



## 93RD GENERAL ASSEMBLY

### State of Illinois

#### 2003 and 2004

Introduced 02/04/04, by Julie Hamos

#### SYNOPSIS AS INTRODUCED:

See Index

Creates the Uniform Parentage Act (2000). Provides rules for establishing a parent-child relationship, including rules for acknowledging and denying paternity. Requires the Department of Children and Family Services to establish a registry of paternity, and requires that men who have timely registered be given notice of a proceeding for adoption or for termination of parental rights. Provides that the intentional, unauthorized release of information from the registry is a Class B misdemeanor. Provides rules for the genetic testing of a person to determine parentage, and makes the intentional, unauthorized release of an identifiable specimen a Class B misdemeanor. Provides rules for proceedings to adjudicate parentage, and authorizes the issuance of a temporary order for child support. Provides rules for determining the parentage of a child of assisted reproduction. Provides for the regulation of gestational agreements. Repeals the Illinois Parentage Act and the Illinois Parentage Act of 1984. Amends other Acts to make conforming changes.

LRB093 17685 DRJ 46745 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning families.

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

4 ARTICLE 1. GENERAL PROVISIONS

5 Section 0.01. Short title. This Act may be cited as the  
6 Uniform Parentage Act (2000).

7 Section 101. Short title. (See Section 0.01 for short  
8 title.)

9 Section 102. Definitions. In this Act:

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

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

16 (3) "Alleged father" means a man who alleges himself to  
17 be, or is alleged to be, the genetic father or a possible  
18 genetic father of a child, but whose paternity has not been  
19 determined. The term does not include:

20 (A) a presumed father;

21 (B) a man whose parental rights have been  
22 terminated or declared not to exist; or

23 (C) a male donor.

24 (4) "Assisted reproduction" means a method of causing  
25 pregnancy other than sexual intercourse. The term  
26 includes:

27 (A) intrauterine insemination;

28 (B) donation of eggs;

29 (C) donation of embryos;

30 (D) in-vitro fertilization and transfer of

1 embryos; and

2 (E) intracytoplasmic sperm injection.

3 (5) "Child" means an individual of any age whose  
4 parentage may be determined under this Act.

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

8 (7) "Determination of parentage" means the  
9 establishment of the parent-child relationship by the  
10 signing of a valid acknowledgment of paternity under  
11 Article 3 or adjudication by the court or as authorized  
12 under Article X of the Illinois Public Aid Code.

13 (8) "Donor" means an individual who produces eggs or  
14 sperm used for assisted reproduction, whether or not for  
15 consideration. The term does not include:

16 (A) a husband who provides sperm, or a wife who  
17 provides eggs, to be used for assisted reproduction by  
18 the wife;

19 (B) a woman who gives birth to a child by means of  
20 assisted reproduction, except as otherwise provided in  
21 Article 8; or

22 (C) a parent under Article 7 or an intended parent  
23 under Article 8.

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

28 (10) "Genetic testing" means an analysis of genetic  
29 markers to exclude or identify a man as the father or a  
30 woman as the mother of a child. The term includes an  
31 analysis of one or a combination of the following:

32 (A) deoxyribonucleic acid; and

33 (B) blood-group antigens, red-cell antigens,  
34 human-leukocyte antigens, serum enzymes, serum  
35 proteins, or red-cell enzymes.

36 (11) "Gestational mother" means an adult woman who

1 gives birth to a child under a gestational agreement.

2 (12) "Man" means a male individual of any age.

3 (13) "Parent" means an individual who has established a  
4 parent-child relationship under Section 201.

5 (14) "Parent-child relationship" means the legal  
6 relationship between a child and a parent of the child. The  
7 term includes the mother-child relationship and the  
8 father-child relationship.

9 (15) "Paternity index" means the likelihood of  
10 paternity calculated by computing the ratio between:

11 (A) the likelihood that the tested man is the  
12 father, based on the genetic markers of the tested man,  
13 mother, and child, conditioned on the hypothesis that  
14 the tested man is the father of the child; and

15 (B) the likelihood that the tested man is not the  
16 father, based on the genetic markers of the tested man,  
17 mother, and child, conditioned on the hypothesis that  
18 the tested man is not the father of the child and that  
19 the father is of the same ethnic or racial group as the  
20 tested man.

21 (16) "Presumed father" means a man who, by operation of  
22 law under Section 204, is recognized as the father of a  
23 child until that status is rebutted or confirmed in a  
24 judicial proceeding.

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

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

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

1           (20) "State" means a State of the United States, the  
2           District of Columbia, Puerto Rico, the United States Virgin  
3           Islands, or any territory or insular possession subject to  
4           the jurisdiction of the United States.

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

7                   (A) enforcement of support orders or laws relating  
8                   to the duty of support;

9                   (B) establishment or modification of child  
10                   support;

11                   (C) determination of parentage; or

12                   (D) location of child-support obligors and their  
13                   income and assets.

14           Section 103. Scope of Act; choice of law.

15           (a) This Act applies to determination of parentage in this  
16           State.

17           (b) The court shall apply the law of this State to  
18           adjudicate the parent-child relationship. The applicable law  
19           does not depend on:

20                   (1) the place of birth of the child; or

21                   (2) the past or present residence of the child.

22           (c) This Act does not create, enlarge, or diminish parental  
23           rights or duties under other law of this State.

24           (d) This Act does not authorize or prohibit an agreement  
25           between a woman and a man and another woman in which the woman  
26           relinquishes all rights as a parent of a child conceived by  
27           means of assisted reproduction, and which provides that the man  
28           and other woman become the parents of the child. If a birth  
29           results under such an agreement and the agreement is  
30           unenforceable under the law of this State, the parent-child  
31           relationship is determined as provided in Article 2.

32           Section 104. Court of this State. The circuit court is  
33           authorized to adjudicate parentage under this Act.

1 Section 105. Protection of participants. Proceedings under  
2 this Act are subject to other law of this State governing the  
3 health, safety, privacy, and liberty of a child or other  
4 individual who could be jeopardized by disclosure of  
5 identifying information, including address, telephone number,  
6 place of employment, social security number, and the child's  
7 day-care facility and school.

8 Section 106. Determination of maternity. Provisions of  
9 this Act relating to determination of paternity apply to  
10 determination of maternity.

11 ARTICLE 2. PARENT-CHILD RELATIONSHIP

12 Section 201. Establishment of parent-child relationship.

13 (a) The mother-child relationship is established between a  
14 woman and a child by:

15 (1) the woman's having given birth to the child, except  
16 as otherwise provided in Article 8;

17 (2) an adjudication of the woman's maternity;

18 (3) adoption of the child by the woman; or

19 (4) an adjudication confirming the woman as a parent of  
20 a child born to a gestational mother if the agreement was  
21 validated under Article 8 or is enforceable under other  
22 law.

23 (b) The father-child relationship is established between a  
24 man and a child by:

25 (1) an unrebutted presumption of the man's paternity of  
26 the child under Section 204;

27 (2) an effective acknowledgment of paternity by the man  
28 under Article 3, unless the acknowledgment has been  
29 rescinded or successfully challenged;

30 (3) an adjudication of the man's paternity;

31 (4) adoption of the child by the man;

32 (5) the man's having consented to assisted  
33 reproduction by a woman under Article 7 which resulted in

1 the birth of the child; or

2 (6) an adjudication confirming the man as a parent of a  
3 child born to a gestational mother if the agreement was  
4 validated under Article 8 or is enforceable under other  
5 law.

6 Section 202. No discrimination based on marital status. A  
7 child born to parents who are not married to each other has the  
8 same rights under the law as a child born to parents who are  
9 married to each other.

10 Section 203. Consequences of establishment of parentage.  
11 Unless parental rights are terminated, a parent-child  
12 relationship established under this Act applies for all  
13 purposes, except as otherwise specifically provided by other  
14 law of this State.

15 Section 204. Presumption of paternity.

16 (a) A man is presumed to be the father of a child if:

17 (1) he and the mother of the child are married to each  
18 other and the child is born during the marriage;

19 (2) he and the mother of the child were married to each  
20 other and the child is born within 300 days after the  
21 marriage is terminated by death, annulment, declaration of  
22 invalidity, judgment of dissolution, or divorce, or after a  
23 judgment of legal separation or decree of separation;

24 (3) before the birth of the child, he and the mother of  
25 the child married each other in apparent compliance with  
26 law, even if the attempted marriage is or could be declared  
27 invalid, and the child is born during the invalid marriage  
28 or within 300 days after its termination by death,  
29 annulment, declaration of invalidity, judgment of  
30 dissolution, or divorce, or after a judgment of legal  
31 separation or decree of separation; or

32 (4) after the birth of the child, he and the mother of  
33 the child married each other in apparent compliance with

1 law, whether or not the marriage is or could be declared  
2 invalid, and he voluntarily asserted his paternity of the  
3 child, and:

4 (A) the assertion is in a record filed with the  
5 Illinois Department of Public Health or the Illinois  
6 Department of Public Aid as provided by other law of  
7 this State;

8 (B) he agreed to be and is named as the child's  
9 father on the child's birth certificate; or

10 (C) he promised in a record to support the child as  
11 his own.

12 (5) (Blank).

13 (b) A presumption of paternity established under this  
14 Section may be rebutted only by an adjudication under Article  
15 6.

16 ARTICLE 3. VOLUNTARY ACKNOWLEDGEMENT OF PATERNITY

17 Section 301. Acknowledgment of paternity. The mother of a  
18 child and a man claiming to be the genetic father of the child  
19 may sign an acknowledgment of paternity with intent to  
20 establish the man's paternity.

21 Section 302. Execution of acknowledgment of paternity.

22 (a) An acknowledgment of paternity must:

23 (1) be in a record;

24 (2) be signed, or otherwise authenticated, under  
25 penalty of perjury by the mother and by the man seeking to  
26 establish his paternity;

27 (3) state that the child whose paternity is being  
28 acknowledged:

29 (A) does not have a presumed father, or has a  
30 presumed father whose full name is stated; and

31 (B) does not have another acknowledged or  
32 adjudicated father;

33 (4) state whether there has been genetic testing and,



1 if so, that the acknowledging man's claim of paternity is  
2 consistent with the results of the testing; and

3 (5) state that the signatories understand that the  
4 acknowledgment is the equivalent of a judicial  
5 adjudication of paternity of the child and that a challenge  
6 to the acknowledgment is permitted only under limited  
7 circumstances and is barred after two years.

8 (b) An acknowledgment of paternity is void if it:

9 (1) states that another man is a presumed father,  
10 unless a denial of paternity signed or otherwise  
11 authenticated by the presumed father is filed with the  
12 Illinois Department of Public or the Illinois Department of  
13 Public Aid, as provided by other law of this State;

14 (2) states that another man is an acknowledged or  
15 adjudicated father; or

16 (3) falsely denies the existence of a presumed,  
17 acknowledged, or adjudicated father of the child.

18 (c) A presumed father may sign or otherwise authenticate an  
19 acknowledgment of paternity.

20 Section 303. Denial of paternity. A presumed father may  
21 sign a denial of his paternity. The denial is valid only if:

22 (1) an acknowledgment of paternity signed, or  
23 otherwise authenticated, by another man is filed pursuant  
24 to Section 305;

25 (2) the denial is in a record, and is signed, or  
26 otherwise authenticated, under penalty of perjury; and

27 (3) the presumed father has not previously:

28 (A) acknowledged his paternity, unless the  
29 previous acknowledgment has been rescinded pursuant to  
30 Section 307 or successfully challenged pursuant to  
31 Section 308; or

32 (B) been adjudicated to be the father of the child.

33 Section 304. Rules for acknowledgment and denial of  
34 paternity.

1 (a) An acknowledgment of paternity and a denial of  
2 paternity may be contained in a single document or may be  
3 signed in counterparts, and may be filed separately or  
4 simultaneously. If the acknowledgement and denial are both  
5 necessary, neither is valid until both are filed.

6 (b) An acknowledgment of paternity or a denial of paternity  
7 may be signed before the birth of the child.

8 (c) Subject to subsection (a), an acknowledgment of  
9 paternity or denial of paternity takes effect on the birth of  
10 the child or the filing of the document with the Illinois  
11 Department of Public Health or the Illinois Department of  
12 Public Aid, as provided by other law of this State, whichever  
13 occurs later.

14 (d) An acknowledgment of paternity or denial of paternity  
15 signed by a minor is valid if it is otherwise in compliance  
16 with this Act.

17 Section 305. Effect of acknowledgment or denial of  
18 paternity.

19 (a) Except as otherwise provided in Sections 307 and 308, a  
20 valid acknowledgment of paternity filed with the Illinois  
21 Department of Public Health or the Illinois Department of  
22 Public Aid, as provided by other law of this State, is  
23 equivalent to an adjudication of paternity of a child and  
24 confers upon the acknowledged father all of the rights and  
25 duties of a parent.

26 (b) Except as otherwise provided in Sections 307 and 308, a  
27 valid denial of paternity by a presumed father filed with the  
28 Illinois Department of Public Health or the Illinois Department  
29 of Public Aid, as provided by other law of this State, in  
30 conjunction with a valid acknowledgment of paternity is  
31 equivalent to an adjudication of the nonpaternity of the  
32 presumed father and discharges the presumed father from all  
33 rights and duties of a parent.

34 Section 306. No filing fee. Neither the Illinois Department

1 of Public Health nor the Illinois Department of Public Aid may  
2 charge for filing an acknowledgment of paternity or denial of  
3 paternity.

4 Section 307. Proceeding for rescission. A signatory may  
5 rescind an acknowledgment of paternity or denial of paternity  
6 by commencing a proceeding to rescind before the earlier of:

7 (1) 60 days after the effective date of the  
8 acknowledgment or denial, as provided in Section 304; or

9 (2) the date of the first hearing, in a proceeding to  
10 which the signatory is a party, before a court to  
11 adjudicate an issue relating to the child, including a  
12 proceeding that establishes support.

