based upon consideration of mitigating factors provided in subsection (c) of this Section for a felony directly related to the practice of funeral directing and embalming.
(b) The following crimes or similar offenses in any other jurisdiction are hereby deemed directly related to the practice of funeral directing and embalming:
(1) first degree murder;
(2) second degree murder;
(3) drug induced homicide;
(4) unlawful restraint;
(5) aggravated unlawful restraint;
(6) forcible detention;
(7) involuntary servitude;
(8) involuntary sexual servitude of a minor;
(9) predatory criminal sexual assault of a child;
(10) aggravated criminal sexual assault;
(11) criminal sexual assault;
(12) criminal sexual abuse;
(13) aggravated kidnaping;
(14) aggravated robbery;
(15) armed robbery;
(16) kidnapping;
(17) aggravated battery;
(18) aggravated vehicular hijacking;
(19) terrorism;
(20) causing a catastrophe;
(21) possession of a deadly substance;
(22) making a terrorist threat;
(23) material support for terrorism;
(24) hindering prosecution of terrorism;
(25) armed violence;
(26) any felony based on consumer fraud or deceptive business practices under the Consumer Fraud and Deceptive Business Practices Act;

(27) any felony requiring registration as a sex offender under the Sex Offender Registration Act;

(28) attempt of any the offenses set forth in paragraphs (1) through (27) of this subsection (b); and

(29) convictions set forth in Section 15-75 of this Code.

(c) The Department shall consider any mitigating factors contained in the record, when determining the appropriate disciplinary sanction, if any, to be imposed. In addition to those set forth in Section 2105-130 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois, mitigating factors shall include the following:

(1) the bearing, if any, the criminal offense or offenses for which the person was previously convicted will have on his or her fitness or ability to perform one or more such duties and responsibilities;

(2) the time that has elapsed since the criminal conviction; and

(3) the age of the person at the time of the criminal conviction.

(d) The Department shall issue an annual report by January 31, 2018 and by January 31 each year thereafter, indicating the following:

(1) the number of initial applicants for a license under this Code within the preceding calendar year;

(2) the number of initial applicants for a license under this Code within the previous calendar year who had a conviction;

(3) the number of applicants with a conviction who were granted a license under this Code within the previous year;

(4) the number of applicants denied a license under this Code within the preceding calendar year; and

(5) the number of applicants denied a license under this Code solely on the basis of a conviction within the preceding calendar year.

(e) Nothing in this Section shall prevent the Department taking disciplinary or non-disciplinary action against a license as set forth in paragraph (2) of subsection (b) of Section 15-175 of this Code.

(225 ILCS 41/15-75)

(Section scheduled to be repealed on January 1, 2023)

Sec. 15-75. Violations; grounds for discipline; penalties.

(a) Each of the following acts is a Class A misdemeanor for the first offense, and a Class 4 felony for each subsequent offense. These penalties shall also apply to unlicensed owners of funeral homes.

(1) Practicing the profession of funeral directing and embalming or funeral directing, or attempting to practice the profession of funeral directing and embalming or funeral directing without a license as a funeral director and embalmer or funeral director.

(2) Serving or attempting to serve as an intern under a licensed funeral director and embalmer without a license as a licensed funeral director and embalmer intern.

(3) Obtaining or attempting to obtain a license, practice or business, or any other thing of value, by fraud or misrepresentation.

(4) Permitting any person in one's employ, under one's control or in or under one's service to serve as a funeral director and embalmer, funeral director, or funeral director and embalmer intern when the person does not have the appropriate license.

(5) Failing to display a license as required by this Code.

(6) Giving false information or making a false oath or affidavit required by this Code.

(b) The Department may refuse to issue or renew, revoke, suspend, place on probation or administrative supervision, reprimand, or take other disciplinary or non-disciplinary action as the Department may deem appropriate, including imposing fines not to exceed $10,000 for each violation, with regard to any license under the Code for any one or combination of the following:

(1) Fraud or any misrepresentation in applying for or procuring a license under this Code or in connection with applying for renewal of a license under this Code.

(2) For licenses, conviction ~~Conviction~~ by plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or by sentencing of any crime, including, but not limited to, convictions, preceding sentences of supervision, conditional discharge, or first offender probation, under the laws of any jurisdiction of the United States: (i) that is a felony or (ii) that is a misdemeanor, an essential element of which is dishonesty, or that is directly related to the practice of the profession and, for initial applicants, convictions set forth in Section 15-72 of this Act.

(3) Violation of the laws of this State relating to the funeral, burial or disposition of deceased human bodies or of the rules and regulations of the Department, or the Department of Public Health.

(4) Directly or indirectly paying or causing to be paid any sum of money or other valuable consideration for the securing of business or for obtaining authority to dispose of any deceased human body.

(5) Professional incompetence, gross negligence, malpractice, or untrustworthiness in the practice of funeral directing and embalming or funeral directing.

(6) (Blank).

(7) Engaging in, promoting, selling, or issuing burial contracts, burial certificates, or burial insurance policies in connection with the profession as a funeral director and embalmer, funeral director, or funeral director and embalmer intern in violation of any laws of the State of Illinois.

(8) Refusing, without cause, to surrender the custody of a deceased human body upon the proper request of the person or persons lawfully entitled to the custody of the body.

(9) Taking undue advantage of a client or clients as to amount to the perpetration of fraud.

(10) Engaging in funeral directing and embalming or funeral directing without a license.

(11) Encouraging, requesting, or suggesting by a licensee or some person working on his behalf and with his consent for compensation that a person utilize the services of a certain funeral director and embalmer, funeral director, or funeral establishment unless that information has been expressly requested by the person. This does not prohibit general advertising or pre-need solicitation.

(12) Making or causing to be made any false or misleading statements about the laws concerning the disposition of human remains, including, but not limited to, the need to embalm, the need for a casket for cremation or the need for an outer burial container.

(13) (Blank).

(14) Embalming or attempting to embalm a deceased human body without express prior authorization of the person responsible for making the funeral arrangements for the body. This does not apply to cases where embalming is directed by local authorities who have jurisdiction or when embalming is required by State or local law. A licensee may embalm without express prior authorization if a good faith effort has been made to contact family members and has been unsuccessful and the licensee has no reason to believe the family opposes embalming.

(15) Making a false statement on a Certificate of Death where the person making the statement knew or should have known that the statement was false.

(16) Soliciting human bodies after death or while death is imminent.

(17) Performing any act or practice that is a violation of this Code, the rules for the administration of this Code, or any federal, State or local laws, rules, or regulations governing the practice of funeral directing or embalming.

(18) Performing any act or practice that is a violation of Section 2 of the Consumer Fraud and Deceptive Business Practices Act.

(19) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud or harm the public.

(20) Taking possession of a dead human body without having first obtained express permission from the person holding the right to control the disposition in accordance with Section 5 of the Disposition of Remains Act or a public agency legally authorized to direct, control or permit the removal of deceased human bodies.

(21) Advertising in a false or misleading manner or advertising using the name of an unlicensed person in connection with any service being rendered in the practice of funeral directing or funeral directing and embalming. The use of any name of an unlicensed or unregistered person in an advertisement so as to imply that the person will perform services is considered misleading advertising. Nothing in this paragraph shall prevent including the name of any owner, officer or corporate director of a funeral home, who is not a licensee, in any advertisement used by a funeral home with which the individual is affiliated, if the advertisement specifies the individual's affiliation with the funeral home.

(22) Charging for professional services not rendered, including filing false statements for the collection of fees for which services are not rendered.

(23) Failing to account for or remit any monies, documents, or personal property that belongs to others that comes into a licensee's possession.

(24) Treating any person differently to his detriment because of race, color, creed, gender, religion, or national origin.

