

2022 SUMMARY OF ILLINOIS' DIVORCE AND FAMILY-LAW LEGISLATION AND SUPREME COURT RULES AFFECTING FAMILY-LAW CASES

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See: <https://legiscan.com/gaits/mybills>
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Executive Summary.

The Illinois enacted several important pieces of family-law legislation. New laws for 2021/2022 include:

- Redistricting coming to Illinois January 1st.
- Technical changes made to the IMDMA based on case law (Pub. Act 102-349);
- Court ordered retainers based upon an affidavit (102-480);
- *A host of changes to the child support health insurance provisions within § 505.2 (Pub. Act 102-87);
- *New law addressing temporary relocation (Pub. Act 102-143);
- “Hope Cards” in domestic violence cases.

We also have **new Supreme Court Rules and Orders:**

- Redistricting is here!
- SCR 8 and Document Accessibility
- Statewide standardized forms

2022 Brings us with us:

- Foreseeability legislation;
 - IDVA fixes.
 - SB 3157. Amends Stalking no contact order Act.
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2022 Legislation:

[Pub. Act 102-823](#)

Summary-Foreseeability Bill.

[Engrossed Text](#)

Foreseeability. Amends the Illinois Marriage and Dissolution of Marriage Act. Sections 510 and

505.

Provides that contemplation or foreseeability of future events shall not be considered as a factor or used as a defense in determining whether a substantial change in circumstances is shown, unless the future event is expressly specified in the court's order or the agreement of the parties incorporated into a court order. Provides that the parties may expressly specify in the agreement incorporated into a court order or the court may expressly specify in the order that the occurrence of a specific future event is contemplated and will not constitute a substantial change in circumstances to warrant modification of the order.

Life Insurance. Provides that at the discretion of the court, a child support obligation may be secured, in whole or in part, by reasonably affordable life insurance on the life of one or both parents on such terms as the parties agree or as the court orders.

Regarding health care provisions at Section 505(a)(4) adds to (4) after health care the phrase “to be addressed by the court.”

Next adds a new subsection (a-3) titled “Life insurance to secure support.”

New law. Eff 5/13/22.

[Pub. Act 102-832](#)

Summary.

Amends the **Stalking No Contact Order Act.**

Provides that when a petition for an emergency stalking no contact order is *filed*, the petition and file shall not be public. These documents shall only be accessible to the court, law enforcement, petitioner, victim advocate, counsel of record for either party, and the State's Attorney for the county until service on the Respondent. Provides that when the court *grants* a petition for an emergency stalking no-contact order, the petition, order, and file shall not be public. Similarly, those documents shall only be accessible to the court, law enforcement, petitioner, victim advocate, counsel of record for either party, and the State's Attorney for the county until service on the respondent.

Amends the **Civil No Contact Order Act.**

Provides that when a petition for an emergency civil no contact order is *filed*, the petition and the file shall not be public and shall only be accessible to: the court, law enforcement, petitioner, rape crisis advocate, counsel of record for either party, and the State's Attorney for the county—until the petition is served on the respondent. Provides that when a petition for a civil no contact order is *granted*, the petition and file shall not be public and shall only be accessible to the court, law enforcement, petitioner, rape crisis advocate, counsel of record for either party, and the State's Attorney for the county until the petition is served on the respondent.

Amends the **Illinois Domestic Violence Act of 1986.**

Provides that when a petition for an emergency order of protection is *granted*, the order and file shall not be public and shall only be accessible to the court, petitioner, law enforcement, domestic violence advocate or counselor, counsel of record for either party, and the State's Attorney for the county until the order is served on the respondent.

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Effective immediately.
New Law, Eff. 5/13/22.

[Pub. Act 102-831](#)

Amends the Stalking No Contact Order Act.