13 Section 308. Challenge after expiration of period for  
14 rescission.

15 (a) After the period for rescission under Section 307 has  
16 expired, a signatory of an acknowledgment of paternity or  
17 denial of paternity may commence a proceeding to challenge the  
18 acknowledgment or denial only:

19 (1) on the basis of fraud, duress, or material mistake  
20 of fact; and

21 (2) within two years after the acknowledgment or denial  
22 is filed with the Illinois Department of Public Health or  
23 the Illinois Department of Public Aid, as provided by other  
24 law of this State.

25 (b) A party challenging an acknowledgment of paternity or  
26 denial of paternity has the burden of proof.

27 Section 309. Procedure for rescission or challenge.

28 (a) Every signatory to an acknowledgment of paternity and  
29 any related denial of paternity must be made a party to a  
30 proceeding to rescind or challenge the acknowledgment or  
31 denial.

32 (b) For the purpose of rescission of, or challenge to, an  
33 acknowledgment of paternity or denial of paternity, a signatory

1 submits to personal jurisdiction of this State by signing the  
2 acknowledgment or denial, effective upon the filing of the  
3 document with the Illinois Department of Public Health or the  
4 Illinois Department of Public Aid, as provided by other law of  
5 this State.

6 (c) Except for good cause shown, during the pendency of a  
7 proceeding to rescind or challenge an acknowledgment of  
8 paternity or denial of paternity, the court may not suspend the  
9 legal responsibilities of a signatory arising from the  
10 acknowledgment, including the duty to pay child support.

11 (d) A proceeding to rescind or to challenge an  
12 acknowledgment of paternity or denial of paternity must be  
13 conducted in the same manner as a proceeding to adjudicate  
14 parentage under Article 6.

15 (e) At the conclusion of a proceeding to rescind or  
16 challenge an acknowledgment of paternity or denial of  
17 paternity, the court shall order the Illinois Department of  
18 Public Health to amend the birth record of the child, if  
19 appropriate.

20 Section 310. Ratification barred. A court or  
21 administrative proceeding is not required or permitted to  
22 ratify an unchallenged acknowledgment of paternity.

23 Section 311. Full faith and credit. A court of this State  
24 shall give full faith and credit to an acknowledgment of  
25 paternity or denial of paternity effective in another state if  
26 the acknowledgment or denial has been signed and is otherwise  
27 in compliance with the law of the other state.

28 Section 312. Forms for acknowledgment and denial of  
29 paternity.

30 (a) To facilitate compliance with this Article, the  
31 Illinois Department of Public Health or the Illinois Department  
32 of Public Aid, as provided by other law of this State, shall  
33 prescribe forms for the acknowledgment of paternity and the

1 denial of paternity.

2 (b) A valid acknowledgment of paternity or denial of  
3 paternity is not affected by a later modification of the  
4 prescribed form.

5 Section 313. Release of information. The Illinois  
6 Department of Public Health and the Illinois Department of  
7 Public Aid may release information relating to the  
8 acknowledgment of paternity or denial of paternity to a  
9 signatory of the acknowledgment or denial and to courts and  
10 appropriate state or federal agencies of this or another state.

11 Section 314. Adoption of rules. The Illinois Department of  
12 Public Health and the Illinois Department of Public Aid may  
13 adopt rules to implement this Article.

14 ARTICLE 4. REGISTRY OF PATERNITY

15 PART 1. GENERAL PROVISIONS

16 Section 401. Establishment of registry. A registry of  
17 paternity is established in the Illinois Department of Children  
18 and Family Services.

19 Section 402. Registration for notification.

20 (a) Except as otherwise provided in subsection (b) or  
21 Section 405, a man who desires to be notified of a proceeding  
22 for adoption of, or termination of parental rights regarding, a  
23 child that he may have fathered must register in the registry  
24 of paternity before the birth of the child or within 30 days  
25 after the birth.

26 (b) A man is not required to register if:

27 (1) a father-child relationship between the man and the  
28 child has been established under this Act or other law; or

29 (2) the man commences a proceeding to adjudicate his  
30 paternity before the court has terminated his parental

1 rights.

2 (c) A registrant shall promptly notify the registry in a  
3 record of any change in the information registered. The  
4 Illinois Department of Children and Family Services shall  
5 incorporate all new information received into its records but  
6 need not affirmatively seek to obtain current information for  
7 incorporation in the registry.

8 Section 403. Notice of proceeding. Notice of a proceeding  
9 for the adoption of, or termination of parental rights  
10 regarding, a child must be given to a registrant who has timely  
11 registered. Notice must be given in a manner prescribed for  
12 service of process in a civil action.

13 Section 404. Termination of parental rights: child under  
14 under one year of age. The parental rights of a man who may be  
15 the father of a child may be terminated without notice if:

16 (1) the child has not attained one year of age at the  
17 time of the termination of parental rights;

18 (2) the man did not register timely with the Illinois  
19 Department of Children and Family Services; and

20 (3) the man is not exempt from registration under  
21 Section 402.

22 Section 405. Termination of parental rights: child at least  
23 one year of age.

24 (a) If a child has attained one year of age, notice of a  
25 proceeding for adoption of, or termination of parental rights  
26 regarding, the child must be given to every alleged father of  
27 the child, whether or not he has registered with the Illinois  
28 Department of Children and Family Services.

29 (b) Notice must be given in a manner prescribed for service  
30 of process in a civil action.

31

1 Section 411. Required form. The Illinois Department of  
2 Children and Family Services shall prepare a form for  
3 registering with the agency. The form must require the  
4 signature of the registrant. The form must state that the form  
5 is signed under penalty of perjury. The form must also state  
6 that:

7 (1) a timely registration entitles the registrant to  
8 notice of a proceeding for adoption of the child or  
9 termination of the registrant's parental rights;

10 (2) a timely registration does not commence a  
11 proceeding to establish paternity;

12 (3) the information disclosed on the form may be used  
13 against the registrant to establish paternity;

14 (4) services to assist in establishing paternity are  
15 available to the registrant through the  
16 support-enforcement agency;

17 (5) the registrant should also register in another  
18 state if conception or birth of the child occurred in the  
19 other state;

20 (6) information on registries of other states is  
21 available from the Illinois Department of Children and  
22 Family Services; and

23 (7) procedures exist to rescind the registration of a  
24 claim of paternity.

25 Section 412. Furnishing of information; confidentiality.

26 (a) The Illinois Department of Children and Family  
27 Services need not seek to locate the mother of a child who is  
28 the subject of a registration, but the Department shall send a  
29 copy of the notice of registration to a mother if she has  
30 provided an address.

31 (b) Information contained in the registry is confidential  
32 and may be released on request only to:

33 (1) a court or a person designated by the court;

34 (2) the mother of the child who is the subject of the  
35 registration;

- 1           (3) an agency authorized by other law to receive the  
2 information;
- 3           (4) a licensed child-placing agency;
- 4           (5) a support-enforcement agency;
- 5           (6) a party or the party's attorney of record in a  
6 proceeding under this Act or in a proceeding for adoption  
7 of, or for termination of parental rights regarding, a  
8 child who is the subject of the registration; and
- 9           (7) the registry of paternity in another state.

10           Section 413. Penalty for releasing information. An  
11 individual commits a Class B misdemeanor if the individual  
12 intentionally releases information from the registry to  
13 another individual or agency not authorized to receive the  
14 information under Section 412.

15           Section 414. Rescission of registration. A registrant may  
16 rescind his registration at any time by sending to the registry  
17 a rescission in a record signed or otherwise authenticated by  
18 him, and witnessed or notarized.

19           Section 415. Untimely registration. If a man registers more  
20 than 30 days after the birth of the child, the Illinois  
21 Department of Children and Family Services shall notify the  
22 registrant that on its face his registration was not filed  
23 timely.

24           Section 416. Fees for registry.

25           (a) A fee may not be charged for filing a registration or a  
26 rescission of registration.

27           (b) Except as otherwise provided in subsection (c), the  
28 Illinois Department of Children and Family Services may charge  
29 a reasonable fee for making a search of the registry and for  
30 furnishing a certificate.

31           (c) A support-enforcement agency and other appropriate  
32 agencies, if any, are not required to pay a fee authorized by



1 subsection (b).

2 PART 3. SEARCH OF REGISTRIES

3 Section 421. Search of appropriate registry.

4 (a) If a father-child relationship has not been established  
5 under this Act for a child under one year of age, a petitioner  
6 for adoption of, or termination of parental rights regarding,  
7 the child, must obtain a certificate of search of the registry  
8 of paternity.

9 (b) If a petitioner for adoption of, or termination of  
10 parental rights regarding, a child has reason to believe that  
11 the conception or birth of the child may have occurred in  
12 another state, the petitioner must also obtain a certificate of  
13 search from the registry of paternity, if any, in that state.

14 Section 422. Certificate of search of registry.

15 (a) The Illinois Department of Children and Family Services  
16 shall furnish to the requester a certificate of search of the  
17 registry on request of an individual, court, or agency  
18 identified in Section 412.

19 (b) A certificate provided by the Illinois Department of  
20 Children and Family Services must be signed on behalf of the  
21 State that:

22 (1) a search has been made of the registry; and

23 (2) a registration containing the information required  
24 to identify the registrant:

25 (A) has been found and is attached to the  
26 certificate of search; or

27 (B) has not been found.

28 (c) A petitioner must file the certificate of search with  
29 the court before a proceeding for adoption of, or termination  
30 of parental rights regarding, a child may be concluded.

31 ARTICLE 5. GENETIC TESTING

1 Section 501. Scope of Article. This Article governs genetic  
2 testing of an individual to determine parentage, whether the  
3 individual:

4 (1) voluntarily submits to testing; or

5 (2) is tested pursuant to an order of the court or a  
6 support-enforcement agency.

7 Section 502. Order for testing.

8 (a) Except as otherwise provided in this Article and  
9 Article 6, the court shall order the child and other designated  
10 individuals to submit to genetic testing if the request for  
11 testing is supported by the sworn statement of a party to the  
12 proceeding:

13 (1) alleging paternity and stating facts establishing  
14 a reasonable probability of the requisite sexual contact  
15 between the individuals; or

16 (2) denying paternity and stating facts establishing a  
17 possibility that sexual contact between the individuals,  
18 if any, did not result in the conception of the child.

19 (b) A support-enforcement agency may order genetic testing  
20 only if there is no presumed, acknowledged, or adjudicated  
21 father.

22 (c) If a request for genetic testing of a child is made  
23 before birth, the court or support-enforcement agency may not  
24 order in-utero testing.

25 (d) If two or more men are subject to court-ordered genetic  
26 testing, the testing may be ordered concurrently or  
27 sequentially.

28 Section 503. Requirements for genetic testing.

29 (a) Genetic testing must be of a type reasonably relied  
30 upon by experts in the field of genetic testing and performed  
31 in a testing laboratory accredited by:

32 (1) the American Association of Blood Banks, or a  
33 successor to its functions;

34 (2) the American Society for Histocompatibility and

1 Immunogenetics, or a successor to its functions; or

2 (3) an accrediting body designated by the federal  
3 Secretary of Health and Human Services.

4 (b) A specimen used in genetic testing may consist of one  
5 or more samples, or a combination of samples, of blood, buccal  
6 cells, bone, hair, or other body tissue or fluid. The specimen  
7 used in the testing need not be of the same kind for each  
8 individual undergoing genetic testing.

9 (c) Based on the ethnic or racial group of an individual,  
10 the testing laboratory shall determine the databases from which  
11 to select frequencies for use in calculation of the probability  
12 of paternity. If there is disagreement as to the testing  
13 laboratory's choice, the following rules apply:

14 (1) The individual objecting may require the testing  
15 laboratory, within 30 days after receipt of the report of  
16 the test, to recalculate the probability of paternity using  
17 an ethnic or racial group different from that used by the  
18 laboratory.

19 (2) The individual objecting to the testing  
20 laboratory's initial choice shall:

21 (A) if the frequencies are not available to the  
22 testing laboratory for the ethnic or racial group  
23 requested, provide the requested frequencies compiled  
24 in a manner recognized by accrediting bodies; or

25 (B) engage another testing laboratory to perform  
26 the calculations.

27 (3) The testing laboratory may use its own statistical  
28 estimate if there is a question regarding which ethnic or  
29 racial group is appropriate. If available, the testing  
30 laboratory shall calculate the frequencies using  
31 statistics for any other ethnic or racial group requested.

32 (d) If, after recalculation using a different ethnic or  
33 racial group, genetic testing does not rebuttably identify a  
34 man as the father of a child under Section 505, an individual  
35 who has been tested may be required to submit to additional  
36 genetic testing.

1 Section 504. Report of genetic testing.

2 (a) A report of genetic testing must be in a record and  
3 signed under penalty of perjury by a designee of the testing  
4 laboratory. A report made under the requirements of this  
5 Article is self-authenticating.

6 (b) Documentation from the testing laboratory of the  
7 following information is sufficient to establish a reliable  
8 chain of custody that allows the results of genetic testing to  
9 be admissible without testimony:

10 (1) the names and photographs of the individuals whose  
11 specimens have been taken;

12 (2) the names of the individuals who collected the  
13 specimens;

14 (3) the places and dates the specimens were collected;

15 (4) the names of the individuals who received the  
16 specimens in the testing laboratory; and

17 (5) the dates the specimens were received.

18 Section 505. Genetic testing results; rebuttal.

19 (a) Under this Act, a man is rebuttably identified as the  
20 father of a child if the genetic testing complies with this  
21 Article and the results disclose that:

22 (1) the man has at least a 99 percent probability of  
23 paternity, using a prior probability of 0.50, as calculated  
24 by using the combined paternity index obtained in the  
25 testing; and

26 (2) a combined paternity index of at least 100 to 1.

27 (b) A man identified under subsection (a) as the father of  
28 the child may rebut the genetic testing results only by other  
29 genetic testing satisfying the requirements of this Article  
30 which:

31 (1) excludes the man as a genetic father of the child;

32 or

33 (2) identifies another man as the possible father of  
34 the child.