(25) Knowingly making any false statements, oral or otherwise, of a character likely to influence, persuade or induce others in the course of performing professional services or activities.

(26) Willfully making or filing false records or reports in the practice of funeral directing and embalming, including, but not limited to, false records filed with State agencies or departments.

(27) Failing to acquire continuing education required under this Code.

(28) (Blank).

(29) Aiding or assisting another person in violating any provision of this Code or rules adopted pursuant to this Code.

(30) Failing within 10 days, to provide information in response to a written request made by the Department.

(31) Discipline by another state, District of Columbia, territory, foreign nation, or governmental agency, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section.

(32) (Blank).

(33) Mental illness or disability which results in the inability to practice the profession with reasonable judgment, skill, or safety.

(34) Gross, willful, or continued overcharging for professional services, including filing false statements for collection of fees for which services are not rendered.

(35) Physical illness, including, but not limited to, deterioration through the aging process or loss of motor skill which results in a licensee's inability to practice under this Code with reasonable judgment, skill, or safety.

(36) Failing to comply with any of the following required activities:

(A) When reasonably possible, a funeral director licensee or funeral director and embalmer licensee or anyone acting on his or her behalf shall obtain the express authorization of the person or persons responsible for making the funeral arrangements for a deceased human body prior to removing a body from the place of death or any place it may be or embalming or attempting to embalm a deceased human body, unless required by State or local law. This requirement is waived whenever removal or embalming is directed by local authorities who have jurisdiction. If the responsibility for the handling of the remains lawfully falls under the jurisdiction of a public agency, then the regulations of the public agency shall prevail.

(B) A licensee shall clearly mark the price of any casket offered for sale or the price of any service using the casket on or in the casket if the casket is displayed at the funeral establishment. If the casket is displayed at any other location, regardless of whether the licensee is in control of that location, the casket shall be clearly marked and the registrant shall use books, catalogues, brochures, or other printed display aids to show the price of each casket or service.

(C) At the time funeral arrangements are made and prior to rendering the funeral services, a licensee shall furnish a written statement of services to be retained by the person or persons making the funeral arrangements, signed by both parties, that shall contain: (i) the name, address and telephone number of the funeral establishment and the date on which the arrangements were made; (ii) the price of the service selected and the services and merchandise included for that price; (iii) a clear disclosure that the person or persons making the arrangement may decline and receive credit for any service or merchandise not desired and not required by law or the funeral director or the funeral director and embalmer; (iv) the supplemental items of service and merchandise requested and the price of each item; (v) the terms or method of payment agreed upon; and (vi) a statement as to any monetary advances made by the registrant on behalf of the family. The licensee shall maintain a copy of the written statement of services in its permanent records. All written statements of services are subject to inspection by the Department.

(D) In all instances where the place of final disposition of a deceased human body or the cremated remains of a deceased human body is a cemetery, the licensed funeral director and embalmer, or licensed funeral director, who has been engaged to provide funeral or embalming services shall remain at the cemetery and personally witness the placement of the human remains in their designated grave or the sealing of the above ground depository, crypt, or urn. The licensed funeral director or licensed funeral director and embalmer may designate a licensed funeral director and embalmer intern or representative of the funeral home to be his or her witness to the placement of the remains. If the cemetery authority, cemetery manager, or any other agent of the cemetery takes any action that prevents compliance with this paragraph (D), then the funeral director and embalmer or funeral director shall provide written notice to the Department within 5 business days after failing to comply. If the Department receives this notice, then the Department shall not take any disciplinary action against the funeral director and embalmer or funeral director for a violation of this paragraph (D) unless the Department finds that the cemetery authority, manager, or any other agent of the cemetery did not prevent the funeral director and embalmer or funeral director from complying with this paragraph (D) as claimed in the written notice.

(E) A funeral director or funeral director and embalmer shall fully complete the portion of the Certificate of Death under the responsibility of the funeral director or funeral director and embalmer and provide all required information. In the event that any reported information

subsequently changes or proves incorrect, a funeral director or funeral director and embalmer shall immediately upon learning the correct information correct the Certificate of Death.

(37) A finding by the Department that the license, after having his or her license placed on probationary status or subjected to conditions or restrictions, violated the terms of the probation or failed to comply with such terms or conditions.

(38) (Blank).

(39) Being named as a perpetrator in an indicated report by the Department of Children and Family Services pursuant to the Abused and Neglected Child Reporting Act and, upon proof by clear and convincing evidence, being found to have caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act.

(40) Habitual or excessive use or abuse of drugs defined in law as controlled substances, alcohol, or any other substance which results in the inability to practice with reasonable judgment, skill, or safety.

(41) Practicing under a false or, except as provided by law, an assumed name.

(42) Cheating on or attempting to subvert the licensing examination administered under this Code.

(c) The Department may refuse to issue or renew or may suspend without a hearing, as provided for in the Department of Professional Regulation Law of the Civil Administrative Code of Illinois, the license of any person who fails to file a return, to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest as required by any tax Act administered by the Illinois Department of Revenue, until the time as the requirements of the tax Act are satisfied in accordance with subsection (g) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(d) No action may be taken under this Code against a person licensed under this Code unless the action is commenced within 5 years after the occurrence of the alleged violations. A continuing violation shall be deemed to have occurred on the date when the circumstances last existed that give rise to the alleged violation.

(e) Nothing in this Section shall be construed or enforced to give a funeral director and embalmer, or his or her designees, authority over the operation of a cemetery or over cemetery employees. Nothing in this Section shall be construed or enforced to impose duties or penalties on cemeteries with respect to the timing of the placement of human remains in their designated grave or the sealing of the above ground depository, crypt, or urn due to patron safety, the allocation of cemetery staffing, liability insurance, a collective bargaining agreement, or other such reasons.

(f) All fines imposed under this Section shall be paid 60 days after the effective date of the order imposing the fine.

(g) The Department shall deny a license or renewal authorized by this Code to a person who has defaulted on an educational loan or scholarship provided or guaranteed by the Illinois Student Assistance Commission or any governmental agency of this State in accordance with item (5) of subsection (a) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(h) In cases where the Department of Healthcare and Family Services has previously determined a licensee or a potential licensee is more than 30 days delinquent in the payment of child support and has subsequently certified the delinquency to the Department, the Department may refuse to issue or renew or may revoke or suspend that person's license or may take other disciplinary action against that person based solely upon the certification of delinquency made by the Department of Healthcare and Family Services in accordance with item (5) of subsection (a) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(i) A person not licensed under this Code who is an owner of a funeral establishment or funeral business shall not aid, abet, assist, procure, advise, employ, or contract with any unlicensed person to offer funeral services or aid, abet, assist, or direct any licensed person contrary to or in violation of any rules or provisions of this Code. A person violating this subsection shall be treated as a licensee for the purposes of disciplinary action under this Section and shall be subject to cease and desist orders as provided in this Code, the imposition of a fine up to $10,000 for each violation and any other penalty provided by law.

(j) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code, as amended, operates as an automatic suspension. The suspension may end only upon a finding by a court that the licensee is no longer subject to the involuntary admission or judicial admission and issues an order so finding and discharging the licensee, and upon the recommendation of the Board to the Secretary that the licensee be allowed to resume his or her practice.

(k) In enforcing this Code, the Department, upon a showing of a possible violation, may compel an individual licensed to practice under this Code, or who has applied for licensure under this Code, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The Department may order the examining physician to present testimony concerning the mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The examining physician shall be specifically designated by the Department. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of this examination. The examination shall be performed by a physician licensed to practice medicine in all its branches. Failure of an individual to submit to a mental or physical examination, when directed, shall result in an automatic suspension without hearing.