Provides that when a petition for an emergency stalking no contact order is filed, the petition and file shall not be public and shall only be accessible to the court, law enforcement, petitioner, victim advocate, counsel of record for either party, and the State's Attorney for the county until the petition is served on the respondent. Provides that when a petition for an emergency stalking no contact order is granted, the petition, order, and file shall not be public and shall only be accessible to the court, law enforcement, petitioner, victim advocate, counsel of record for either party, and the State's Attorney for the county until the order is served on the respondent. Amends the Civil No Contact Order Act. Provides that when a petition for an emergency civil no contact order is filed, the petition and file shall not be public and shall only be accessible to the court, law enforcement, petitioner, rape crisis advocate, counsel of record for either party, and the State's Attorney for the county until the petition is served on the respondent. Provides that when a petition for a civil no contact order is granted, the petition and file shall not be public and shall only be accessible to the court, law enforcement, petitioner, rape crisis advocate, counsel of record for either party, and the State's Attorney for the county until the petition is served on the respondent. Amends the Illinois Domestic Violence Act of 1986. Provides that when a petition for an emergency order of protection is granted, the order and file shall not be public and shall only be accessible to the court, petitioner, law enforcement, domestic violence advocate or counselor, counsel of record for either party, and the State's Attorney for the county until the order is served on the respondent.

Effective 5/13/21

[Pub. Act 102-823](#)

Electronic Protective Orders.

Summary

Amends the Code of Criminal Procedure of 1963, the Stalking No Contact Order Act, the Civil No Contact Order Act, and the Illinois Domestic Violence Act of 1986. Allows a person to file a petition for a protection order, stalking no contact order, civil no contact order, or order of protection either in-person, by email, or online. Requires a court in a county with a population above 250,000 to offer the option of a remote hearing to a petitioner for a protective order, stalking no contact order, civil no contact order, or order of protection.

<https://www.illinoiscourts.gov/news>

Supreme Court Order and Judicial Redistricting Legislation

Pub. Act 102-11 (eff. Jan. 1, 2022)

[Judicial Districts Act of 2021](#)

<https://www.illinoiscourts.gov/News/1000/Redistricting-a-Monumental-Shift-for-Our-State-Courts/news-detail/> "Redistricting a Monumental Shift for Our State Courts."

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[M.R. 30858 “In re: 2021 Judicial Redistricting.”](#)

December 8, 2021, brought us a new Supreme Court Order regarding redistricting. The Court lifted its June 7th pause on judicial redistricting on Jan. 1: fully implementing new judicial boundaries signed into law earlier in 2021. The judicial district boundaries changed January 1st for the first time since they were established in 1964!

Since Jan. 1, appeals filed in the circuit will go to the appellate district determined by our new and current map. The redistricting pause allowed for planning and implementation, according to a news release from the Illinois Supreme Court.

The new map extends the 4th District, which had run across central Illinois from Kankakee County to the Quad Cities. The new 4th District gains Peoria County and the Quad Cities region, both formerly in the 3rd District. Winnebago (17th) and DuPage (18th) Counties moved to the 4th District from the 2nd Appellate District.

The new and old judicial maps illustrate the significant changes in the new districts. The 5th Judicial District now stretches from Cairo to Champaign - a distance of close to 250 miles. The 4th Judicial District now extends from Jerseyville to Rockford - an even further distance of over 275 miles. The change moves one-third (8) of our 24 judicial circuits into a new appellate district.

The main points of the Supreme Court order are:

- * Circuit Courts remain subject to the rule that our appellate court decisions will bind the decisions of circuit courts in their districts. In a redistricted circuit, the appropriate district will be the district in which the circuit was located at the time the circuit court case was initiated.
- * If a case is heard by one appellate district on appeal and then there is a later appeal is heard by a new appellate district, the new district will treat the decision of the prior district as the law of the case.

See: <https://www.illinoiscourts.gov/News/1000/Redistricting-a-Monumental-Shift-for-Our-State-Courts/news-detail/>

New Supreme Court Rule.