1 (c) Except as otherwise provided in Section 510, if more  
2 than one man is identified by genetic testing as the possible  
3 father of the child, the court shall order them to submit to  
4 further genetic testing to identify the genetic father.

5 Section 506. Costs of genetic testing.

6 (a) Subject to assessment of costs under Article 6, the  
7 cost of initial genetic testing must be advanced:

8 (1) by a support-enforcement agency in a proceeding in  
9 which the support-enforcement agency is providing  
10 services;

11 (2) by the individual who made the request;

12 (3) as agreed by the parties; or

13 (4) as ordered by the court.

14 (b) In cases in which the cost is advanced by the  
15 support-enforcement agency, the agency may seek reimbursement  
16 from a man who is rebuttably identified as the father.

17 Section 507. Additional genetic testing. The court or the  
18 support-enforcement agency shall order additional genetic  
19 testing upon the request of a party who contests the result of  
20 the original testing. If the previous genetic testing  
21 identified a man as the father of the child under Section 505,  
22 the court or agency may not order additional testing unless the  
23 party provides advance payment for the testing.

24 Section 508. Genetic testing when specimens not available.

25 (a) Subject to subsection (b), if a genetic-testing  
26 specimen is not available from a man who may be the father of a  
27 child, for good cause and under circumstances the court  
28 considers to be just, the court may order the following  
29 individuals to submit specimens for genetic testing:

30 (1) the parents of the man;

31 (2) brothers and sisters of the man;

32 (3) other children of the man and their mothers; and

33 (4) other relatives of the man necessary to complete

1 genetic testing.

2 (b) Issuance of an order under this Section requires a  
3 finding that a need for genetic testing outweighs the  
4 legitimate interests of the individual sought to be tested.

5 Section 509. Deceased individual. For good cause shown, the  
6 court may order genetic testing of a deceased individual.

7 Section 510. Identical brothers.

8 (a) The court may order genetic testing of a brother of a  
9 man identified as the father of a child if the man is commonly  
10 believed to have an identical brother and evidence suggests  
11 that the brother may be the genetic father of the child.

12 (b) If each brother satisfies the requirements as the  
13 identified father of the child under Section 505 without  
14 consideration of another identical brother being identified as  
15 the father of the child, the court may rely on nongenetic  
16 evidence to adjudicate which brother is the father of the  
17 child.

18 Section 511. Confidentiality of genetic testing.

19 (a) Release of the report of genetic testing for parentage  
20 is controlled by the Genetic Information Privacy Act.

21 (b) An individual who intentionally releases an  
22 identifiable specimen of another individual for any purpose  
23 other than that relevant to the proceeding regarding parentage  
24 without a court order or the written permission of the  
25 individual who furnished the specimen commits a Class B  
26 misdemeanor.

27 ARTICLE 6. PROCEEDING TO ADJUDICATE PARENTAGE

28 PART 1. NATURE OF PROCEEDING

29 Section 601. Proceeding authorized. A civil proceeding may  
30 be maintained to adjudicate the parentage of a child. The

1 proceeding is governed by the Code of Civil Procedure.

2 Section 602. Standing to maintain proceeding. Subject to  
3 Article 3 and Sections 607 and 609, a proceeding to adjudicate  
4 parentage may be maintained by:

- 5 (1) the child;
- 6 (2) the mother of the child;
- 7 (3) a man whose paternity of the child is to be  
8 adjudicated;
- 9 (4) the support-enforcement agency or other  
10 governmental agency authorized by other law;
- 11 (5) an authorized adoption agency or licensed  
12 child-placing agency;
- 13 (6) a representative authorized by law to act for an  
14 individual who would otherwise be entitled to maintain a  
15 proceeding but who is deceased, incapacitated, or a minor;  
16 or
- 17 (7) an intended parent under Article 8.

18 Section 603. Parties to proceeding. The following  
19 individuals must be joined as parties in a proceeding to  
20 adjudicate parentage:

- 21 (1) the mother of the child; and
- 22 (2) a man whose paternity of the child is to be  
23 adjudicated.

24 Section 604. Personal jurisdiction.

25 (a) An individual may not be adjudicated to be a parent  
26 unless the court has personal jurisdiction over the individual.

27 (b) A court of this State having jurisdiction to adjudicate  
28 parentage may exercise personal jurisdiction over a  
29 nonresident individual, or the guardian or conservator of the  
30 individual, if the conditions prescribed in Section 201 of the  
31 Uniform Interstate Family Support Act are fulfilled.

32 (c) Lack of jurisdiction over one individual does not  
33 preclude the court from making an adjudication of parentage

1 binding on another individual over whom the court has personal  
2 jurisdiction.

3 Section 605. Venue. Venue for a proceeding to adjudicate  
4 parentage is in the county of this State in which:

- 5 (1) the child resides or is found;
- 6 (2) the respondent resides or is found if the child  
7 does not reside in this State; or
- 8 (3) a proceeding for probate or administration of the  
9 presumed or alleged father's estate has been commenced.

10 Section 606. No limitation: child having no presumed,  
11 acknowledged, or adjudicated father. A proceeding to  
12 adjudicate the parentage of a child having no presumed,  
13 acknowledged, or adjudicated father may be commenced at any  
14 time, even after:

- 15 (1) the child becomes an adult, but only if the child  
16 initiates the proceeding; or
- 17 (2) an earlier proceeding to adjudicate paternity has  
18 been dismissed based on the application of a statute of  
19 limitation then in effect.

20 Section 607. Limitation: child having presumed father.

21 (a) Except as otherwise provided in subsection (b), a  
22 proceeding brought by a presumed father, the mother, or another  
23 individual to adjudicate the parentage of a child having a  
24 presumed father must be commenced not later than two years  
25 after the birth of the child.

26 (b) A proceeding seeking to disprove the father-child  
27 relationship between a child and the child's presumed father  
28 may be maintained at any time if the court determines that:

- 29 (1) the presumed father and the mother of the child  
30 neither cohabited nor engaged in sexual intercourse with  
31 each other during the probable time of conception; and
- 32 (2) the presumed father never openly held out the child  
33 as his own.



1 Section 608. Authority to deny motion for genetic testing.

2 (a) In a proceeding to adjudicate the parentage of a child  
3 having a presumed father or to challenge the paternity of a  
4 child having an acknowledged father, the court may deny a  
5 motion seeking an order for genetic testing of the mother, the  
6 child, and the presumed or acknowledged father if the court  
7 determines that:

8 (1) the conduct of the mother or the presumed or  
9 acknowledged father stops that party from denying  
10 parentage; and

11 (2) it would be inequitable to disprove the  
12 father-child relationship between the child and the  
13 presumed or acknowledged father.

14 (b) In determining whether to deny a motion seeking an  
15 order for genetic testing under this Section, the court shall  
16 consider the best interest of the child, including the  
17 following factors:

18 (1) the length of time between the proceeding to  
19 adjudicate parentage and the time that the presumed or  
20 acknowledged father was placed on notice that he might not  
21 be the genetic father;

22 (2) the length of time during which the presumed or  
23 acknowledged father has assumed the role of father of the  
24 child;

25 (3) the facts surrounding the presumed or acknowledged  
26 father's discovery of his possible nonpaternity;

27 (4) the nature of the relationship between the child  
28 and the presumed or acknowledged father;

29 (5) the age of the child;

30 (6) the harm that may result to the child if presumed  
31 or acknowledged paternity is successfully disproved;

32 (7) the nature of the relationship between the child  
33 and any alleged father;

34 (8) the extent to which the passage of time reduces the  
35 chances of establishing the paternity of another man and a

1 child-support obligation in favor of the child; and

2 (9) other factors that may affect the equities arising  
3 from the disruption of the father-child relationship  
4 between the child and the presumed or acknowledged father  
5 or the chance of other harm to the child.

6 (c) In a proceeding involving the application of this  
7 Section, a minor or incapacitated child must be represented by  
8 a guardian ad litem.

9 (d) Denial of a motion seeking an order for genetic testing  
10 must be based on clear and convincing evidence.

11 (e) If the court denies a motion seeking an order for  
12 genetic testing, it shall issue an order adjudicating the  
13 presumed or acknowledged father to be the father of the child.

14 Section 609. Limitation: child having acknowledged or  
15 adjudicated father.

16 (a) If a child has an acknowledged father, a signatory to  
17 the acknowledgment of paternity or denial of paternity may  
18 commence a proceeding seeking to rescind the acknowledgement or  
19 denial or challenge the paternity of the child only within the  
20 time allowed under Section 307 or 308.

21 (b) If a child has an acknowledged father or an adjudicated  
22 father, an individual, other than the child, who is neither a  
23 signatory to the acknowledgment of paternity nor a party to the  
24 adjudication and who seeks an adjudication of paternity of the  
25 child must commence a proceeding not later than two years after  
26 the effective date of the acknowledgment or adjudication.

27 (c) A proceeding under this Section is subject to the  
28 application of the principles of estoppel established in  
29 Section 608.

30 Section 610. Joinder of proceedings.

31 (a) Except as otherwise provided in subsection (b), a  
32 proceeding to adjudicate parentage may be joined with a  
33 proceeding for adoption, termination of parental rights, child  
34 custody or visitation, child support, dissolution of marriage,

1 divorce, annulment, legal separation or separate maintenance,  
2 probate or administration of an estate, or other appropriate  
3 proceeding.

4 (b) A respondent may not join a proceeding described in  
5 subsection (a) with a proceeding to adjudicate parentage  
6 brought under the Uniform Interstate Family Support Act.

7 Section 611. Proceeding before birth. A proceeding to  
8 determine parentage may be commenced before the birth of the  
9 child, but may not be concluded until after the birth of the  
10 child. The following actions may be taken before the birth of  
11 the child:

12 (1) service of process;

13 (2) discovery; and

14 (3) except as prohibited by Section 502, collection of  
15 specimens for genetic testing.

16 Section 612. Child as party; representation.

17 (a) A minor child is a permissible party, but is not a  
18 necessary party to a proceeding under this Article.

19 (b) The court shall appoint a guardian ad litem to  
20 represent a minor or incapacitated child if the child is a  
21 party or the court finds that the interests of the child are  
22 not adequately represented.

23 PART 2. SPECIAL RULES FOR PROCEEDING TO ADJUDICATE PARENTAGE

24 Section 621. Admissibility of results of genetic testing;  
25 expenses.

26 (a) Except as otherwise provided in subsection (c), a  
27 record of a genetic-testing expert is admissible as evidence of  
28 the truth of the facts asserted in the report unless a party  
29 objects to its admission within 14 days after its receipt by  
30 the objecting party and cites specific grounds for exclusion.  
31 The admissibility of the report is not affected by whether the  
32 testing was performed:

1 (1) voluntarily or pursuant to an order of the court or  
2 a support-enforcement agency; or

3 (2) before or after the commencement of the proceeding.

4 (b) A party objecting to the results of genetic testing may  
5 call one or more genetic-testing experts to testify in person  
6 or by telephone, videoconference, deposition, or another  
7 method approved by the court. Unless otherwise ordered by the  
8 court, the party offering the testimony bears the expense for  
9 the expert testifying.

10 (c) If a child has a presumed, acknowledged, or adjudicated  
11 father, the results of genetic testing are inadmissible to  
12 adjudicate parentage unless performed:

13 (1) with the consent of both the mother and the  
14 presumed, acknowledged, or adjudicated father; or

15 (2) pursuant to an order of the court under Section  
16 502.

17 (d) Copies of bills for genetic testing and for prenatal  
18 and postnatal health care for the mother and child which are  
19 furnished to the adverse party not less than 10 days before the  
20 date of a hearing are admissible to establish:

21 (1) the amount of the charges billed; and

22 (2) that the charges were reasonable, necessary, and  
23 customary.

24 Section 622. Consequences of declining genetic testing.

25 (a) An order for genetic testing is enforceable by  
26 contempt.

27 (b) If an individual whose paternity is being determined  
28 declines to submit to genetic testing ordered by the court, the  
29 court for that reason may adjudicate parentage contrary to the  
30 position of that individual.

31 (c) Genetic testing of the mother of a child is not a  
32 condition precedent to testing the child and a man whose  
33 paternity is being determined. If the mother is unavailable or  
34 declines to submit to genetic testing, the court may order the  
35 testing of the child and every man whose paternity is being

1 adjudicated.

2 Section 623. Admission of paternity authorized.

3 (a) A respondent in a proceeding to adjudicate parentage  
4 may admit to the paternity of a child by filing a pleading to  
5 that effect or by admitting paternity under penalty of perjury  
6 when making an appearance or during a hearing.

7 (b) If the court finds that the admission of paternity  
8 satisfies the requirements of this Section and finds that there  
9 is no reason to question the admission, the court shall issue  
10 an order adjudicating the child to be the child of the man  
11 admitting paternity.

12 Section 624. Temporary order.

13 (a) In a proceeding under this Article, the court shall  
14 issue a temporary order for support of a child if the order is  
15 appropriate and the individual ordered to pay support is:

16 (1) a presumed father of the child;

17 (2) petitioning to have his paternity adjudicated;

18 (3) identified as the father through genetic testing  
19 under Section 505;

20 (4) an alleged father who has declined to submit to  
21 genetic testing;

22 (5) shown by clear and convincing evidence to be the  
23 father of the child; or

24 (6) the mother of the child.

25 (b) A temporary order may include provisions for custody  
26 and visitation as provided by other law of this State.

27 PART 3. HEARINGS AND ADJUDICATION

28 Section 631. Rules for adjudication of paternity. The court  
29 shall apply the following rules to adjudicate the paternity of  
30 a child:

31 (1) The paternity of a child having a presumed,  
32 acknowledged, or adjudicated father may be disproved only

1 by admissible results of genetic testing excluding that man  
2 as the father of the child or identifying another man as  
3 the father of the child.

4 (2) Unless the results of genetic testing are admitted  
5 to rebut other results of genetic testing, a man identified  
6 as the father of a child under Section 505 must be  
7 adjudicated the father of the child.