A person holding a license under this Code or who has applied for a license under this Code who, because of a physical or mental illness or disability, including, but not limited to, deterioration through the aging process or loss of motor skill, is unable to practice the profession with reasonable judgment, skill, or safety, may be required by the Department to submit to care, counseling, or treatment by physicians approved or designated by the Department as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice. Submission to care, counseling, or treatment as required by the Department shall not be considered discipline of a license. If the licensee refuses to enter into a care, counseling, or treatment agreement or fails to abide by the terms of the agreement, the Department may file a complaint to revoke, suspend, or otherwise discipline the license of the individual. The Secretary may order the license suspended immediately, pending a hearing by the Department. Fines shall not be assessed in disciplinary actions involving physical or mental illness or impairment.

In instances in which the Secretary immediately suspends a person's license under this Section, a hearing on that person's license must be convened by the Department within 15 days after the suspension and completed without appreciable delay. The Department shall have the authority to review the subject individual's record of treatment and counseling regarding the impairment to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

An individual licensed under this Code and affected under this Section shall be afforded an opportunity to demonstrate to the Department that he or she can resume practice in compliance with acceptable and prevailing standards under the provisions of his or her license.

(Source: P.A. 97-1130, eff. 8-28-12; 98-756, eff. 7-16-14.)

Section 10. The Illinois Roofing Industry Licensing Act is amended by changing Section 9.1 and by adding Section 7.1 as follows:

(225 ILCS 335/7.1 new)

Sec. 7.1. Applicant convictions.

(a) When reviewing a conviction by plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or by sentencing of an initial applicant, the Department may only deny a license based upon consideration of mitigating factors provided in subsection (c) of this Section for a felony directly related to the practice of roofing contracting.

(b) The following crimes or similar offenses in any other jurisdiction are hereby deemed directly related to the practice of roofing contracting:

(1) first degree murder;
(2) second degree murder;
(3) drug induced homicide;
(4) unlawful restraint;
(5) aggravated unlawful restraint;
(6) forcible detention;
(7) involuntary servitude;
(8) involuntary sexual servitude of a minor;
(9) predatory criminal sexual assault of a child;
(10) aggravated criminal sexual assault;
(11) criminal sexual assault;
(12) criminal sexual abuse;
(13) aggravated kidnaping;
(14) aggravated robbery;
(15) armed robbery;
(16) kidnapping;
(17) aggravated battery;

(18) aggravated vehicular hijacking;
(19) home invasion;
(20) terrorism;
(21) causing a catastrophe;
(22) possession of a deadly substance;
(23) making a terrorist threat;
(24) material support for terrorism;
(25) hindering prosecution of terrorism;
(26) armed violence;
(27) any felony based on consumer fraud or deceptive business practices under the Consumer Fraud and Deceptive Business Practices Act;
(28) any felony requiring registration as a sex offender under the Sex Offender Registration Act;
(29) attempt of any the offenses set forth in paragraphs (1) through (28) of this subsection (b); and
(30) convictions set forth in subsection (e) of Section 5 or Section 9.8 of this Act.

(c) The Department shall consider any mitigating factors contained in the record, when determining the appropriate disciplinary sanction, if any, to be imposed. In addition to those set forth in Section 2105-130 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois, mitigating factors shall include the following:

(1) the bearing, if any, the criminal offense or offenses for which the person was previously convicted will have on his or her fitness or ability to perform one or more such duties and responsibilities;
(2) the time that has elapsed since the criminal conviction; and
(3) the age of the person at the time of the criminal conviction.

(d) The Department shall issue an annual report by January 31, 2018 and by January 31 each year thereafter, indicating the following:

(1) the number of initial applicants for a license under this Act within the preceding calendar year;
(2) the number of initial applicants for a license under this Act within the previous calendar year who had a conviction;
(3) the number of applicants with a conviction who were granted a license under this Act within the previous year;
(4) the number of applicants denied a license under this Act within the preceding calendar year; and
(5) the number of applicants denied a license under this Act solely on the basis of a conviction within the preceding calendar year.

(e) Nothing in this Section shall prevent the Department taking disciplinary or non-disciplinary action against a license as set forth in Section 9.1 of this Act.

(225 ILCS 335/9.1) (from Ch. 111, par. 7509.1)
(Section scheduled to be repealed on January 1, 2026)
Sec. 9.1. Grounds for disciplinary action.

(1) The Department may refuse to issue or to renew, or may revoke, suspend, place on probation, reprimand or take other disciplinary or non-disciplinary action as the Department may deem proper, including fines not to exceed $10,000 for each violation, with regard to any license for any one or combination of the following:

(a) violation of this Act or its rules;
(b) for licensees, conviction or plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or sentencing of any crime, including, but not limited to, convictions, preceding sentences of supervision, conditional discharge, or first offender probation, under the laws of any jurisdiction of the United States that is (i) a felony or (ii) a misdemeanor, an essential element of which is dishonesty or that is directly related to the practice of the profession and, for initial applicants, convictions set forth in Section 15-72 of this Act;
(c) fraud or any misrepresentation in applying for or procuring a license under this Act, or in connection with applying for renewal of a license under this Act;
(d) professional incompetence or gross negligence in the practice of roofing contracting, prima facie evidence of which may be a conviction or judgment in any court of competent jurisdiction against an applicant or licensee relating to the practice of roofing contracting or the construction of a roof or repair thereof that results in leakage within 90 days after the completion of such work;
(e) (blank);
(f) aiding or assisting another person in violating any provision of this Act or rules;
(g) failing, within 60 days, to provide information in response to a written request made by the Department;

(h) engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public;

(i) habitual or excessive use or abuse of controlled substances, as defined by the Illinois Controlled Substances Act, alcohol, or any other substance that results in the inability to practice with reasonable judgment, skill, or safety;

(j) discipline by another state, unit of government, or government agency, the District of Columbia, a territory, or a foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section;

(k) directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for any professional services not actually or personally rendered;

(l) a finding by the Department that the licensee, after having his or her license disciplined, has violated the terms of the discipline;

(m) a finding by any court of competent jurisdiction, either within or without this State, of any violation of any law governing the practice of roofing contracting, if the Department determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust;

(n) willfully making or filing false records or reports in the practice of roofing contracting, including, but not limited to, false records filed with the State agencies or departments;

(o) practicing, attempting to practice, or advertising under a name other than the full name as shown on the license or any other legally authorized name;

(p) gross and willful overcharging for professional services including filing false statements for collection of fees or monies for which services are not rendered;

(q) (blank);

(r) (blank);

(s) failure to continue to meet the requirements of this Act shall be deemed a violation;

(t) physical or mental disability, including deterioration through the aging process or loss of abilities and skills that result in an inability to practice the profession with reasonable judgment, skill, or safety;

(u) material misstatement in furnishing information to the Department or to any other State agency;

(v) (blank);

(w) advertising in any manner that is false, misleading, or deceptive;

(x) taking undue advantage of a customer, which results in the perpetration of a fraud;

(y) performing any act or practice that is a violation of the Consumer Fraud and Deceptive Business Practices Act;

(z) engaging in the practice of roofing contracting, as defined in this Act, with a suspended, revoked, or cancelled license;

(aa) treating any person differently to the person's detriment because of race, color, creed, gender, age, religion, or national origin;

(bb) knowingly making any false statement, oral, written, or otherwise, of a character likely to influence, persuade, or induce others in the course of obtaining or performing roofing contracting services;

(cc) violation of any final administrative action of the Secretary;

(dd) allowing the use of his or her roofing license by an unlicensed roofing contractor for the purposes of providing roofing or waterproofing services; or

(ee) (blank);

(ff) cheating or attempting to subvert a licensing examination administered under this Act; or

(gg) use of a license to permit or enable an unlicensed person to provide roofing contractor services.