Rule 8. Case and Document Accessibility

(a) All cases and documents are presumed to be accessible by the court and the clerk. Clerks shall limit access to case information and documents that are not identified as public to the clerk and/or limited supervisory staff through the use of access codes restricting access. Access to court records and documents remotely over the Internet shall be as authorized by the [Illinois](#)

Supreme Court Remote Access Policy.

(b) Unless otherwise specified by Rule, statute or order of court, access to case information and documents maintained by the clerk are defined as follows:

(1) "Public" means a document or case that is accessible by any person upon request.

(2) "**Impounded**" means a document or case that is *accessible only to the parties* of record on a case; otherwise, the document or case is only accessible upon order of court.

(3) "Confidential" means a document or case that is accessible *only to the party submitting* the document or filing the case; otherwise, the document or case is only accessible upon order of court.

(4) "**Sealed**" means a document or case that is *accessible only upon order of court*.

(5) "**Expunged**" means a document or case that is accessible only upon order of court as provided in section 5.2(E) of the Criminal Identification Act (20 ILCS 2630/5.2(E)).

(c) Notwithstanding the above, the court may enter an order restricting access to any case or document per order of court.

Adopted Sept. 29, 2021, eff. Jan. 1, 2022.

See also:

[Manual on Record Keeping](#)

Keep County / Statewide. 4th Ed. 1/1/22.

Definitions within Remote Access Policy

Confidential Records – Expunged, impounded, sealed, or otherwise secured pursuant to Court See p. 67. Definition of impounded consistent with SCR 8, etc.

e.: Any other records created in the clerk's office such as financial documents and court calendars shall be identified only by case number and the words "Confidential Record – (Impounded Record or Sealed Record or Expunged Record)". Impounded records shall also include the initials or pseudonym as prescribed by law (e.g. the Adoption Act – 750 ILCS 50/18(b)).

Note Public Indexes provisions:

Order of Protection cases when a Petition for Emergency Stalking No Contact Order, Petition for Civil No Contact Order, or Petition for Emergency Order of Protection is filed, when the Order granting the petitions are granted, and until the order has been served on the respondent.

P. 74:

Rules

- Motion for Redaction and Confidential Filing

A Motion for Redaction and Confidential Filing shall be impounded and the clerk shall remove the document or exhibit containing the personal identity information from public access pending the court's ruling on the substance of the motion, as provided by Supreme Court Rule 138(f)(1).

- Notice of Confidential Information Within Court Filing

A Notice of Confidential Information Within Court Filing and its attachments shall be impounded by the clerk immediately upon filing as provided by Supreme Court Rules 15(b) or 138(c).

<https://www.illinoiscourts.gov/supreme-court-rules>

Other Supreme Court Rules.

Amended Rule 99: Mediation Programs. 1/1/22.

(b) **Fee/Assessment Waivers.** Mediation programs undertaken pursuant to this Rule shall include method(s) for providing no-cost mediation services for parties who have been granted a full fee/assessment waiver and lower-cost or no-cost mediation services for parties who have been granted a partial fee/assessment waiver.

[Juvenile] Rule 942: Court Family Conferences: Amended Sept. 29, 2021, eff. Oct. 1, 2021

See: <https://www.illinoiscourts.gov/News/1028/Supreme-Court-adopts-new-rule-on-case-and-document-confidentiality/news-detail/>

Statewide Standardized forms – New Mandates

The Illinois Supreme Court approved amendments to [Rule 10-101](#) regarding Standardized Court Forms. The amendments, **effective September 1st, 2021**, *require* courts to stop providing or using local forms for a legal remedy once a standardized court form for that same purpose is published.

<https://www.illinoiscourts.gov/News/1008/Statewide-standardized-forms-The-new-parameters/news-detail/>

The heart of the new Rule provides at (d) through (f):

- (d) After a standardized court form is published, no court may
 - (1) maintain, create, or disseminate alternate court forms that seek the same legal remedy;
 - (2) require, promote, or encourage the use of any other court form that seeks the same legal remedy;
 - (3) require that a standardized court form be used in a manner that is contrary to its intended purpose of enhancing access to justice; or
 - (4) require that litigants or lawyers use a modified standardized court form, except as permitted in paragraph (e).
- (e) A court may supplement a standardized court order as necessary or appropriate.
- (f) A litigant or lawyer *may add additional material* to a standardized court form as long as the form is not altered.