8 (3) If the court finds that genetic testing under  
9 Section 505 neither identifies nor excludes a man as the  
10 father of a child, the court may not dismiss the  
11 proceeding. In that event, the results of genetic testing,  
12 and other evidence, are admissible to adjudicate the issue  
13 of paternity.

14 (4) Unless the results of genetic testing are admitted  
15 to rebut other results of genetic testing, a man excluded  
16 as the father of a child by genetic testing must be  
17 adjudicated not to be the father of the child.

18 Section 632. Jury prohibited. The court, without a jury,  
19 shall adjudicate paternity of a child.

20 Section 633. Hearings; inspection of records.

21 (a) On request of a party and for good cause shown, the  
22 court may close a proceeding under this Article.

23 (b) A final order in a proceeding under this Article is  
24 available for public inspection. Other papers and records are  
25 available only with the consent of the parties or on order of  
26 the court for good cause.

27 Section 634. Order of default. The court shall issue an  
28 order adjudicating the paternity of a man who:

29 (1) after service of process, is in default; and

30 (2) is found by the court to be the father of a child.

31 Section 635. Dismissal for want of prosecution. The court  
32 may issue an order dismissing a proceeding commenced under this

1 Act for want of prosecution only without prejudice. An order of  
2 dismissal for want of prosecution purportedly with prejudice is  
3 void and has only the effect of a dismissal without prejudice.

4 Section 636. Order adjudicating parentage.

5 (a) The court shall issue an order adjudicating whether a  
6 man alleged or claiming to be the father is the parent of the  
7 child.

8 (b) An order adjudicating parentage must identify the child  
9 by name and date of birth.

10 (c) Except as otherwise provided in subsection (d), the  
11 court may assess filing fees, reasonable attorney's fees, fees  
12 for genetic testing, other costs, and necessary travel and  
13 other reasonable expenses incurred in a proceeding under this  
14 Article. The court may award attorney's fees, which may be paid  
15 directly to the attorney, who may enforce the order in the  
16 attorney's own name.

17 (d) The court may not assess fees, costs, or expenses  
18 against the support-enforcement agency of this State or another  
19 state, except as provided by other law.

20 (e) On request of a party and for good cause shown, the  
21 court may order that the name of the child be changed.

22 (f) If the order of the court is at variance with the  
23 child's birth certificate, the court shall order the Illinois  
24 Department of Public Health to issue an amended birth  
25 registration.

26 Section 637. Binding effect of determination of parentage.

27 (a) Except as otherwise provided in subsection (b), a  
28 determination of parentage is binding on:

29 (1) all signatories to an acknowledgement or denial of  
30 paternity as provided in Article 3; and

31 (2) all parties to an adjudication by a court acting  
32 under circumstances that satisfy the jurisdictional  
33 requirements of Section 201 of the Uniform Interstate  
34 Family Support Act.

1 (b) A child is not bound by a determination of parentage  
2 under this Act unless:

3 (1) the determination was based on an unrescinded  
4 acknowledgment of paternity and the acknowledgement is  
5 consistent with the results of genetic testing;

6 (2) the adjudication of parentage was based on a  
7 finding consistent with the results of genetic testing and  
8 the consistency is declared in the determination or is  
9 otherwise shown; or

10 (3) the child was a party or was represented in the  
11 proceeding determining parentage by a guardian ad litem.

12 (c) In a proceeding to dissolve a marriage, the court is  
13 deemed to have made an adjudication of the parentage of a child  
14 if the court acts under circumstances that satisfy the  
15 jurisdictional requirements of Section 201 of the Uniform  
16 Interstate Family Support Act, and the final order:

17 (1) expressly identifies a child as a "child of the  
18 marriage," "issue of the marriage," or similar words  
19 indicating that the husband is the father of the child; or

20 (2) provides for support of the child by the husband  
21 unless paternity is specifically disclaimed in the order.

22 (d) Except as otherwise provided in subsection (b), a  
23 determination of parentage may be a defense in a subsequent  
24 proceeding seeking to adjudicate parentage by an individual who  
25 was not a party to the earlier proceeding.

26 (e) A party to an adjudication of paternity may challenge  
27 the adjudication only under law of this State relating to  
28 appeal, vacation of judgments, or other judicial review.

29 ARTICLE 7. CHILD OF ASSISTED REPRODUCTION

30 Section 701. Scope of Article. This Article does not apply  
31 to the birth of a child conceived by means of sexual  
32 intercourse, or as the result of a gestational agreement as  
33 provided in Article 8.



1           Section 702. Parental status of donor. A donor is not a  
2 parent of a child conceived by means of assisted reproduction.

3           Section 703. Paternity of child of assisted reproduction. A  
4 man who provides sperm for, or consents to, assisted  
5 reproduction by a woman as provided in Section 704 with the  
6 intent to be the parent of her child, is a parent of the  
7 resulting child.

8           Section 704. Consent to assisted reproduction.

9           (a) Consent by a woman, and a man who intends to be a  
10 parent of a child born to the woman by assisted reproduction  
11 must be in a record signed by the woman and the man. This  
12 requirement does not apply to a donor.

13           (b) Failure of a man to sign a consent required by  
14 subsection (a), before or after birth of the child, does not  
15 preclude a finding of paternity if the woman and the man,  
16 during the first two years of the child's life resided together  
17 in the same household with the child and openly held out the  
18 child as their own.

19           Section 705. Limitation on husband's dispute of paternity.

20           (a) Except as otherwise provided in subsection (b), the  
21 husband of a wife who gives birth to a child by means of  
22 assisted reproduction may not challenge his paternity of the  
23 child unless:

24           (1) within two years after learning of the birth of the  
25 child he commences a proceeding to adjudicate his  
26 paternity; and

27           (2) the court finds that he did not consent to the  
28 assisted reproduction, before or after birth of the child.

29           (b) A proceeding to adjudicate paternity may be maintained  
30 at any time if the court determines that:

31           (1) the husband did not provide sperm for, or before or  
32 after the birth of the child consent to, assisted  
33 reproduction by his wife;

1 (2) the husband and the mother of the child have not  
2 cohabited since the probable time of assisted  
3 reproduction; and

4 (3) the husband never openly held out the child as his  
5 own.

6 (c) The limitation provided in this Section applies to a  
7 marriage declared invalid after assisted reproduction.

8 Section 706. Effect of dissolution of marriage or  
9 withdrawal of consent.

10 (a) If a marriage is dissolved before placement of eggs,  
11 sperm, or embryos, the former spouse is not a parent of the  
12 resulting child unless the former spouse consented in a record  
13 that if assisted reproduction were to occur after a divorce,  
14 the former spouse would be a parent of the child.

15 (b) The consent of a woman or a man to assisted  
16 reproduction may be withdrawn by that individual in a record at  
17 any time before placement of eggs, sperm, or embryos. An  
18 individual who withdraws consent under this Section is not a  
19 parent of the resulting child.

20 Section 707. Parental status of deceased individual. If an  
21 individual who consented in a record to be a parent by assisted  
22 reproduction dies before placement of eggs, sperm, or embryos,  
23 the deceased individual is not a parent of the resulting child  
24 unless the deceased spouse consented in a record that if  
25 assisted reproduction were to occur after death, the deceased  
26 individual would be a parent of the child.

27 ARTICLE 8. GESTATIONAL AGREEMENT

28 Section 801. Gestational agreement authorized.

29 (a) A prospective gestational mother, her husband if she is  
30 married, a donor or the donors, and the intended parents may  
31 enter into a written agreement providing that:

32 (1) the prospective gestational mother agrees to

1 pregnancy by means of assisted reproduction;

2 (2) the prospective gestational mother, her husband if  
3 she is married, and the donors relinquish all rights and  
4 duties as the parents of a child conceived through assisted  
5 reproduction; and

6 (3) the intended parents become the parents of the  
7 child.

8 (b) The man and the woman who are the intended parents must  
9 both be parties to the gestational agreement.

10 (c) A gestational agreement is enforceable only if  
11 validated as provided in Section 803.

12 (d) A gestational agreement does not apply to the birth of  
13 a child conceived by means of sexual intercourse.

14 (e) A gestational agreement may provide for payment of  
15 consideration.

16 (f) A gestational agreement may not limit the right of the  
17 gestational mother to make decisions to safeguard her health or  
18 that of the embryos or fetus.

19 Section 802. Requirements of petition.

20 (a) The intended parents and the prospective gestational  
21 mother may commence a proceeding in the circuit court to  
22 validate a gestational agreement.

23 (b) A proceeding to validate a gestational agreement may  
24 not be maintained unless:

25 (1) the mother or the intended parents have been  
26 residents of this State for at least 90 days;

27 (2) the prospective gestational mother's husband, if  
28 she is married, is joined in the proceeding; and

29 (3) a copy of the gestational agreement is attached to  
30 the petition.

31 Section 803. Hearing to validate gestational agreement.

32 (a) If the requirements of subsection (b) are satisfied, a  
33 court may issue an order validating the gestational agreement  
34 and declaring that the intended parents will be the parents of

1 a child born during the term of the of the agreement.

2 (b) The court may issue an order under subsection (a) only  
3 on finding that:

4 (1) the residence requirements of Section 802 have been  
5 satisfied and the parties have submitted to the  
6 jurisdiction of the court under the jurisdictional  
7 standards of this Act;

8 (2) unless waived by the court, the Illinois Department  
9 of Children and Family Services has made a home study of  
10 the intended parents and the intended parents meet the  
11 standards of suitability applicable to adoptive parents;

12 (3) all parties have voluntarily entered into the  
13 agreement and understand its terms;

14 (4) adequate provision has been made for all reasonable  
15 health-care expense associated with the gestational  
16 agreement until the birth of the child, including  
17 responsibility for those expenses if the agreement is  
18 terminated; and

19 (5) the consideration, if any, paid to the prospective  
20 gestational mother is reasonable.

21 Section 804. Inspection of records. The proceedings,  
22 records, and identities of the individual parties to a  
23 gestational agreement under this Article are subject to  
24 inspection under the standards of confidentiality applicable  
25 to adoptions as provided under other law of this State.

26 Section 805. Exclusive, continuing jurisdiction. Subject  
27 to the jurisdictional standards of Section 201 of the Uniform  
28 Child Custody Jurisdiction and Enforcement Act, the court  
29 conducting a proceeding under this Article has exclusive,  
30 continuing jurisdiction of all matters arising out of the  
31 gestational agreement until a child born to the gestational  
32 mother during the period governed by the agreement attains the  
33 age of 180 days.

1 Section 806. Termination of gestational agreement.

2 (a) After issuance of an order under this Article, but  
3 before the prospective gestational mother becomes pregnant by  
4 means of assisted reproduction, the prospective gestational  
5 mother, her husband, or either of the intended parents may  
6 terminate the gestational agreement by giving written notice of  
7 termination to all other parties.

8 (b) The court for good cause shown may terminate the  
9 gestational agreement.

10 (c) An individual who terminates a gestational agreement  
11 shall file notice of the termination with the court. On receipt  
12 of the notice, the court shall vacate the order issued under  
13 this Article. An individual who does not notify the court of  
14 the termination of the agreement is subject to appropriate  
15 sanctions.

16 (d) Neither a prospective gestational mother nor her  
17 husband, if any, is liable to the intended parents for  
18 terminating a gestational agreement pursuant to this Section.

19 Section 807. Parentage under validated gestational  
20 agreement.

21 (a) Upon birth of a child to a gestational mother, the  
22 intended parents shall file notice with the court that a child  
23 has been born to the gestational mother within 300 days after  
24 assisted reproduction. Thereupon, the court shall issue an  
25 order:

26 (1) confirming that the intended parents are the  
27 parents of the child;

28 (2) if necessary, ordering that the child be  
29 surrendered to the intended parents; and

30 (3) directing the Illinois Department of Public Health  
31 to issue a birth certificate naming the intended parents as  
32 parents of the child.

33 (b) If the parentage of a child born to a gestational  
34 mother is alleged not to be the result of assisted  
35 reproduction, the court shall order genetic testing to

1 determine the parentage of the child.

2 (c) If the intended parents fail to file notice required  
3 under subsection (a), the gestational mother or the appropriate  
4 State agency may file notice with the court that a child has  
5 been born to the gestational mother within 300 days after  
6 assisted reproduction. Upon proof of a court order issued  
7 pursuant to Section 803 validating the gestational agreement,  
8 the court shall order the intended parents are the parents of  
9 the child and are financially responsible for the child.

10 Section 808. Gestational agreement: effect of subsequent  
11 marriage. After the issuance of an order under this Article,  
12 subsequent marriage of the gestational mother does not affect  
13 the validity of a gestational agreement, her husband's consent  
14 to the agreement is not required, and her husband is not a  
15 presumed father of the resulting child.

16 Section 809. Effect of nonvalidated gestational agreement.

17 (a) A gestational agreement, whether in a record or not,  
18 that is not judicially validated is not enforceable.

19 (b) If a birth results under a gestational agreement that  
20 is not judicially validated as provided in this Article, the  
21 parent-child relationship is determined as provided in Article  
22 2.

23 (c) Individuals who are parties to a nonvalidated  
24 gestational agreement as intended parents may be held liable  
25 for support of the resulting child, even if the agreement is  
26 otherwise unenforceable. The liability under this subsection  
27 includes assessing all expenses and fees as provided in Section  
28 636.

29 ARTICLE 9. MISCELLANEOUS PROVISIONS

30 Section 901. Uniformity of application and construction.  
31 In applying and construing this Uniform Act, consideration must  
32 be given to the need to promote uniformity of the law with

1 respect to its subject matter among states that enact it.

2 Section 902. Severability clause. If any provision of this  
3 Act or its application to an individual or circumstance is held  
4 invalid, the invalidity does not affect other provisions or  
5 applications of this Act which can be given effect without the  
6 invalid provision or application, and to this end the  
7 provisions of this Act are severable.

8 Section 903. Time of taking effect. (Blank).

9 (750 ILCS 40/Act rep.)