(2) The determination by a circuit court that a license holder is subject to involuntary admission or judicial admission, as provided in the Mental Health and Developmental Disabilities Code, operates as an automatic suspension. Such suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission, an order by the court so finding and discharging the patient, and the recommendation of the Board to the Director that the license holder be allowed to resume his or her practice.

(3) The Department may refuse to issue or take disciplinary action concerning the license of any person who fails to file a return, to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest as required by any tax Act administered by the Department of Revenue, until such time as the requirements of any such tax Act are satisfied as determined by the Department of Revenue.

(4) In enforcing this Section, the Department, upon a showing of a possible violation, may compel any individual who is licensed under this Act or any individual who has applied for licensure to submit to a mental or physical examination or evaluation, or both, which may include a substance abuse or sexual offender evaluation, at the expense of the Department. The Department shall specifically designate the examining physician licensed to practice medicine in all of its branches or, if applicable, the multidisciplinary team involved in providing the mental or physical examination and evaluation. The multidisciplinary team shall be led by a physician licensed to practice medicine in all of its branches and may consist of one or more or a combination of physicians licensed to practice medicine in all of its branches, licensed chiropractic physicians, licensed clinical psychologists, licensed clinical social workers, licensed clinical professional counselors, and other professional and administrative staff. Any examining physician or member of the multidisciplinary team may require any person ordered to submit to an examination and evaluation pursuant to this Section to submit to any additional supplemental testing deemed necessary to complete any examination or evaluation process, including, but not limited to, blood testing, urinalysis, psychological testing, or neuropsychological testing.

(5) The Department may order the examining physician or any member of the multidisciplinary team to provide to the Department any and all records, including business records, that relate to the examination and evaluation, including any supplemental testing performed. The Department may order the examining physician or any member of the multidisciplinary team to present testimony concerning this examination and evaluation of the licensee or applicant, including testimony concerning any supplemental testing or documents relating to the examination and evaluation. No information, report, record, or other documents in any way related to the examination and evaluation shall be excluded by reason of any common law or statutory privilege relating to communication between the licensee or applicant and the examining physician or any member of the multidisciplinary team. No authorization is necessary from the licensee or applicant ordered to undergo an evaluation and examination for the examining physician or any member of the multidisciplinary team to provide information, reports, records, or other documents or to provide any testimony regarding the examination and evaluation. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination.

(6) Failure of any individual to submit to mental or physical examination or evaluation, or both, when directed, shall result in an automatic suspension without hearing until such time as the individual submits to the examination. If the Department finds a licensee unable to practice because of the reasons set forth in this Section, the Department shall require the licensee to submit to care, counseling, or treatment by physicians approved or designated by the Department as a condition for continued, reinstated, or renewed licensure.

(7) When the Secretary immediately suspends a license under this Section, a hearing upon such person's license must be convened by the Department within 15 days after the suspension and completed without appreciable delay. The Department shall have the authority to review the licensee's record of treatment and counseling regarding the impairment to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

(8) Licensees affected under this Section shall be afforded an opportunity to demonstrate to the Department that they can resume practice in compliance with acceptable and prevailing standards under the provisions of their license.

(9) The Department shall deny a license or renewal authorized by this Act to a person who has defaulted on an educational loan or scholarship provided or guaranteed by the Illinois Student Assistance Commission or any governmental agency of this State in accordance with paragraph (5) of subsection (a) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(10) In cases where the Department of Healthcare and Family Services has previously determined a licensee or a potential licensee is more than 30 days delinquent in the payment of child support and has subsequently certified the delinquency to the Department, the Department may refuse to issue or renew or may revoke or suspend that person's license or may take other disciplinary action against that person based solely upon the certification of delinquency made by the Department of Healthcare and Family Services in accordance with paragraph (5) of subsection (a) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

The changes to this Act made by this amendatory Act of 1997 apply only to disciplinary actions relating to events occurring after the effective date of this amendatory Act of 1997.
(Source: P.A. 99-469, eff. 8-26-15.)

Section 15. The Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985 is amended by changing Section 4-7 and by adding Section 4-6.1 as follows:

(225 ILCS 410/4-6.1 new)

Sec. 4-6.1. Applicant convictions.

(a) When reviewing a conviction by plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or by sentencing of an initial applicant, the Department may only deny a license based upon consideration of mitigating factors provided in subsection (c) of this Section for a felony directly related to the practice of cosmetology, esthetics, hair braiding, nail technology, and barbering.

(b) The following crimes or similar offenses in any other jurisdiction are hereby deemed directly related to the practice of cosmetology, esthetics, hair braiding, nail technology, and barbering:

(1) first degree murder;
(2) second degree murder;
(3) drug induced homicide;
(4) unlawful restraint;
(5) aggravated unlawful restraint;
(6) forcible detention;
(7) involuntary servitude;
(8) involuntary sexual servitude of a minor;
(9) predatory criminal sexual assault of a child;
(10) aggravated criminal sexual assault;
(11) criminal sexual assault;
(12) criminal sexual abuse;
(13) aggravated kidnaping;
(14) aggravated robbery;
(15) armed robbery;
(16) kidnapping;
(17) aggravated battery;
(18) aggravated vehicular hijacking;
(19) terrorism;
(20) causing a catastrophe;
(21) possession of a deadly substance;
(22) making a terrorist threat;
(23) material support for terrorism;
(24) hindering prosecution of terrorism;
(25) armed violence;
(26) any felony based on consumer fraud or deceptive business practices under the Consumer Fraud and Deceptive Business Practices Act;
(27) any felony requiring registration as a sex offender under the Sex Offender Registration Act;
(28) attempt of any the offenses set forth in paragraphs (1) through (27) of this subsection (b); and
(29) convictions set forth in Section 4-20 of this Act.

(c) The Department shall consider any mitigating factors contained in the record, when determining the appropriate disciplinary sanction, if any, to be imposed. In addition to those set forth in Section 2105-130 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois, mitigating factors shall include the following:

(1) the bearing, if any, the criminal offense or offenses for which the person was previously convicted will have on his or her fitness or ability to perform one or more such duties and responsibilities;
(2) the time that has elapsed since the criminal conviction; and
(3) the age of the person at the time of the criminal conviction.

(d) The Department shall issue an annual report by January 31, 2018 and by January 31 each year thereafter, indicating the following:

(1) the number of initial applicants for a license under this Act within the preceding calendar year;
(2) the number of initial applicants for a license under this Act within the previous calendar year who had a conviction;
(3) the number of applicants with a conviction who were granted a license under this Act within the previous year;

(4) the number of applicants denied a license under this Act within the preceding calendar year; and

(5) the number of applicants denied a license under this Act solely on the basis of a conviction within the preceding calendar year.

(e) Nothing in this Section shall prevent the Department taking disciplinary or non-disciplinary action against a license as set forth in paragraph (2) of subsection (1) of Section 4-7 of this Act.

(225 ILCS 410/4-7) (from Ch. 111, par. 1704-7)

(Section scheduled to be repealed on January 1, 2026)

Sec. 4-7. Refusal, suspension and revocation of licenses; causes; disciplinary action.