2011 Statutory Law eff. 1/1/22.

Good technical fix.

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Pub Act 102-349 (eff. Aug 13, 2021)

[Court-Ordered] Counseling (*Noyes* fix)

§ 607.6 (Counseling)

<https://legiscan.com/IL/bill/HB2741/2021>

(*Noyes* fix). See: *In re Marriage of Noyes*, 2018 IL App (2d) 170667-U

Amends 607.6 of the IMDMA. Deletes language providing that: “*all counseling sessions* shall be confidential; and 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.” Substitutes the language providing that counseling ordered under 607.6 is subject to confidentiality under the Mental Health Confidentiality Act and HIPAA.

Interesting Law that presents unintended consequences.

Pub. Act 102-480 (Eff. Jan. 1, 2022)

“Retainer Fees” to Obtain an Identified Attorney

<https://legiscan.com/IL/bill/HB3484/2021>

See pdf of bill: <https://www.ilga.gov/legislation/102/HB/PDF/10200HB3484lv.pdf>

And <https://legiscan.com/IL/text/HB3484/id/2429528> (Chaptered).

Amends § 501(c-1)(1.5) of the IMDMA to a party to petition or move for “an allowance from the other party for a retainer fee to obtain an attorney.” It requires the petition to identify the attorney to be retained and be accompanied by specified documents. Provides that all awards shall be paid directly to the identified attorney.

New subsection § 1.5 within the interim-fee statute provides for:

an allowance from the other party for a retainer fee to obtain an attorney.

It states:

(1.5) A petition for interim fees that seeks an order for the payment of an initial retainer to retain an attorney shall have attached to it an affidavit from the attorney to be retained that the attorney has been contacted by the moving party and the attorney has agreed to enter an appearance if the court grants the relief requested, together with a certificate from the moving party that the interim fees granted will only be used by the moving party to retain an attorney. Any interim fees granted pursuant to this paragraph shall be paid directly to the identified attorney.

Pub. Act 102-87 (eff. Jan. 1, 2022).

IMDMA - Health Insurance

<https://legiscan.com/IL/bill/SB0258/2021>

Amends §505.2 regarding health insurance coverage for children. This was left alone by income shares and the 2016 Rewrite. Public Act 102-87 makes a host of changes.

First, it disconnects obligor and obligee with the obligor to provide health insurance. Thus, could be duty of either parent, consistent with income shares. It deletes the first two definitions of obligor/obligee. Then, defines "*insurance obligee*" as an individual to whom a health insurance obligation is owed on behalf of a child and "*insurance obligor*" as an individual with an obligation to provide health insurance for a child. It changes terms in 505.2 to conform to these new definitions. It deletes the language that provides the court shall enter an order for health insurance coverage of the child *upon the request of the obligee or the public office in charge of child support enforcement*. It deletes the language providing that the *court shall order the obligor to reimburse the obligee for 50% of the premium for placing the child on his or her health insurance policy* under certain circumstances. This language never had been consistent with Income Shares. It further deletes the language that provides that the court may order the obligor to reimburse the obligee for 100% of the premium for placing the child on his or her health insurance policy.

For better or worse, it deletes the language providing that the obligor shall be liable to the obligee for the dollar amount of the premiums that were not paid. Provides that an employer may eliminate a child from the insurance obligor's health insurance coverage if the employer no longer provides a group health insurance plan to any employees or the child is no longer eligible for coverage due to federal or State restrictions.

<https://legiscan.com/IL/text/SB0258/2021>

Deletes 505.2a(1) and (2). Adds (5) and (6). Last changed 2007.