10 (750 ILCS 45/Act rep.)

11 (750 ILCS 50/12a rep.)

12 Section 904. Repeal. The following Acts and parts of Acts  
13 are repealed:

14 (1) The Illinois Parentage Act.

15 (2) The Illinois Parentage Act of 1984.

16 (3) Section 12a of the Adoption Act.

17 Section 905. Transitional provision. A proceeding to  
18 adjudicate parentage which was commenced before the effective  
19 date of this Act is governed by the law in effect at the time  
20 the proceeding was commenced.

21 Section 905.1. The Department of Employment Security Law of  
22 the Civil Administrative Code of Illinois is amended by  
23 changing Section 1005-130 as follows:

24 (20 ILCS 1005/1005-130) (was 20 ILCS 1005/43a.14)

25 Sec. 1005-130. Exchange of information for child support  
26 enforcement.

27 (a) The Department has the power to exchange with the  
28 Illinois Department of Public Aid information that may be  
29 necessary for the enforcement of child support orders entered  
30 pursuant to the Illinois Public Aid Code, the Illinois Marriage

1 and Dissolution of Marriage Act, the Non-Support of Spouse and  
2 Children Act, the Non-Support Punishment Act, the Revised  
3 Uniform Reciprocal Enforcement of Support Act, the Uniform  
4 Interstate Family Support Act, ~~or~~ the Illinois Parentage Act of  
5 1984, or the Uniform Parentage Act (2000).

6 (b) Notwithstanding any provisions in the Civil  
7 Administrative Code of Illinois to the contrary, the Department  
8 of Employment Security shall not be liable to any person for  
9 any disclosure of information to the Illinois Department of  
10 Public Aid under subsection (a) or for any other action taken  
11 in good faith to comply with the requirements of subsection  
12 (a).

13 (Source: P.A. 91-239, eff. 1-1-00; 91-613, eff. 10-1-99; 92-16,  
14 eff. 6-28-01.)

15 Section 905.2. The Department of Professional Regulation  
16 Law of the Civil Administrative Code of Illinois is amended by  
17 changing Section 2105-15 as follows:

18 (20 ILCS 2105/2105-15) (was 20 ILCS 2105/60)

19 Sec. 2105-15. General powers and duties.

20 (a) The Department has, subject to the provisions of the  
21 Civil Administrative Code of Illinois, the following powers and  
22 duties:

23 (1) To authorize examinations in English to ascertain  
24 the qualifications and fitness of applicants to exercise  
25 the profession, trade, or occupation for which the  
26 examination is held.

27 (2) To prescribe rules and regulations for a fair and  
28 wholly impartial method of examination of candidates to  
29 exercise the respective professions, trades, or  
30 occupations.

31 (3) To pass upon the qualifications of applicants for  
32 licenses, certificates, and authorities, whether by  
33 examination, by reciprocity, or by endorsement.

34 (4) To prescribe rules and regulations defining, for



1 the respective professions, trades, and occupations, what  
2 shall constitute a school, college, or university, or  
3 department of a university, or other institution,  
4 reputable and in good standing, and to determine the  
5 reputability and good standing of a school, college, or  
6 university, or department of a university, or other  
7 institution, reputable and in good standing, by reference  
8 to a compliance with those rules and regulations; provided,  
9 that no school, college, or university, or department of a  
10 university, or other institution that refuses admittance  
11 to applicants solely on account of race, color, creed, sex,  
12 or national origin shall be considered reputable and in  
13 good standing.

14 (5) To conduct hearings on proceedings to revoke,  
15 suspend, refuse to renew, place on probationary status, or  
16 take other disciplinary action as authorized in any  
17 licensing Act administered by the Department with regard to  
18 licenses, certificates, or authorities of persons  
19 exercising the respective professions, trades, or  
20 occupations and to revoke, suspend, refuse to renew, place  
21 on probationary status, or take other disciplinary action  
22 as authorized in any licensing Act administered by the  
23 Department with regard to those licenses, certificates, or  
24 authorities. The Department shall issue a monthly  
25 disciplinary report. The Department shall deny any license  
26 or renewal authorized by the Civil Administrative Code of  
27 Illinois to any person who has defaulted on an educational  
28 loan or scholarship provided by or guaranteed by the  
29 Illinois Student Assistance Commission or any governmental  
30 agency of this State; however, the Department may issue a  
31 license or renewal if the aforementioned persons have  
32 established a satisfactory repayment record as determined  
33 by the Illinois Student Assistance Commission or other  
34 appropriate governmental agency of this State.  
35 Additionally, beginning June 1, 1996, any license issued by  
36 the Department may be suspended or revoked if the

1 Department, after the opportunity for a hearing under the  
2 appropriate licensing Act, finds that the licensee has  
3 failed to make satisfactory repayment to the Illinois  
4 Student Assistance Commission for a delinquent or  
5 defaulted loan. For the purposes of this Section,  
6 "satisfactory repayment record" shall be defined by rule.  
7 The Department shall refuse to issue or renew a license to,  
8 or shall suspend or revoke a license of, any person who,  
9 after receiving notice, fails to comply with a subpoena or  
10 warrant relating to a paternity or child support  
11 proceeding. However, the Department may issue a license or  
12 renewal upon compliance with the subpoena or warrant.

13 The Department, without further process or hearings,  
14 shall revoke, suspend, or deny any license or renewal  
15 authorized by the Civil Administrative Code of Illinois to  
16 a person who is certified by the Illinois Department of  
17 Public Aid as being more than 30 days delinquent in  
18 complying with a child support order or who is certified by  
19 a court as being in violation of the Non-Support Punishment  
20 Act for more than 60 days. The Department may, however,  
21 issue a license or renewal if the person has established a  
22 satisfactory repayment record as determined by the  
23 Illinois Department of Public Aid or if the person is  
24 determined by the court to be in compliance with the  
25 Non-Support Punishment Act. The Department may implement  
26 this paragraph as added by Public Act 89-6 through the use  
27 of emergency rules in accordance with Section 5-45 of the  
28 Illinois Administrative Procedure Act. For purposes of the  
29 Illinois Administrative Procedure Act, the adoption of  
30 rules to implement this paragraph shall be considered an  
31 emergency and necessary for the public interest, safety,  
32 and welfare.

33 (6) To transfer jurisdiction of any realty under the  
34 control of the Department to any other department of the  
35 State Government or to acquire or accept federal lands when  
36 the transfer, acquisition, or acceptance is advantageous

1 to the State and is approved in writing by the Governor.

2 (7) To formulate rules and regulations necessary for  
3 the enforcement of any Act administered by the Department.

4 (8) To exchange with the Illinois Department of Public  
5 Aid information that may be necessary for the enforcement  
6 of child support orders entered pursuant to the Illinois  
7 Public Aid Code, the Illinois Marriage and Dissolution of  
8 Marriage Act, the Non-Support of Spouse and Children Act,  
9 the Non-Support Punishment Act, the Revised Uniform  
10 Reciprocal Enforcement of Support Act, the Uniform  
11 Interstate Family Support Act, ~~or~~ the Illinois Parentage  
12 Act of 1984, or the Uniform Parentage Act (2000).

13 Notwithstanding any provisions in this Code to the  
14 contrary, the Department of Professional Regulation shall  
15 not be liable under any federal or State law to any person  
16 for any disclosure of information to the Illinois  
17 Department of Public Aid under this paragraph (8) or for  
18 any other action taken in good faith to comply with the  
19 requirements of this paragraph (8).

20 (9) To perform other duties prescribed by law.

21 (b) The Department may, when a fee is payable to the  
22 Department for a wall certificate of registration provided by  
23 the Department of Central Management Services, require that  
24 portion of the payment for printing and distribution costs be  
25 made directly or through the Department to the Department of  
26 Central Management Services for deposit into the Paper and  
27 Printing Revolving Fund. The remainder shall be deposited into  
28 the General Revenue Fund.

29 (c) For the purpose of securing and preparing evidence, and  
30 for the purchase of controlled substances, professional  
31 services, and equipment necessary for enforcement activities,  
32 recoupment of investigative costs, and other activities  
33 directed at suppressing the misuse and abuse of controlled  
34 substances, including those activities set forth in Sections  
35 504 and 508 of the Illinois Controlled Substances Act, the  
36 Director and agents appointed and authorized by the Director

1 may expend sums from the Professional Regulation Evidence Fund  
2 that the Director deems necessary from the amounts appropriated  
3 for that purpose. Those sums may be advanced to the agent when  
4 the Director deems that procedure to be in the public interest.  
5 Sums for the purchase of controlled substances, professional  
6 services, and equipment necessary for enforcement activities  
7 and other activities as set forth in this Section shall be  
8 advanced to the agent who is to make the purchase from the  
9 Professional Regulation Evidence Fund on vouchers signed by the  
10 Director. The Director and those agents are authorized to  
11 maintain one or more commercial checking accounts with any  
12 State banking corporation or corporations organized under or  
13 subject to the Illinois Banking Act for the deposit and  
14 withdrawal of moneys to be used for the purposes set forth in  
15 this Section; provided, that no check may be written nor any  
16 withdrawal made from any such account except upon the written  
17 signatures of 2 persons designated by the Director to write  
18 those checks and make those withdrawals. Vouchers for those  
19 expenditures must be signed by the Director. All such  
20 expenditures shall be audited by the Director, and the audit  
21 shall be submitted to the Department of Central Management  
22 Services for approval.

23 (d) Whenever the Department is authorized or required by  
24 law to consider some aspect of criminal history record  
25 information for the purpose of carrying out its statutory  
26 powers and responsibilities, then, upon request and payment of  
27 fees in conformance with the requirements of Section 2605-400  
28 of the Department of State Police Law (20 ILCS 2605/2605-400),  
29 the Department of State Police is authorized to furnish,  
30 pursuant to positive identification, the information contained  
31 in State files that is necessary to fulfill the request.

32 (e) The provisions of this Section do not apply to private  
33 business and vocational schools as defined by Section 1 of the  
34 Private Business and Vocational Schools Act.

35 (f) Beginning July 1, 1995, this Section does not apply to  
36 those professions, trades, and occupations licensed under the

1 Real Estate License Act of 2000, nor does it apply to any  
2 permits, certificates, or other authorizations to do business  
3 provided for in the Land Sales Registration Act of 1989 or the  
4 Illinois Real Estate Time-Share Act.

5 (Source: P.A. 91-239, eff. 1-1-00; 91-245, eff. 12-31-99;  
6 91-613, eff. 10-1-99; 92-16, eff. 6-28-01.)

7 Section 905.3. The Department of Revenue Law of the Civil  
8 Administrative Code of Illinois is amended by changing Section  
9 2505-65 as follows:

10 (20 ILCS 2505/2505-65) (was 20 ILCS 2505/39b12)

11 Sec. 2505-65. Exchange of information.

12 (a) The Department has the power to exchange with any  
13 state, with any local subdivisions of any state, or with the  
14 federal government, except when specifically prohibited by  
15 law, any information that may be necessary to efficient tax  
16 administration and that may be acquired as a result of the  
17 administration of the laws set forth in the Sections following  
18 Section 95-10 and preceding Section 2505-60.

19 (b) The Department has the power to exchange with the  
20 Illinois Department of Public Aid information that may be  
21 necessary for the enforcement of child support orders entered  
22 pursuant to the Illinois Public Aid Code, the Illinois Marriage  
23 and Dissolution of Marriage Act, the Non-Support of Spouse and  
24 Children Act, the Non-Support Punishment Act, the Revised  
25 Uniform Reciprocal Enforcement of Support Act, the Uniform  
26 Interstate Family Support Act, ~~or~~ the Illinois Parentage Act of  
27 1984, or the Uniform Parentage Act (2000). Notwithstanding any  
28 provisions in this Code to the contrary, the Department of  
29 Revenue shall not be liable to any person for any disclosure of  
30 information to the Illinois Department of Public Aid under this  
31 subsection (b) or for any other action taken in good faith to  
32 comply with the requirements of this subsection (b).

33 (Source: P.A. 91-239, eff. 1-1-00; 91-613, eff. 10-1-99; 92-16,  
34 eff. 6-28-01.)

1 Section 905.4. The Counties Code is amended by changing  
2 Section 3-5036.5 as follows:

3 (55 ILCS 5/3-5036.5)

4 Sec. 3-5036.5. Exchange of information for child support  
5 enforcement.

6 (a) The Recorder shall exchange with the Illinois  
7 Department of Public Aid information that may be necessary for  
8 the enforcement of child support orders entered pursuant to the  
9 Illinois Public Aid Code, the Illinois Marriage and Dissolution  
10 of Marriage Act, the Non-Support of Spouse and Children Act,  
11 the Non-Support Punishment Act, the Revised Uniform Reciprocal  
12 Enforcement of Support Act, the Uniform Interstate Family  
13 Support Act, ~~or~~ the Illinois Parentage Act of 1984, or the  
14 Uniform Parentage Act (2000).

15 (b) Notwithstanding any provisions in this Code to the  
16 contrary, the Recorder shall not be liable to any person for  
17 any disclosure of information to the Illinois Department of  
18 Public Aid under subsection (a) or for any other action taken  
19 in good faith to comply with the requirements of subsection  
20 (a).

21 (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 10-1-99.)