(1) The Department may refuse to issue or renew, and may suspend, revoke, place on probation, reprimand or take any other disciplinary or non-disciplinary action as the Department may deem proper, including civil penalties not to exceed $500 for each violation, with regard to any license for any one, or any combination, of the following causes:

a. For licensees, conviction ~~Conviction~~ of any crime under the laws of the United States or any state or territory thereof

that is (i) a felony, (ii) a misdemeanor, an essential element of which is dishonesty, or (iii) a crime which is related to the practice of the profession and, for initial applicants, convictions set forth in Section 15-72 of this Act.

b. Conviction of any of the violations listed in Section 4-20.

c. Material misstatement in furnishing information to the Department.

d. Making any misrepresentation for the purpose of obtaining a license or violating any provision of this Act or its rules.

e. Aiding or assisting another person in violating any provision of this Act or its rules.

f. Failing, within 60 days, to provide information in response to a written request made by the Department.

g. Discipline by another state, territory, or country if at least one of the grounds for the discipline is the same as or substantially equivalent to those set forth in this Act.

h. Practice in the barber, nail technology, esthetics, hair braiding, or cosmetology profession, or an attempt to practice in those professions, by fraudulent misrepresentation.

i. Gross malpractice or gross incompetency.

j. Continued practice by a person knowingly having an infectious or contagious disease.

k. Solicitation of professional services by using false or misleading advertising.

l. A finding by the Department that the licensee, after having his or her license placed on probationary status, has violated the terms of probation.

m. Directly or indirectly giving to or receiving from any person, firm, corporation, partnership or association any fee, commission, rebate, or other form of compensation for any professional services not actually or personally rendered.

n. Violating any of the provisions of this Act or rules adopted pursuant to this Act.

o. Willfully making or filing false records or reports relating to a licensee's practice, including but not limited to, false records filed with State agencies or departments.

p. Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in the inability to practice with reasonable judgment, skill or safety.

q. Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud, or harm the public as may be defined by rules of the Department, or violating the rules of professional conduct which may be adopted by the Department.

r. Permitting any person to use for any unlawful or fraudulent purpose one's diploma or license or certificate of registration as a cosmetologist, nail technician, esthetician, hair braider, or barber or cosmetology, nail technology, esthetics, hair braiding, or barber teacher or salon or shop or cosmetology clinic teacher.

s. Being named as a perpetrator in an indicated report by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act and upon proof by clear and convincing evidence that the licensee has caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act.

t. Operating a salon or shop without a valid registration.

u. Failure to complete required continuing education hours.

(2) In rendering an order, the Secretary shall take into consideration the facts and circumstances involving the type of acts or omissions in paragraph (1) of this Section including, but not limited to:

(a) the extent to which public confidence in the cosmetology, nail technology,

esthetics, hair braiding, or barbering profession was, might have been, or may be, injured;

(b) the degree of trust and dependence among the involved parties;

(c) the character and degree of harm which did result or might have resulted;

(d) the intent or mental state of the licensee at the time of the acts or omissions.

(3) The Department may reissue the license or registration upon certification by the Board that the disciplined licensee or registrant has complied with all of the terms and conditions set forth in the final order or has been sufficiently rehabilitated to warrant the public trust.

(4) The Department shall refuse to issue or renew or suspend without hearing the license or certificate of registration of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied as determined by the Department of Revenue.

(5) The Department shall deny without hearing any application for a license or renewal of a license under this Act by a person who has defaulted on an educational loan guaranteed by the Illinois Student Assistance Commission; however, the Department may issue or renew a license if the person in default has established a satisfactory repayment record as determined by the Illinois Student Assistance Commission.

(6) All fines imposed under this Section shall be paid within 60 days after the effective date of the order imposing the fine or in accordance with the terms set forth in the order imposing the fine.
(Source: P.A. 98-911, eff. 1-1-15; 99-427, eff. 8-21-15.)

Section 99. Effective date. This Act takes effect January 1, 2017.".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator McGuire, **House Bill No. 6006** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator McGuire, **House Bill No. 6009** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Mulroe, **House Bill No. 6010** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Criminal Law, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 6010

AMENDMENT NO. 1. Amend House Bill 6010 by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 2012 is amended by changing Section 12-5.02 as follows:
(720 ILCS 5/12-5.02) (was 720 ILCS 5/12-2.5)

Sec. 12-5.02. Vehicular endangerment.

(a) A person commits vehicular endangerment when he or she strikes a motor vehicle by causing an object to fall from an overpass or other elevated location in the direction of a moving motor vehicle with the intent to strike a motor vehicle while it is traveling upon a highway in this State.

(b) Sentence. Vehicular endangerment is a Class 2 felony, unless death results, in which case vehicular endangerment is a Class 1 felony.

(c) Definitions. For purposes of this Section:

"Elevated location" means a bridge, overpass, highway ramp, building, artificial structure, hill, mound, or natural elevation above or adjacent to and above a highway.

"Object" means any object or substance that by its size, weight, or consistency is likely to cause great bodily harm to any occupant of a motor vehicle.

"Overpass" means any structure that passes over a highway.

"Motor vehicle" and "highway" have the meanings as defined in the Illinois Vehicle Code.
(Source: P.A. 96-1551, eff. 7-1-11.)".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Biss, **House Bill No. 6021** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **House Bill No. 6027** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Koehler, **House Bill No. 6037** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rezin, **House Bill No. 6044** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Mulroe, **House Bill No. 6060** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator McGuire, **House Bill No. 6069** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator T. Cullerton, **House Bill No. 6086** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Morrison, **House Bill No. 6109** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Steans, **House Bill No. 6125** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Executive, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 6125

AMENDMENT NO. 1. Amend House Bill 6125 on page 62, immediately below line 1, by inserting the following:

"(ppp) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church or churches if:

(1) the shortest distance between the premises and a church is at least 78 feet apart and no greater than 95 feet apart;

(2) the premises are a single-story, brick commercial building and at least 5,067 square feet and were constructed in 1922;

(3) the premises are located in a B3-2 zoning district;

(4) the premises are separated from the buildings containing the churches by a street;

(5) the previous owners of the business located on the premises held a liquor license for at least 10 years;

(6) the new owner of the business located on the premises has managed 2 other food and liquor stores since 1997;

(7) the principal religious leaders at the places of worship have indicated their support for the issuance or renewal of the license in writing; and

(8) the alderman of the ward in which the premises are located has indicated his or her support for the issuance or renewal of the license in writing.".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 6181** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bush, **House Bill No. 6182** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cunningham, **House Bill No. 6190** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Connelly, **House Bill No. 6261** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bush, **House Bill No. 6285** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Mulroe, **House Bill No. 6287** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Biss, **House Bill No. 6292** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Executive, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 6292

AMENDMENT NO. 1. Amend House Bill 6292 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Pension Code is amended by adding Sections 1-113.17, 1-113.17a, and 1-113.17b as follows:

(40 ILCS 5/1-113.17 new)

Sec. 1-113.17. Investment transparency; definitions. As used in this Section and Sections 1-113.17a and 1-113.17b:

(a) "Affiliate" means any person directly or indirectly controlling or controlled by, or under direct or indirect common control with, another person.

(a-5) "Alternative investment fund" means a private equity fund, hedge fund, absolute return fund, total return fund, or any investment pool that is privately organized, actively managed by investment professionals, and pays performance or incentive fees to investment managers.

(b) "Board" or "public retirement system board" means the board of trustees of a public retirement system and includes the Illinois State Board of Investment established under Article 22A of this Code.

(c) "External manager" means either of the following:

(1) A person who manages an alternative investment fund and who offers or sells, or has offered or sold, an ownership interest in the alternative investment fund to a board.

(2) A general partner, managing member entity, fund manager, fund adviser, or other similar person or entity with decision-making authority over an alternative investment fund.

(d) "External manager group" means (1) the external manager, (2) its affiliates, (3) any other parties described in the external manager's marketing materials for the relevant alternative investment fund as providing services to or on behalf of portfolio holdings, and (4) any other parties described in the external manager's affiliated adviser's SEC Form ADV filing as receiving portfolio holding fees or portfolio holding other compensation. "External manager group" does not include the affiliated alternative investment fund in which the public retirement system is an investor, nor does it include an alternative investment fund used to effectuate investments of the affiliated fund in which the public retirement system is an investor.

(e) "Marketing materials" means (1) a prospectus, (2) a private placement memorandum, (3) a prospective investor presentation, (4) a due diligence questionnaire, but only if the questions are authored by an external manager, or (5) any other written material provided by an external manager for the purpose of soliciting a commitment to an alternative investment fund.