Good New Law Effective 2022.

Pub Act 102-143

IMDMA - Temporary Relocation Orders

<https://legiscan.com/IL/bill/SB0259/2021> (Jan 1, 2022)

Amends §603.5 Temporary Parental Allocation Orders.

New subsection (a-5) allows a court to order temporary relocation—before entry of a final allocation judgment—if in the child's best interests. Temporary relocation does not prejudice either parent.

Text: <https://legiscan.com/IL/text/SB0259/id/2296472>

Text of the new subsection:

(a-5) A court may order the relocation of the child on a temporary basis before the entry of a final allocation judgment if it is in the best interests of the child. Any relocation shall be considered temporary in nature and shall not prejudice either parent in the allocation of parental responsibilities contained in a final allocation judgment. Any relocation shall be made in accordance with the protocol set forth in subsections (c) through (g) of Section 609.2.

Pub. Act 102-481 (eff. Jan. 1, 2022).

Hope Card / Domestic Violence Cards

<https://legiscan.com/IL/bill/HB3485/2021>

Amends the IDVA to provide that the Supreme Court may implement a “Hope Card” program. The Hope Card is issued to the petitioner of a plenary OP for potential distribution to any individual who should be aware of the order. Adds provisions concerning design/details of the Card. Provides that the Card has the same effect as the underlying plenary order of protection. Provides that the program may provide for the issuance of a *temporary* Hope Card at the time of the entry of the plenary order of protection. First card will be free and the Supreme Court may establish a fee for any additional Hope Card, not to exceed \$7 per Hope Card.

See: <https://www.changemakers.com/competition/endabuse/entries/hope-card-project>

Further IMDMA 2021 Amendments.

(750 ILCS 5/518 new)

IMDMA is amended by changing Section 510 and by adding Sections 518 and 519.

510(a)(2)(B) [the without the necessity of showing a substantial change in circumstances provisions regarding *health care needs*]

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

Sec. 518. Other actions and remedies for support. The procedures, actions, and remedies provided in this Act shall in no way be exclusive, but shall be available in addition to other actions and remedies of support, including, but not limited to, the remedies provided in: (a) the Illinois Parentage Act of 2015; (b) the Non-Support Punishment Act; (c) the Illinois Public Aid Code; (d) the Uniform Child-Custody Jurisdiction and Enforcement Act; (e) the Uniform Interstate Family Support Act; and (f) the common law.

This Act does not create, enlarge, abrogate, or diminish parental rights or duties under other laws of this State, including the common law.

(750 ILCS 5/519 new)

Sec. 519. Actions and remedies for support; other laws. Notwithstanding any other State or local law to the contrary, actions and remedies under this Act, the Uniform Interstate Family Support Act, or other State laws shall be cumulative and used in conjunction with one another, as appropriate. Actions and remedies under the Uniform Interstate Family Support Act shall not require a custody or visitation determination as a prerequisite to a determination of a support obligation. If a custody or visitation determination is not permitted under the Uniform Interstate Family Support Act, the determination may be made under another appropriate State law if the court has authority to make the decision under the appropriate law.

Sec. 802. Judgment.

The IPA 2015 was amended to provide

The judgment shall contain or explicitly reserve provisions concerning any duty and amount of child support and may contain or explicitly reserve provisions concerning the allocation of parental responsibilities or guardianship of the child, privileges with the child,

(c) In the absence of an explicit order or judgment for the allocation of parental responsibilities, to the extent the court has authority under the Uniform Child-Custody Jurisdiction and Enforcement Act or any other appropriate State law, the establishment of a child support obligation or the allocation of parenting time to one parent shall be construed as an order or judgment allocating all parental responsibilities to the other parent.

Then adds:

(c-5) Notwithstanding the limitations regarding the establishment of custody under the Uniform Interstate Family Support Act, that Act is not exclusive, and custody/allocation of parental responsibilities may be determined concurrently under other appropriate State laws, where this determination may be validly made.

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