22 Section 905.5. The Collection Agency Act is amended by  
23 changing Section 2.04 as follows:

24 (225 ILCS 425/2.04) (from Ch. 111, par. 2005.1)

25 (Section scheduled to be repealed on January 1, 2006)

26 Sec. 2.04. Child support indebtedness.

27 (a) Persons, associations, partnerships, or corporations  
28 engaged in the business of collecting child support  
29 indebtedness owing under a court order as provided under the  
30 Illinois Public Aid Code, the Illinois Marriage and Dissolution  
31 of Marriage Act, the Non-Support of Spouse and Children Act,  
32 the Non-Support Punishment Act, the Illinois Parentage Act of

1 1984, the Uniform Parentage Act (2000), or similar laws of  
2 other states are not restricted (i) in the frequency of contact  
3 with an obligor who is in arrears, whether by phone, mail, or  
4 other means, (ii) from contacting the employer of an obligor  
5 who is in arrears, (iii) from publishing or threatening to  
6 publish a list of obligors in arrears, (iv) from disclosing or  
7 threatening to disclose an arrearage that the obligor disputes,  
8 but for which a verified notice of delinquency has been served  
9 under the Income Withholding for Support Act (or any of its  
10 predecessors, Section 10-16.2 of the Illinois Public Aid Code,  
11 Section 706.1 of the Illinois Marriage and Dissolution of  
12 Marriage Act, Section 4.1 of the Non-Support of Spouse and  
13 Children Act, Section 26.1 of the Revised Uniform Reciprocal  
14 Enforcement of Support Act, or Section 20 of the Illinois  
15 Parentage Act of 1984), or (v) from engaging in conduct that  
16 would not cause a reasonable person mental or physical illness.  
17 For purposes of this subsection, "obligor" means an individual  
18 who owes a duty to make periodic payments, under a court order,  
19 for the support of a child. "Arrearage" means the total amount  
20 of an obligor's unpaid child support obligations.

21 (b) The Department shall adopt rules necessary to  
22 administer and enforce the provisions of this Section.

23 (Source: P.A. 90-673, eff. 1-1-99; 91-613, eff. 10-1-99.)

24 Section 905.6. The Illinois Public Aid Code is amended by  
25 changing Sections 10-3.1, 10-17.7, 10-19, 10-25, 10-25.5, and  
26 12-4.7c as follows:

27 (305 ILCS 5/10-3.1) (from Ch. 23, par. 10-3.1)

28 Sec. 10-3.1. Child and Spouse Support Unit. The Illinois  
29 Department shall establish within its administrative staff a  
30 Child and Spouse Support Unit to search for and locate absent  
31 parents and spouses liable for the support of persons resident  
32 in this State and to exercise the support enforcement powers  
33 and responsibilities assigned the Department by this Article.  
34 The unit shall cooperate with all law enforcement officials in

1 this State and with the authorities of other States in locating  
2 persons responsible for the support of persons resident in  
3 other States and shall invite the cooperation of these  
4 authorities in the performance of its duties.

5 In addition to other duties assigned the Child and Spouse  
6 Support Unit by this Article, the Unit may refer to the  
7 Attorney General or units of local government with the approval  
8 of the Attorney General, any actions under Sections 10-10 and  
9 10-15 for judicial enforcement of the support liability. The  
10 Child and Spouse Support Unit shall act for the Department in  
11 referring to the Attorney General support matters requiring  
12 judicial enforcement under other laws. If requested by the  
13 Attorney General to so act, as provided in Section 12-16,  
14 attorneys of the Unit may assist the Attorney General or  
15 themselves institute actions in behalf of the Illinois  
16 Department under the Revised Uniform Reciprocal Enforcement of  
17 Support Act; under the Illinois Parentage Act of 1984 or under  
18 the Uniform Parentage Act (2000); under the Non-Support of  
19 Spouse and Children Act; under the Non-Support Punishment Act;  
20 or under any other law, State or Federal, providing for support  
21 of a spouse or dependent child.

22 The Illinois Department shall also have the authority to  
23 enter into agreements with local governmental units or  
24 individuals, with the approval of the Attorney General, for the  
25 collection of moneys owing because of the failure of a parent  
26 to make child support payments for any child receiving services  
27 under this Article. Such agreements may be on a contingent fee  
28 basis, but such contingent fee shall not exceed 25% of the  
29 total amount collected.

30 An attorney who provides representation pursuant to this  
31 Section shall represent the Illinois Department exclusively.  
32 Regardless of the designation of the plaintiff in an action  
33 brought pursuant to this Section, an attorney-client  
34 relationship does not exist for purposes of that action between  
35 that attorney and (i) an applicant for or recipient of child  
36 support enforcement services or (ii) any other party to the



1 action other than the Illinois Department. Nothing in this  
2 Section shall be construed to modify any power or duty  
3 (including a duty to maintain confidentiality) of the Child and  
4 Spouse Support Unit or the Illinois Department otherwise  
5 provided by law.

6 The Illinois Department may also enter into agreements with  
7 local governmental units for the Child and Spouse Support Unit  
8 to exercise the investigative and enforcement powers  
9 designated in this Article, including the issuance of  
10 administrative orders under Section 10-11, in locating  
11 responsible relatives and obtaining support for persons  
12 applying for or receiving aid under Article VI. Payments for  
13 defrayment of administrative costs and support payments  
14 obtained shall be deposited into the DHS Recoveries Trust Fund.  
15 Support payments shall be paid over to the General Assistance  
16 Fund of the local governmental unit at such time or times as  
17 the agreement may specify.

18 With respect to those cases in which it has support  
19 enforcement powers and responsibilities under this Article,  
20 the Illinois Department may provide by rule for periodic or  
21 other review of each administrative and court order for support  
22 to determine whether a modification of the order should be  
23 sought. The Illinois Department shall provide for and conduct  
24 such review in accordance with any applicable federal law and  
25 regulation.

26 As part of its process for review of orders for support,  
27 the Illinois Department, through written notice, may require  
28 the responsible relative to disclose his or her Social Security  
29 Number and past and present information concerning the  
30 relative's address, employment, gross wages, deductions from  
31 gross wages, net wages, bonuses, commissions, number of  
32 dependent exemptions claimed, individual and dependent health  
33 insurance coverage, and any other information necessary to  
34 determine the relative's ability to provide support in a case  
35 receiving child support enforcement services under this  
36 Article X.

1           The Illinois Department may send a written request for the  
2 same information to the relative's employer. The employer shall  
3 respond to the request for information within 15 days after the  
4 date the employer receives the request. If the employer  
5 willfully fails to fully respond within the 15-day period, the  
6 employer shall pay a penalty of \$100 for each day that the  
7 response is not provided to the Illinois Department after the  
8 15-day period has expired. The penalty may be collected in a  
9 civil action which may be brought against the employer in favor  
10 of the Illinois Department.

11           A written request for information sent to an employer  
12 pursuant to this Section shall consist of (i) a citation of  
13 this Section as the statutory authority for the request and for  
14 the employer's obligation to provide the requested  
15 information, (ii) a returnable form setting forth the  
16 employer's name and address and listing the name of the  
17 employee with respect to whom information is requested, and  
18 (iii) a citation of this Section as the statutory authority  
19 authorizing the employer to withhold a fee of up to \$20 from  
20 the wages or income to be paid to each responsible relative for  
21 providing the information to the Illinois Department within the  
22 15-day period. If the employer is withholding support payments  
23 from the responsible relative's income pursuant to an order for  
24 withholding, the employer may withhold the fee provided for in  
25 this Section only after withholding support as required under  
26 the order. Any amounts withheld from the responsible relative's  
27 income for payment of support and the fee provided for in this  
28 Section shall not be in excess of the amounts permitted under  
29 the federal Consumer Credit Protection Act.

30           In a case receiving child support enforcement services, the  
31 Illinois Department may request and obtain information from a  
32 particular employer under this Section no more than once in any  
33 12-month period, unless the information is necessary to conduct  
34 a review of a court or administrative order for support at the  
35 request of the person receiving child support enforcement  
36 services.

1           The Illinois Department shall establish and maintain an  
2 administrative unit to receive and transmit to the Child and  
3 Spouse Support Unit information supplied by persons applying  
4 for or receiving child support enforcement services under  
5 Section 10-1. In addition, the Illinois Department shall  
6 address and respond to any alleged deficiencies that persons  
7 receiving or applying for services from the Child and Spouse  
8 Support Unit may identify concerning the Child and Spouse  
9 Support Unit's provision of child support enforcement  
10 services. Within 60 days after an action or failure to act by  
11 the Child and Spouse Support Unit that affects his or her case,  
12 a recipient of or applicant for child support enforcement  
13 services under Article X of this Code may request an  
14 explanation of the Unit's handling of the case. At the  
15 requestor's option, the explanation may be provided either  
16 orally in an interview, in writing, or both. If the Illinois  
17 Department fails to respond to the request for an explanation  
18 or fails to respond in a manner satisfactory to the applicant  
19 or recipient within 30 days from the date of the request for an  
20 explanation, the applicant or recipient may request a  
21 conference for further review of the matter by the Office of  
22 the Administrator of the Child and Spouse Support Unit. A  
23 request for a conference may be submitted at any time within 60  
24 days after the explanation has been provided by the Child and  
25 Spouse Support Unit or within 60 days after the time for  
26 providing the explanation has expired.

27           The applicant or recipient may request a conference  
28 concerning any decision denying or terminating child support  
29 enforcement services under Article X of this Code, and the  
30 applicant or recipient may also request a conference concerning  
31 the Unit's failure to provide services or the provision of  
32 services in an amount or manner that is considered inadequate.  
33 For purposes of this Section, the Child and Spouse Support Unit  
34 includes all local governmental units or individuals with whom  
35 the Illinois Department has contracted under Section 10-3.1.

36           Upon receipt of a timely request for a conference, the

1 Office of the Administrator shall review the case. The  
2 applicant or recipient requesting the conference shall be  
3 entitled, at his or her option, to appear in person or to  
4 participate in the conference by telephone. The applicant or  
5 recipient requesting the conference shall be entitled to be  
6 represented and to be afforded a reasonable opportunity to  
7 review the Illinois Department's file before or at the  
8 conference. At the conference, the applicant or recipient  
9 requesting the conference shall be afforded an opportunity to  
10 present all relevant matters in support of his or her claim.  
11 Conferences shall be without cost to the applicant or recipient  
12 requesting the conference and shall be conducted by a  
13 representative of the Child or Spouse Support Unit who did not  
14 participate in the action or inaction being reviewed.

15 The Office of the Administrator shall conduct a conference  
16 and inform all interested parties, in writing, of the results  
17 of the conference within 60 days from the date of filing of the  
18 request for a conference.

19 In addition to its other powers and responsibilities  
20 established by this Article, the Child and Spouse Support Unit  
21 shall conduct an annual assessment of each institution's  
22 program for institution based paternity establishment under  
23 Section 12 of the Vital Records Act.

24 (Source: P.A. 91-24, eff. 7-1-99; 91-613, eff. 10-1-99; 92-16,  
25 eff. 6-28-01; 92-590, eff. 7-1-02.)

26 (305 ILCS 5/10-17.7)

27 Sec. 10-17.7. Administrative determination of paternity.  
28 The Illinois Department may provide by rule for the  
29 administrative determination of paternity by the Child and  
30 Spouse Support Unit in cases involving applicants for or  
31 recipients of financial aid under Article IV of this Act and  
32 other persons who are given access to the child support  
33 enforcement services of this Article as provided in Section  
34 10-1, including persons similarly situated and receiving  
35 similar services in other states. The rules shall extend to

1 cases in which the mother and alleged father voluntarily  
2 acknowledge paternity in the form required by the Illinois  
3 Department or agree to be bound by the results of genetic  
4 testing or in which the alleged father has failed to respond to  
5 a notification of support obligation issued under Section 10-4  
6 and to cases of contested paternity. Any presumption provided  
7 for under the Illinois Parentage Act of 1984 or under the  
8 Uniform Parentage Act (2000) shall apply to cases in which  
9 paternity is determined under the rules of the Illinois  
10 Department. The rules shall provide for notice and an  
11 opportunity to be heard by the responsible relative and the  
12 person receiving child support enforcement services under this  
13 Article if paternity is not voluntarily acknowledged, and any  
14 final administrative decision rendered by the Illinois  
15 Department shall be reviewed only under and in accordance with  
16 the Administrative Review Law. Determinations of paternity  
17 made by the Illinois Department under the rules authorized by  
18 this Section shall have the full force and effect of a court  
19 judgment of paternity entered under the Illinois Parentage Act  
20 of 1984 or under the Uniform Parentage Act (2000).

21 In determining paternity in contested cases, the Illinois  
22 Department shall conduct the evidentiary hearing in accordance  
23 with Article 6 of the Uniform Parentage Act (2000) ~~Section 11~~  
24 ~~of the Parentage Act of 1984~~, except that references in that  
25 Article ~~Section~~ to "the court" shall be deemed to mean the  
26 Illinois Department's hearing officer in cases in which  
27 paternity is determined administratively by the Illinois  
28 Department.

29 Notwithstanding any other provision of this Article, a  
30 default determination of paternity may be made if service of  
31 the notice under Section 10-4 was made by publication under the  
32 rules for administrative paternity determination authorized by  
33 this Section. The rules as they pertain to service by  
34 publication shall (i) be based on the provisions of Section  
35 2-206 and 2-207 of the Code of Civil Procedure, (ii) provide  
36 for service by publication in cases in which the whereabouts of

1 the alleged father are unknown after diligent location efforts  
2 by the Child and Spouse Support Unit, and (iii) provide for  
3 publication of a notice of default paternity determination in  
4 the same manner that the notice under Section 10-4 was  
5 published.

6 The Illinois Department may implement this Section through  
7 the use of emergency rules in accordance with Section 5-45 of  
8 the Illinois Administrative Procedure Act. For purposes of the  
9 Illinois Administrative Procedure Act, the adoption of rules to  
10 implement this Section shall be considered an emergency and  
11 necessary for the public interest, safety, and welfare.

12 (Source: P.A. 92-590, eff. 7-1-02.)