(f) "New agreement" means an agreement that is proposed or executed after January 1, 2017, and includes any modification to or amendment of such an agreement that modifies or alters any of the provisions required to be disclosed under Section 1-113.17a or 1-113.17b. "New agreement" also means any subsequent agreement that implements, memorializes, or provides detail about such an agreement.

(g) "Person" means an individual, corporation, partnership, limited partnership, limited liability company, or association, either domestic or foreign.

(h) "Portfolio holding" means any business, partnership, real property, or other business entity or asset in which an alternative investment fund has, at any time, held either an interest in the securities thereof or a real property interest in, or has acted as a lender to, the entity or asset.

(i) "Portfolio holding fee" means the total payment obligation of a portfolio holding, regardless of whether it is actually paid or accrued, and regardless of whether the payment obligation is satisfied in cash, securities, or other consideration, and regardless of whether it is incurred as compensation for services provided or as reimbursement for expenses incurred.

(j) "Private equity fund" means a pooled investment entity that is, or holds itself out as being, engaged primarily, or proposes to engage primarily, in investment strategies involving equity or debt financings that are provided for purchasing or expanding private or public companies, or for related purposes such as financing for capital, research and development, introduction of a product or process into the marketplace, or similar needs requiring risk capital. This includes, but is not limited to, financing classified as venture capital, mezzanine, buyout, or growth funds.

(k) "Public retirement system" means a pension fund or retirement system subject to this Code and includes the Illinois State Board of Investment established under Article 22A of this Code.

(40 ILCS 5/1-113.17a new)

Sec. 1-113.17a. Investment transparency; disclosure of alternative investment fund agreements.

(a) The definitions in Section 1-113.17 of this Code apply to this Section.

(b) Within 90 days after entering into an agreement to invest in an alternative investment fund, a public retirement system must disclose, in the manner provided under this Section, the existence of the agreement and all of the following parts and provisions of the agreement:

(1) All management fee waiver provisions, including, but not limited to, provisions that permit the external manager or general partner to waive fees, or that specify the mechanics of the fee waiver or its repayment, or that specify the magnitude of the fee waiver, or that are necessary to understand how the fee waiver works, and all defined terms related to or affecting the fee waiver.

(2) All indemnification provisions, including, but not limited to, provisions that require the alternative investment fund or its investors to indemnify the external manager or general partner, or any of its affiliates, for settlements or judgments paid, and including all provisions necessary to understand how the indemnification works and all defined terms related to or affecting indemnification.

(3) All clawback provisions, including, but not limited to, provisions that allow the external manager or general partner to pay back an amount less than the full cost of the overpayment received by the manager, and including all provisions necessary to understand how the clawback works and all defined terms related to or affecting clawbacks.

(4) The cover page and signature block of the agreement.

However, in the case of a new agreement that consists of a modification of or amendment to a previous new agreement for which the disclosures required under this subsection have already been made, it is sufficient for the public retirement system (i) to identify the previous disclosures and disclose only the parts and provisions of the modification of or amendment to the agreement that modify, alter, or affect any of the provisions previously disclosed under this subsection or (ii) to make and disclose a finding that the modification or amendment does not modify, alter, or affect any of the provisions previously disclosed under this subsection, whichever is applicable.

(c) The public retirement system shall make the disclosures required under subsection (b) by doing all of the following:

(1) filing a copy of the required material with the Public Pension Division of the Illinois Department of Insurance;

(2) filing a copy of the required material with the Illinois Secretary of State; and

(3) posting and maintaining the required material on the public retirement system's website.

(d) A new agreement shall not be deemed to be violated or made invalid by the public retirement system's good faith effort to make the disclosures required under subsection (b) of this Section, nor due to harmless or inadvertent failure by the public retirement system to correctly include or identify a component of a required disclosure.

(e) The following are public records and are subject to disclosure under the Freedom of Information Act:

(1) All of the material required to be disclosed under subsection (b) of this Section.

(2) Any amounts paid in indemnification and any amounts deducted from payments owed by the general partner or external manager under an agreement establishing or providing for participation in an alternative investment fund by a public retirement system, and any documents submitted to a public retirement system justifying the demand for payment relating to the indemnification.

(3) The cover page and a legible copy of the executed signature block of any new agreement to establish or participate in an alternative investment fund by a public retirement system.

(40 ILCS 5/1-113.17b new)

Sec. 1-113.17b. Investment transparency; disclosure of certain investment fees.

(a) The definitions in Section 1-113.17 of this Code apply to this Section. For the purposes of this Section, "carried interest" means a share of the profits of an alternative investment fund that is paid, accrued, or due to the general partner or the external manager or their affiliates.

(b) This Section applies to any new agreement that a public retirement system enters into in order to establish or participate in an alternative investment fund. A public retirement system shall not enter into such new agreement without a written undertaking by the alternative investment fund external managers and general partners that they will comply with this Section and the requirements of the public retirement system pursuant to subsection (c).

(c) Every public retirement system shall require its alternative investment fund external managers and general partners to make the following disclosures annually, in a manner and form prescribed by the system, in regard to each alternative investment fund:

(1) The fees and expenses that the public retirement system pays directly to the alternative investment fund, or to the alternative investment fund external manager or general partner.

(2) The public retirement system's share of all fees and expenses not included in paragraph (1), including carried interest, that are paid or allocated from the alternative investment fund to the external manager or general partners, or that are deducted from payments owed from the external manager or general partners to the alternative investment fund.

(3) The amount of all management fee waivers made by the alternative investment fund external managers or general partners.

(4) The total amount of portfolio holding fees incurred by each portfolio holding of the alternative investment fund as payment to any person who is a member of the external manager group.

(d) A public retirement system shall make the information received under subsection (c) available by:

(1) filing a copy of the received material with the Public Pension Division of the Illinois Department of Insurance; and

(2) posting and maintaining the received information on the public retirement system's website, together with sufficient identifying and explanatory material to facilitate access and understanding by the public.

Section 99. Effective date. This Act takes effect upon becoming law.".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Bush, **House Bill No. 6299** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator McConchie, **House Bill No. 6302** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Koehler, **House Bill No. 6321** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Connelly, **House Bill No. 6324** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cunningham, **House Bill No. 6331** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **House Bill No. 6252** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Education, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 6252

AMENDMENT NO. _1_. Amend House Bill 6252 on page 10, line 23, after "upon", by inserting "submission and approval of the comprehensive plan, in compliance with the applicable requirements of Section 14-4.01 of this Code, in addition to the".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Weaver, **House Bill No. 4432** was taken up, read by title a second time and ordered to a third reading.

LEGISLATIVE MEASURES FILED

The following Floor amendments to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

Floor Amendment No. 1 to Senate Bill 166
Floor Amendment No. 2 to Senate Bill 166
Floor Amendment No. 1 to Senate Bill 465
Floor Amendment No. 1 to Senate Bill 1047
Floor Amendment No. 1 to Senate Bill 1049
Floor Amendment No. 1 to Senate Bill 1055
Floor Amendment No. 2 to Senate Bill 2191
Floor Amendment No. 1 to Senate Bill 2520

The following Floor amendments to the House Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

Floor Amendment No. 2 to House Bill 3211
Floor Amendment No. 1 to House Bill 4630

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 17, 2016 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Criminal Law: **Committee Amendment No. 2 to Senate Bill 2191; Floor Amendment No. 5 to House Bill 2569; Committee Amendment No. 1 to House Bill 3363; Floor Amendment No. 2 to House Bill 5781; Floor Amendment No. 1 to House Bill 5910**.

Education: **Floor Amendment No. 1 to House Bill 5720; Floor Amendment No. 1 to House Bill 6333**.

Energy and Public Utilities: **Floor Amendment No. 1 to House Bill 5711**.

Environment and Conservation: **Floor Amendment No. 5 to Senate Bill 2417**.

Higher Education: **Floor Amendment No. 2 to House Bill 5729**.

Judiciary: **Floor Amendment No. 2 to Senate Bill 166; Floor Amendment No. 1 to Senate Bill 553; Floor Amendment No. 2 to House Bill 3898; Floor Amendment No. 1 to House Bill 3982; Floor Amendment No. 1 to House Bill 4648**; **SENATE BILL 3112**.

Licensed Activities and Pensions: **Committee Amendment No. 1 to House Bill 4264**.

Public Health: **Floor Amendment No. 2 to House Bill 4576**.

State Government and Veterans Affairs: **Floor Amendment No. 1 to Senate Bill 324; Floor Amendment No. 2 to Senate Resolution 1152; Floor Amendment No. 1 to Senate Bill 2932; Floor Amendment No. 1 to House Bill 5668**; **HOUSE BILLS 3687 and 4326**.

Transportation: **Committee Amendment No. 1 to Senate Bill 2431**; **SENATE BILL 2520**; **HOUSE BILL 173**.

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 17, 2016 meeting, reported the following Resolutions have been assigned to the indicated Standing Committees of the Senate:

Judiciary: **House Joint Resolution No. 124.**

Licensed Activities and Pensions: **House Joint Resolution No. 139.**

State Government and Veterans Affairs: **Senate Resolutions Numbered 1741, 1809, 1824, 1826, 1840 and 1852**; **Senate Joint Resolution No. 53; House Joint Resolutions Numbered 77 and 133.**

Transportation: **Senate Joint Resolution No. 40; House Joint Resolutions Numbered 102, 116, 117, 120 and 136.**

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 17, 2016 meeting, reported the following Appointment Messages have been assigned to the indicated Standing Committee of the Senate:

Executive Appointments: **Appointment Messages Numbered 990503, 990504, 990505, 990506, 990507, 990508 and 990509.**

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 17, 2016 meeting, to which was referred **House Bill No. 3211** on October 10, 2015, pursuant to Rule 3-9(b), reported that the Committee recommends that the bill be approved for consideration and returned to the calendar in its former position.

The report of the Committee was concurred in.

And **House Bill No. 3211** was returned to the order of third reading.

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 17, 2016 meeting, to which was referred **House Bills numbered 4604, 5788, 5958 and 6074**, reported the same back with the recommendation that the bill be placed on the order of second reading without recommendation to committee.

Pursuant to Senate Rule 3-8 (b-1), the following amendments will remain in the Committee on Assignments: **Floor Amendment No. 1 to Senate Bill 166; Floor Amendment No. 1 to Senate Bill 1048; Floor Amendment No. 3 to Senate Bill 1585**

LEGISLATIVE MEASURES FILED

The following Committee amendment to the Senate Bill listed below has been filed with the Secretary and referred to the Committee on Assignments:

Committee Amendment No. 2 to Senate Bill 3112

The following Committee amendment to the House Bill listed below has been filed with the Secretary and referred to the Committee on Assignments:

Committee Amendment No. 1 to House Bill 173

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 17, 2016 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Judiciary: **Committee Amendment No. 2 to Senate Bill 3112**.

Transportation: **Committee Amendment No. 1 to House Bill 173**.

COMMITTEE MEETING ANNOUNCEMENTS

The Chair announced the following committee to meet at 2:30 o'clock p.m.:

Public Health in Room 400

The Chair announced the following committee to meet at 3:30 o'clock p.m.:

Higher Education in Room 212

ANNOUNCEMENT

The Chair announced that the deadline for filing Floor amendments to House Bills is Friday, May 20, 2016, at 12:00 o'clock noon.

POSTING NOTICE WAIVED

Senator Haine moved to waive the six-day posting requirement on **Senate Bill No. 3112** so that the measure may be heard in the Committee on Judiciary that is scheduled to meet this afternoon.

The motion prevailed.

SENATE BILL RECALLED

On motion of Senator Cunningham, **Senate Bill No. 577** was recalled from the order of third reading to the order of second reading.

Senator Cunningham offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 577

AMENDMENT NO. 1. Amend Senate Bill 577 by replacing everything after the enacting clause with the following:

"Section 5. The Environmental Protection Act is amended by changing Sections 35, 36, and 38 and by adding Sections 3.547 and 38.5 as follows:

(415 ILCS 5/3.547 new)

Sec. 3.547. Water quality standards variance. "Water quality standards variance" has the meaning ascribed to that term in 40 CFR 131.3(o).

(415 ILCS 5/35) (from Ch. 111 1/2, par. 1035)

Sec. 35. Variances; general provisions. To the extent consistent with applicable provisions of the Federal Water Pollution Control Act, as now or hereafter amended, the Federal Safe Drinking Water Act (P.L. 93-523), as now or hereafter amended, the Clean Air Act as amended in 1977 (P.L. 95-95), and regulations

pursuant thereto, and to the extent consistent with applicable provisions of the Federal Resource Conservation and Recovery Act of 1976 (P.L. 94-580), and regulations pursuant thereto:

(a) The Board may grant individual variances beyond the limitations prescribed in this Act, whenever it is found, upon presentation of adequate proof, that compliance with any rule or regulation, requirement or order of the Board would impose an arbitrary or unreasonable hardship. However, the Board is not required to find that an arbitrary or unreasonable hardship exists exclusively because the regulatory standard is under review and the costs of compliance are substantial and certain. In granting or denying a variance the Board shall file and publish a written opinion stating the facts and reasons leading to its decision.

(b) The Agency shall grant provisional variances whenever it is found, upon presentation of adequate proof, that compliance on a short term basis with any rule or regulation, requirement or order of the Board, or with any permit requirement, would impose an arbitrary or unreasonable hardship.

(c) Except as provided in subsection (b) of Section 38, water quality standards variances shall be governed solely by Section 38.5 of this Act.

(Source: P.A. 93-152, eff. 7-10-03.)

(415 ILCS 5/36) (from Ch. 111 1/2, par. 1036)

Sec. 36. Variances and provisional variances.

(a) In granting a variance pursuant to Section 35 of this Act the Board may impose such conditions as the policies of this Act may require. If the hardship complained of consists solely of the need for a reasonable delay in which to correct a violation of this Act or of the Board regulations, the Board shall condition the grant of such variance upon the posting of sufficient performance bond or other security to assure the completion of the work covered by the variance. The Board shall have no authority to delegate to the Agency its powers to require such performance bond. The original amount of such performance bond shall not exceed the reasonable cost of the work to be completed pursuant to the variance. The obligation under such bond shall at no time exceed the reasonable cost of work remaining pursuant to the variance.

(b) Except as provided by Section 38 of this Act, any variance granted by the Board pursuant to subsection (a) of Section 35 ~~the provisions of this Section~~ shall be granted for such period of time, not exceeding five years, as shall be specified by the Board at the time of the grant of such variance, and upon the condition that the person who receives such variance shall make such periodic progress reports as the Board shall specify. Such variance may be extended from year to year by affirmative action of the Board, but only if satisfactory progress has been shown.

(c) Any provisional variance granted by the Agency pursuant to subsection (b) of Section 35 shall be for a period of time not to exceed 45 days. A provisional variance may be extended up to an additional 45 days by written decision of the Agency. The provisional variances granted to any one person shall not exceed a total of 90 days during any calendar year.

(Source: P.A. 93-152, eff. 7-10-03.)