13 (305 ILCS 5/10-19) (from Ch. 23, par. 10-19)

14 Sec. 10-19. Support Payments Ordered Under Other Laws;  
15 where deposited. The Illinois Department and local  
16 governmental units are authorized to receive payments directed  
17 by court order for the support of recipients, as provided in  
18 the following Acts:

19 1. "Non-Support of Spouse and Children Act", approved June  
20 24, 1915, as amended,

21 1.5. The Non-Support Punishment Act,

22 2. "Illinois Marriage and Dissolution of Marriage Act", as  
23 now or hereafter amended,

24 3. The Illinois Parentage Act, as amended,

25 3.5. The Uniform Parentage Act (2000),

26 4. "Revised Uniform Reciprocal Enforcement of Support  
27 Act", approved August 28, 1969, as amended,

28 5. The Juvenile Court Act or the Juvenile Court Act of  
29 1987, as amended,

30 6. The "Unified Code of Corrections", approved July 26,  
31 1972, as amended,

32 7. Part 7 of Article XII of the Code of Civil Procedure, as  
33 amended,

34 8. Part 8 of Article XII of the Code of Civil Procedure, as  
35 amended, and

1           9. Other laws which may provide by judicial order for  
2 direct payment of support moneys.

3           Payments under this Section to the Illinois Department  
4 pursuant to the Child Support Enforcement Program established  
5 by Title IV-D of the Social Security Act shall be paid into the  
6 Child Support Enforcement Trust Fund. All payments under this  
7 Section to the Illinois Department of Human Services shall be  
8 deposited in the DHS Recoveries Trust Fund. Disbursements from  
9 these funds shall be as provided in Sections 12-9.1 and 12-10.2  
10 of this Code. Payments received by a local governmental unit  
11 shall be deposited in that unit's General Assistance Fund.

12           To the extent the provisions of this Section are  
13 inconsistent with the requirements pertaining to the State  
14 Disbursement Unit under Sections 10-10.4 and 10-26 of this  
15 Code, the requirements pertaining to the State Disbursement  
16 Unit shall apply.

17           (Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99; 91-613,  
18 eff. 10-1-99; 92-16, eff. 6-28-01.)

19           (305 ILCS 5/10-25)

20           Sec. 10-25. Administrative liens and levies on real  
21 property for past-due child support.

22           (a) The State shall have a lien on all legal and equitable  
23 interests of responsible relatives in their real property in  
24 the amount of past-due child support owing pursuant to an order  
25 for child support entered under Sections 10-10 and 10-11 of  
26 this Code, or under the Illinois Marriage and Dissolution of  
27 Marriage Act, the Non-Support of Spouse and Children Act, the  
28 Non-Support Punishment Act, the Uniform Interstate Family  
29 Support Act, ~~or~~ the Illinois Parentage Act of 1984, or the  
30 Uniform Parentage Act (2000).

31           (b) The Illinois Department shall provide by rule for  
32 notice to and an opportunity to be heard by each responsible  
33 relative affected, and any final administrative decision  
34 rendered by the Illinois Department shall be reviewed only  
35 under and in accordance with the Administrative Review Law.

1           (c) When enforcing a lien under subsection (a) of this  
2 Section, the Illinois Department shall have the authority to  
3 execute notices of administrative liens and levies, which shall  
4 contain the name and address of the responsible relative, a  
5 legal description of the real property to be levied, the fact  
6 that a lien is being claimed for past-due child support, and  
7 such other information as the Illinois Department may by rule  
8 prescribe. The Illinois Department shall record the notice of  
9 lien with the recorder or registrar of titles of the county or  
10 counties in which the real estate is located.

11           (d) The State's lien under subsection (a) shall be  
12 enforceable upon the recording or filing of a notice of lien  
13 with the recorder or registrar of titles of the county or  
14 counties in which the real estate is located. The lien shall be  
15 prior to any lien thereafter recorded or filed and shall be  
16 notice to a subsequent purchaser, assignor, or encumbrancer of  
17 the existence and nature of the lien. The lien shall be  
18 inferior to the lien of general taxes, special assessment, and  
19 special taxes heretofore or hereafter levied by any political  
20 subdivision or municipal corporation of the State.

21           In the event that title to the land to be affected by the  
22 notice of lien is registered under the Registered Titles  
23 (Torrens) Act, the notice shall be filed in the office of the  
24 registrar of titles as a memorial or charge upon each folium of  
25 the register of titles affected by the notice; but the State  
26 shall not have a preference over the rights of any bona fide  
27 purchaser, mortgagee, judgment creditor, or other lien holders  
28 registered prior to the registration of the notice.

29           (e) The recorder or registrar of titles of each county  
30 shall procure a file labeled "Child Support Lien Notices" and  
31 an index book labeled "Child Support Lien Notices". When notice  
32 of any lien is presented to the recorder or registrar of titles  
33 for filing, the recorder or registrar of titles shall file it  
34 in numerical order in the file and shall enter it  
35 alphabetically in the index. The entry shall show the name and  
36 last known address of the person named in the notice, the



1 serial number of the notice, the date and hour of filing, and  
2 the amount of child support due at the time when the lien is  
3 filed.

4 (f) The Illinois Department shall not be required to  
5 furnish bond or make a deposit for or pay any costs or fees of  
6 any court or officer thereof in any legal proceeding involving  
7 the lien.

8 (g) To protect the lien of the State for past-due child  
9 support, the Illinois Department may, from funds that are  
10 available for that purpose, pay or provide for the payment of  
11 necessary or essential repairs, purchase tax certificates, pay  
12 balances due on land contracts, or pay or cause to be satisfied  
13 any prior liens on the property to which the lien hereunder  
14 applies.

15 (h) A lien on real property under this Section shall be  
16 released pursuant to Section 12-101 of the Code of Civil  
17 Procedure.

18 (i) The Illinois Department, acting in behalf of the State,  
19 may foreclose the lien in a judicial proceeding to the same  
20 extent and in the same manner as in the enforcement of other  
21 liens. The process, practice, and procedure for the foreclosure  
22 shall be the same as provided in the Code of Civil Procedure.

23 (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 10-1-99.)

24 (305 ILCS 5/10-25.5)

25 Sec. 10-25.5. Administrative liens and levies on personal  
26 property for past-due child support.

27 (a) The State shall have a lien on all legal and equitable  
28 interests of responsible relatives in their personal property,  
29 including any account in a financial institution as defined in  
30 Section 10-24, or in the case of an insurance company or  
31 benefit association only in accounts as defined in Section  
32 10-24, in the amount of past-due child support owing pursuant  
33 to an order for child support entered under Sections 10-10 and  
34 10-11 of this Code, or under the Illinois Marriage and  
35 Dissolution of Marriage Act, the Non-Support of Spouse and

1 Children Act, the Non-Support Punishment Act, the Uniform  
2 Interstate Family Support Act, ~~or~~ the Illinois Parentage Act of  
3 1984, or the Uniform Parentage Act (2000).

4 (b) The Illinois Department shall provide by rule for  
5 notice to and an opportunity to be heard by each responsible  
6 relative affected, and any final administrative decision  
7 rendered by the Illinois Department shall be reviewed only  
8 under and in accordance with the Administrative Review Law.

9 (c) When enforcing a lien under subsection (a) of this  
10 Section, the Illinois Department shall have the authority to  
11 execute notices of administrative liens and levies, which shall  
12 contain the name and address of the responsible relative, a  
13 description of the property to be levied, the fact that a lien  
14 is being claimed for past-due child support, and such other  
15 information as the Illinois Department may by rule prescribe.  
16 The Illinois Department may serve the notice of lien or levy  
17 upon any financial institution where the accounts as defined in  
18 Section 10-24 of the responsible relative may be held, for  
19 encumbrance or surrender of the accounts as defined in Section  
20 10-24 by the financial institution.

21 (d) The Illinois Department shall enforce its lien against  
22 the responsible relative's personal property, other than  
23 accounts as defined in Section 10-24 in financial institutions,  
24 and levy upon such personal property in the manner provided for  
25 enforcement of judgments contained in Article XII of the Code  
26 of Civil Procedure.

27 (e) The Illinois Department shall not be required to  
28 furnish bond or make a deposit for or pay any costs or fees of  
29 any court or officer thereof in any legal proceeding involving  
30 the lien.

31 (f) To protect the lien of the State for past-due child  
32 support, the Illinois Department may, from funds that are  
33 available for that purpose, pay or provide for the payment of  
34 necessary or essential repairs, purchase tax certificates, or  
35 pay or cause to be satisfied any prior liens on the property to  
36 which the lien hereunder applies.

1 (g) A lien on personal property under this Section shall be  
2 released in the manner provided under Article XII of the Code  
3 of Civil Procedure. Notwithstanding the foregoing, a lien under  
4 this Section on accounts as defined in Section 10-24 shall  
5 expire upon the passage of 120 days from the date of issuance  
6 of the Notice of Lien or Levy by the Illinois Department.  
7 However, the lien shall remain in effect during the pendency of  
8 any appeal or protest.

9 (h) A lien created under this Section is subordinate to any  
10 prior lien of the financial institution or any prior lien  
11 holder or any prior right of set-off that the financial  
12 institution may have against the assets, or in the case of an  
13 insurance company or benefit association only in the accounts  
14 as defined in Section 10-24.

15 (i) A financial institution has no obligation under this  
16 Section to hold, encumber, or surrender the assets, or in the  
17 case of an insurance company or benefit association only the  
18 accounts as defined in Section 10-24, until the financial  
19 institution has been properly served with a subpoena, summons,  
20 warrant, court or administrative order, or administrative lien  
21 and levy requiring that action.

22 (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 10-1-99.)

23 (305 ILCS 5/12-4.7c)

24 Sec. 12-4.7c. Exchange of information after July 1, 1997.

25 (a) The Department of Human Services shall exchange with  
26 the Illinois Department of Public Aid information that may be  
27 necessary for the enforcement of child support orders entered  
28 pursuant to Sections 10-10 and 10-11 of this Code or pursuant  
29 to the Illinois Marriage and Dissolution of Marriage Act, the  
30 Non-Support of Spouse and Children Act, the Non-Support  
31 Punishment Act, the Revised Uniform Reciprocal Enforcement of  
32 Support Act, the Uniform Interstate Family Support Act, ~~or~~ the  
33 Illinois Parentage Act of 1984, or the Uniform Parentage Act  
34 (2000).

35 (b) Notwithstanding any provisions in this Code to the

1 contrary, the Department of Human Services shall not be liable  
2 to any person for any disclosure of information to the Illinois  
3 Department of Public Aid under subsection (a) or for any other  
4 action taken in good faith to comply with the requirements of  
5 subsection (a).

6 (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 10-1-99.)

7 Section 905.7. The Abandoned Newborn Infant Protection Act  
8 is amended by changing Section 50 as follows:

9 (325 ILCS 2/50)

10 (Section scheduled to be repealed on July 1, 2007)

11 Sec. 50. Child-placing agency procedures.

12 (a) The Department's State Central Registry must maintain a  
13 list of licensed child-placing agencies willing to take legal  
14 custody of newborn infants relinquished in accordance with this  
15 Act. The child-placing agencies on the list must be contacted  
16 by the Department on a rotating basis upon notice from a  
17 hospital that a newborn infant has been relinquished in  
18 accordance with this Act.

19 (b) Upon notice from the Department that a newborn infant  
20 has been relinquished in accordance with this Act, a  
21 child-placing agency must accept the newborn infant if the  
22 agency has the accommodations to do so. The child-placing  
23 agency must seek an order for legal custody of the infant upon  
24 its acceptance of the infant.

25 (c) Within 3 business days after assuming physical custody  
26 of the infant, the child-placing agency shall file a petition  
27 in the division of the circuit court in which petitions for  
28 adoption would normally be heard. The petition shall allege  
29 that the newborn infant has been relinquished in accordance  
30 with this Act and shall state that the child-placing agency  
31 intends to place the infant in an adoptive home.

32 (d) If no licensed child-placing agency is able to accept  
33 the relinquished newborn infant, then the Department must  
34 assume responsibility for the infant as soon as practicable.

1 (e) A custody order issued under subsection (b) shall  
2 remain in effect until a final adoption order based on the  
3 relinquished newborn infant's best interests is issued in  
4 accordance with this Act and the Adoption Act.

5 (f) When possible, the child-placing agency must place a  
6 relinquished newborn infant in a prospective adoptive home.

7 (g) The Department or child-placing agency must initiate  
8 proceedings to (i) terminate the parental rights of the  
9 relinquished newborn infant's known or unknown parents, (ii)  
10 appoint a guardian for the infant, and (iii) obtain consent to  
11 the infant's adoption in accordance with this Act no sooner  
12 than 60 days following the date of the initial relinquishment  
13 of the infant to the hospital, fire station, or emergency  
14 medical facility.

15 (h) Before filing a petition for termination of parental  
16 rights, the Department or child-placing agency must do the  
17 following:

18 (1) Search its ~~Putative Father~~ Registry of Paternity  
19 for the purpose of determining the identity and location of  
20 the putative father of the relinquished newborn infant who  
21 is, or is expected to be, the subject of an adoption  
22 proceeding, in order to provide notice of the proceeding to  
23 the putative father. At least one search of the Registry  
24 must be conducted, at least 30 days after the relinquished  
25 newborn infant's estimated date of birth; earlier searches  
26 may be conducted, however. Notice to any potential putative  
27 father discovered in a search of the Registry according to  
28 the estimated age of the relinquished newborn infant must  
29 be in accordance with Article 4 of the Uniform Parentage  
30 Act (2000) ~~Section 12a of the Adoption Act~~.

31 (2) Verify with law enforcement officials, using the  
32 National Crime Information Center, that the relinquished  
33 newborn infant is not a missing child.

34 (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01.)

35 Section 905.8. The Genetic Information Privacy Act is

1 amended by changing Sections 22 and 30 as follows:

2 (410 ILCS 513/22)

3 Sec. 22. Tests to determine inherited characteristics in  
4 paternity proceedings. Nothing in this Act shall be construed  
5 to affect or restrict in any way the ordering of or use of  
6 results from deoxyribonucleic acid (DNA) testing or other tests  
7 to determine inherited characteristics by the court in a  
8 judicial proceeding under the Illinois Parentage Act of 1984 or  
9 under the Uniform Parentage Act (2000) or by the Illinois  
10 Department of Public Aid in an administrative paternity  
11 proceeding under Article X of the Illinois Public Aid Code and  
12 rules promulgated under that Article.

13 (Source: P.A. 90-25, eff. 1-1-98.)