(415 ILCS 5/38) (from Ch. 111 1/2, par. 1038)

Sec. 38. (a) Except as otherwise provided in subsections ~~subsection~~ (c) and (d), if the Board fails to take final action upon a variance request within 120 days after the filing of the petition or the receipt of a request for hearing pursuant to subsection (a) of Section 37, whichever is later, the petitioner may deem the request granted under this Act, for a period not to exceed one year. However, the period of 120 days shall not run for any such period of time, not to exceed 30 days, during which the Board is without sufficient membership to constitute the quorum required by subsection (a) of Section 5 of this Act, provided that such 120 day period shall not be stayed for lack of quorum beyond 30 days regardless of whether the lack of quorum exists at the beginning of such 120 day period or occurs during the running of such 120 day period.

(b) If any person files a petition for a variance from a rule or regulation pursuant to Section 37 or Section 38.5 within 20 days after the effective date of such rule or regulation, the operation of such rule or regulation shall be stayed as to such person pending the disposition of the petition; provided, however, that the operation of any rule or regulation adopted by the Board which implements, in whole or in part, a State RCRA, UIC, or NPDES program shall not be stayed.

The Board may hold a hearing upon said petition 5 days from the date of notice of such hearing or thereafter. All the provisions of this Title shall apply to petitions for extension of existing variances and to proposed Contaminant Reduction programs designed to secure delayed compliance with the Act or with Board regulations.

(c) Subsection (a) of this Section shall not apply to a request for a variance from any provision of this Act or any rule or regulation adopted by the Board which implements, in whole or in part, a State RCRA, UIC, or NPDES program. If the Board fails to take final action on any request for a variance from any

such rule or regulation within 120 days of the filing of the petition, the Petitioner shall be entitled to an Appellate Court order pursuant to Section 41(d) of this Act.

(d) Except as provided in subsection (b) of this Section, water quality standards variances shall be governed solely by Section 38.5 of this Act.

(Source: P.A. 87-914.)

(415 ILCS 5/38.5 new)

Sec. 38.5. Water quality standards variances.

(a) The Board may adopt water quality standards variances not only beyond any limitation otherwise prescribed in this Act or rules adopted under this Act, but also to the full extent allowed under federal law, including the Federal Water Pollution Control Act, as amended, and rules adopted by the United States Environmental Protection Agency under that Act. A water quality standards variance may be adopted under this Section for a watershed or for one or more bodies of water, body of water segments, or dischargers. This Section shall apply to all petitions for water quality standards variances, even if filed prior to the effective date of this amendatory Act of the 99th General Assembly. Any stay granted under Section 38 of this Act shall continue pending disposition of that petition under this Section.

(b) Not later than 6 months after the effective date of this amendatory Act of the 99th General Assembly, the Agency shall propose, and not later than 6 months thereafter the Board shall adopt, rules that prescribe the specific procedures and standards to be used by the Board when adopting water quality standards variances. Nothing shall prohibit the Board from adopting water quality standards variances to the full extent allowed under federal law in the absence of these rules.

(c) Each Board-approved water quality standards variance other than an individual water quality standards variance shall set forth criteria that shall be used by the Agency to approve or deny petitions for coverage under that water quality standards variance. Any discharger may petition the Agency to obtain coverage under any Board-approved water quality standards variance other than an individual water quality standards variance; the Agency shall use the Board-established criteria to approve or deny coverage under that variance.

(d) For petitions for water quality standards variances filed on or after the effective date of the rules adopted pursuant subsection (b) of this Section, the rules adopted pursuant to subsection (b) shall provide the exclusive procedural and substantive requirements for obtaining a water quality standards variance under this Act.

(e) Any person filing a petition for a water quality standards variance under this Section shall pay a filing fee to the Board in the amount required for a petition for variance under Section 7.5 of this Act.

Section 99. Effective date. This Act takes effect upon becoming law.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Cunningham, **Senate Bill No. 577** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

YEAS 51; NAYS None.

The following voted in the affirmative:

Althoff	Delgado	McCarter	Righter
Anderson	Forby	McGuire	Rose
Barickman	Haine	Morrison	Sandoval
Bennett	Harmon	Mulroe	Silverstein
Bertino-Tarrant	Hastings	Muñoz	Stadelman
Biss	Holmes	Murphy, L.	Steans
Bivins	Hunter	Murphy, M.	Sullivan

Brady	Hutchinson	Noland	Syverson
Bush	Koehler	Nybo	Trotter
Clayborne	Lightford	Oberweis	Van Pelt
Collins	Link	Radogno	Weaver
Connelly	Manar	Raoul	Mr. President
Cunningham	Martinez	Rezin	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Rose, **Senate Bill No. 2787** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Delgado	McConchie	Righter
Anderson	Forby	McConnaughay	Rose
Barickman	Haine	McGuire	Sandoval
Bennett	Harmon	Morrison	Silverstein
Bertino-Tarrant	Hastings	Mulroe	Stadelman
Biss	Holmes	Muñoz	Steans
Bivins	Hunter	Murphy, L.	Sullivan
Brady	Hutchinson	Murphy, M.	Syverson
Bush	Koehler	Noland	Trotter
Clayborne	Lightford	Nybo	Van Pelt
Collins	Link	Oberweis	Weaver
Connelly	Manar	Radogno	Mr. President
Cullerton, T.	Martinez	Raoul	
Cunningham	McCarter	Rezin	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

CONSIDERATION OF SENATE BILL ON CONSIDERATION POSTPONED

On motion of Senator Hastings, **Senate Bill No. 2933,** having been read by title a third time on May 11, 2016, and pending roll call further consideration postponed, was taken up again on third reading.

And the question being, "Shall this bill pass?" it was decided in the negative by the following vote:

YEAS 29; NAYS 23.

The following voted in the affirmative:

Bertino-Tarrant	Hastings	McGuire	Stadelman
Biss	Holmes	Mulroe	Steans
Clayborne	Hunter	Muñoz	Trotter
Collins	Hutchinson	Murphy, L.	Van Pelt
Cullerton, T.	Koehler	Noland	Mr. President
Cunningham	Lightford	Raoul	
Delgado	Link	Sandoval	

Harmon	Martinez	Silverstein

The following voted in the negative:

Althoff	Bush	McConnaughay	Righter
Anderson	Connelly	Murphy, M.	Rose
Barickman	Forby	Nybo	Sullivan
Bennett	Haine	Oberweis	Syverson
Bivins	McCarter	Radogno	Weaver
Brady	McConchie	Rezin	

This bill, having failed to receive the vote of a constitutional majority of the members elected, was declared lost.

Senator Rose asked and obtained unanimous consent to recess for the purpose of a Republican caucus.

At the hour of 1:52 o'clock p.m., the Chair announced the Senate stand adjourned until Wednesday, May 18, 2016, at 12:00 o'clock noon.

PERFUNCTORY SESSION
(5:57 O'CLOCK P.M.)

The Senate met pursuant to the directive of the President.
Pursuant to Senate Rule 2-5(c)2, the Secretary of the Senate conducted the perfunctory session.

MESSAGE FROM THE PRESIDENT

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, IL 62706
217-782-2728

May 17, 2016

Mr. Tim Anderson
Secretary of the Senate
Room 401 State House
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Rule 2-10, I am scheduling a Perfunctory Session to convene on May 17, 2016.

Sincerely,
s/John J. Cullerton
John J. Cullerton
Senate President

cc: Senate Minority Leader Christine Radogno

MESSAGE FROM THE HOUSE

A message from the House by
Mr. Mapes, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed a bill of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 4167

A bill for AN ACT making appropriations.

Passed the House, May 17, 2016.

TIMOTHY D. MAPES, Clerk of the House

The foregoing **House Bill No. 4167** was taken up, ordered printed and placed on first reading.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

On motion of Senator J. Cullerton**, House Bill No. 4167** was taken up, read by title a first time and referred to the Committee on Assignments.

At the hour of 5:59 o'clock p.m., the Chair announced the Senate stand adjourned until Wednesday, May 18, 2016, at 12:00 o'clock noon.