14 (410 ILCS 513/30)

15 Sec. 30. Disclosure of person tested and test results.

16 (a) No person may disclose or be compelled to disclose the  
17 identity of any person upon whom a genetic test is performed or  
18 the results of a genetic test in a manner that permits  
19 identification of the subject of the test, except to the  
20 following persons:

21 (1) The subject of the test or the subject's legally  
22 authorized representative. This paragraph does not create  
23 a duty or obligation under which a health care provider  
24 must notify the subject's spouse or legal guardian of the  
25 test results, and no such duty or obligation shall be  
26 implied. No civil liability or criminal sanction under this  
27 Act shall be imposed for any disclosure or nondisclosure of  
28 a test result to a spouse by a physician acting in good  
29 faith under this paragraph. For the purpose of any  
30 proceedings, civil or criminal, the good faith of any  
31 physician acting under this paragraph shall be presumed.

32 (2) Any person designated in a specific written legally  
33 effective release of the test results executed by the  
34 subject of the test or the subject's legally authorized

1 representative.

2 (3) An authorized agent or employee of a health  
3 facility or health care provider if the health facility or  
4 health care provider itself is authorized to obtain the  
5 test results, the agent or employee provides patient care,  
6 and the agent or employee has a need to know the  
7 information in order to conduct the tests or provide care  
8 or treatment.

9 (4) A health facility or health care provider that  
10 procures, processes, distributes, or uses:

11 (A) a human body part from a deceased person with  
12 respect to medical information regarding that person;  
13 or

14 (B) semen provided prior to the effective date of  
15 this Act for the purpose of artificial insemination.

16 (5) Health facility staff committees for the purposes  
17 of conducting program monitoring, program evaluation, or  
18 service reviews.

19 (6) In the case of a minor under 18 years of age, the  
20 health care provider who ordered the test shall make a  
21 reasonable effort to notify the minor's parent or legal  
22 guardian if, in the professional judgment of the health  
23 care provider, notification would be in the best interest  
24 of the minor and the health care provider has first sought  
25 unsuccessfully to persuade the minor to notify the parent  
26 or legal guardian or after a reasonable time after the  
27 minor has agreed to notify the parent or legal guardian,  
28 the health care provider has reason to believe that the  
29 minor has not made the notification. This paragraph shall  
30 not create a duty or obligation under which a health care  
31 provider must notify the minor's parent or legal guardian  
32 of the test results, nor shall a duty or obligation be  
33 implied. No civil liability or criminal sanction under this  
34 Act shall be imposed for any notification or  
35 non-notification of a minor's test result by a health care  
36 provider acting in good faith under this paragraph. For the

1 purpose of any proceeding, civil or criminal, the good  
2 faith of any health care provider acting under this  
3 paragraph shall be presumed.

4 (7) All information and records held by a State agency  
5 or local health authority pertaining to genetic  
6 information shall be strictly confidential and exempt from  
7 copying and inspection under the Freedom of Information  
8 Act. The information and records shall not be released or  
9 made public by the State agency or local health authority  
10 and shall not be admissible as evidence nor discoverable in  
11 any action of any kind in any court or before any tribunal,  
12 board, agency, or person and shall be treated in the same  
13 manner as the information and those records subject to the  
14 provisions of Part 21 of Article VIII of the Code of Civil  
15 Procedure except under the following circumstances:

16 (A) when made with the written consent of all  
17 persons to whom the information pertains;

18 (B) when authorized by Section 5-4-3 of the Unified  
19 Code of Corrections;

20 (C) when made for the sole purpose of implementing  
21 the Phenylketonuria Testing Act and rules; or

22 (D) when made under the authorization of the  
23 Uniform Parentage Act (2000) ~~Illinois Parentage Act of~~  
24 ~~1984~~.

25 Disclosure shall be limited to those who have a need to  
26 know the information, and no additional disclosures may be  
27 made.

28 (b) Disclosure by an insurer in accordance with the  
29 requirements of the Article XL of the Illinois Insurance Code  
30 shall be deemed compliance with this Section.

31 (Source: P.A. 90-25, eff. 1-1-98.)

32 Section 905.9. The Vital Records Act is amended by changing  
33 Sections 12 and 24 as follows:

34 (410 ILCS 535/12) (from Ch. 111 1/2, par. 73-12)



1           Sec. 12. Live births; place of registration.

2           (1) Each live birth which occurs in this State shall be  
3 registered with the local or subregistrar of the district in  
4 which the birth occurred as provided in this Section, within 7  
5 days after the birth. When a birth occurs on a moving  
6 conveyance, the city, village, township, or road district in  
7 which the child is first removed from the conveyance shall be  
8 considered the place of birth and a birth certificate shall be  
9 filed in the registration district in which the place is  
10 located.

11           (2) When a birth occurs in an institution, the person in  
12 charge of the institution or his designated representative  
13 shall obtain and record all the personal and statistical  
14 particulars relative to the parents of the child that are  
15 required to properly complete the live birth certificate; shall  
16 secure the required personal signatures on the hospital  
17 worksheet; shall prepare the certificate from this worksheet;  
18 and shall file the certificate with the local registrar. The  
19 institution shall retain the hospital worksheet permanently or  
20 as otherwise specified by rule. The physician in attendance  
21 shall verify or provide the date of birth and medical  
22 information required by the certificate, within 24 hours after  
23 the birth occurs.

24           (3) When a birth occurs outside an institution, the  
25 certificate shall be prepared and filed by one of the following  
26 in the indicated order of priority:

27           (a) The physician in attendance at or immediately after  
28 the birth, or in the absence of such a person,

29           (b) Any other person in attendance at or immediately  
30 after the birth, or in the absence of such a person,

31           (c) The father, the mother, or in the absence of the  
32 father and the inability of the mother, the person in  
33 charge of the premises where the birth occurred.

34           (4) Unless otherwise provided in this Act, if the mother  
35 was not married to the father of the child at either the time  
36 of conception or the time of birth, the name of the father

1 shall be entered on the child's birth certificate only if the  
2 mother and the person to be named as the father have signed an  
3 acknowledgment of parentage in accordance with subsection (5).

4 Unless otherwise provided in this Act, if the mother was  
5 married at the time of conception or birth and the presumed  
6 father (that is, the mother's husband) is not the biological  
7 father of the child, the name of the biological father shall be  
8 entered on the child's birth certificate only if, in accordance  
9 with subsection (5), (i) the mother and the person to be named  
10 as the father have signed an acknowledgment of parentage and  
11 (ii) the mother and presumed father have signed a denial of  
12 paternity.

13 (5) Upon the birth of a child to an unmarried woman, or  
14 upon the birth of a child to a woman who was married at the time  
15 of conception or birth and whose husband is not the biological  
16 father of the child, the institution at the time of birth and  
17 the local registrar or county clerk after the birth shall do  
18 the following:

19 (a) Provide (i) an opportunity for the child's mother  
20 and father to sign an acknowledgment of parentage and (ii)  
21 if the presumed father is not the biological father, an  
22 opportunity for the mother and presumed father to sign a  
23 denial of paternity. The signing and witnessing of the  
24 acknowledgment of parentage or, if the presumed father of  
25 the child is not the biological father, the acknowledgment  
26 of parentage and denial of paternity conclusively  
27 establishes a parent and child relationship in accordance  
28 with the Uniform Parentage Act (2000) ~~Sections 5 and 6 of~~  
29 ~~the Illinois Parentage Act of 1984.~~

30 The Illinois Department of Public Aid shall furnish the  
31 acknowledgment of parentage and denial of paternity form to  
32 institutions, county clerks, and State and local  
33 registrars' offices. The form shall include instructions  
34 to send the original signed and witnessed acknowledgment of  
35 parentage and denial of paternity to the Illinois  
36 Department of Public Aid.

1 (b) Provide the following documents, furnished by the  
2 Illinois Department of Public Aid, to the child's mother,  
3 biological father, and (if the person presumed to be the  
4 child's father is not the biological father) presumed  
5 father for their review at the time the opportunity is  
6 provided to establish a parent and child relationship:

7 (i) An explanation of the implications of,  
8 alternatives to, legal consequences of, and the rights  
9 and responsibilities that arise from signing an  
10 acknowledgment of parentage and, if necessary, a  
11 denial of paternity, including an explanation of the  
12 parental rights and responsibilities of child support,  
13 visitation, custody, retroactive support, health  
14 insurance coverage, and payment of birth expenses.

15 (ii) An explanation of the benefits of having a  
16 child's parentage established and the availability of  
17 parentage establishment and child support enforcement  
18 services.

19 (iii) A request for an application for child  
20 support enforcement services from the Illinois  
21 Department of Public Aid.

22 (iv) Instructions concerning the opportunity to  
23 speak, either by telephone or in person, with staff of  
24 the Illinois Department of Public Aid who are trained  
25 to clarify information and answer questions about  
26 paternity establishment.

27 (v) Instructions for completing and signing the  
28 acknowledgment of parentage and denial of paternity.

29 (c) Provide an oral explanation of the documents and  
30 instructions set forth in subdivision (5) (b), including an  
31 explanation of the implications of, alternatives to, legal  
32 consequences of, and the rights and responsibilities that  
33 arise from signing an acknowledgment of parentage and, if  
34 necessary, a denial of paternity. The oral explanation may  
35 be given in person or through the use of video or audio  
36 equipment.

1           (6) The institution, State or local registrar, or county  
2 clerk shall provide an opportunity for the child's father or  
3 mother to sign a rescission of parentage. The signing and  
4 witnessing of the rescission of parentage voids the  
5 acknowledgment of parentage and nullifies the presumption of  
6 paternity if executed and filed with the Illinois Department of  
7 Public Aid within the time frame contained in Section 5 of the  
8 Illinois Parentage Act of 1984 or Section 307 of the Uniform  
9 Parentage Act (2000). The Illinois Department of Public Aid  
10 shall furnish the rescission of parentage form to institutions,  
11 county clerks, and State and local registrars' offices. The  
12 form shall include instructions to send the original signed and  
13 witnessed rescission of parentage to the Illinois Department of  
14 Public Aid.

15           (7) An acknowledgment of paternity signed pursuant to  
16 Section 6 of the Illinois Parentage Act of 1984 or Section 302  
17 of the Uniform Parentage Act (2000) may be challenged in court  
18 only on the basis of fraud, duress, or material mistake of  
19 fact, with the burden of proof upon the challenging party.  
20 Pending outcome of a challenge to the acknowledgment of  
21 paternity, the legal responsibilities of the signatories shall  
22 remain in full force and effect, except upon order of the court  
23 upon a showing of good cause.

24           (8) When the process for acknowledgment of parentage as  
25 provided for under subsection (5) establishes the paternity of  
26 a child whose certificate of birth is on file in another state,  
27 the Illinois Department of Public Aid shall forward a copy of  
28 the acknowledgment of parentage, the denial of paternity, if  
29 applicable, and the rescission of parentage, if applicable, to  
30 the birth record agency of the state where the child's  
31 certificate of birth is on file.

32           (9) In the event the parent-child relationship has been  
33 established in accordance with subdivision (a)(1) of Section 6  
34 of the Parentage Act of 1984 or Article 8 of the Uniform  
35 Parentage Act (2000), the names of the biological mother and  
36 biological father so established shall be entered on the

1 child's birth certificate, and the names of the surrogate  
2 mother and surrogate mother's husband, if any, shall not be on  
3 the birth certificate.

4 (Source: P.A. 91-308, eff. 7-29-99; 92-590, eff. 7-1-02.)

5 (410 ILCS 535/24) (from Ch. 111 1/2, par. 73-24)

6 Sec. 24. (1) To protect the integrity of vital records, to  
7 insure their proper use, and to insure the efficient and proper  
8 administration of the vital records system, access to vital  
9 records, and indexes thereof, including vital records in the  
10 custody of local registrars and county clerks originating prior  
11 to January 1, 1916, is limited to the custodian and his  
12 employees, and then only for administrative purposes, except  
13 that the indexes of those records in the custody of local  
14 registrars and county clerks, originating prior to January 1,  
15 1916, shall be made available to persons for the purpose of  
16 genealogical research. Original, photographic or  
17 microphotographic reproductions of original records of births  
18 100 years old and older and deaths 50 years old and older, and  
19 marriage records 75 years old and older on file in the State  
20 Office of Vital Records and in the custody of the county clerks  
21 may be made available for inspection in the Illinois State  
22 Archives reference area, Illinois Regional Archives  
23 Depositories, and other libraries approved by the Illinois  
24 State Registrar and the Director of the Illinois State  
25 Archives, provided that the photographic or microphotographic  
26 copies are made at no cost to the county or to the State of  
27 Illinois. It is unlawful for any custodian to permit inspection  
28 of, or to disclose information contained in, vital records, or  
29 to copy or permit to be copied, all or part of any such record  
30 except as authorized by this Act or regulations adopted  
31 pursuant thereto.

32 (2) The State Registrar of Vital Records, or his agent, and  
33 any municipal, county, multi-county, public health district,  
34 or regional health officer recognized by the Department may  
35 examine vital records for the purpose only of carrying out the

1 public health programs and responsibilities under his  
2 jurisdiction.

3 (3) The State Registrar of Vital Records, may disclose, or  
4 authorize the disclosure of, data contained in the vital  
5 records when deemed essential for bona fide research purposes  
6 which are not for private gain.

7 This amendatory Act of 1973 does not apply to any home rule  
8 unit.

9 (4) The State Registrar shall exchange with the Illinois  
10 Department of Public Aid information that may be necessary for  
11 the establishment of paternity and the establishment,  
12 modification, and enforcement of child support orders entered  
13 pursuant to the Illinois Public Aid Code, the Illinois Marriage  
14 and Dissolution of Marriage Act, the Non-Support of Spouse and  
15 Children Act, the Non-Support Punishment Act, the Revised  
16 Uniform Reciprocal Enforcement of Support Act, the Uniform  
17 Interstate Family Support Act, ~~or~~ the Illinois Parentage Act of  
18 1984, or the Uniform Parentage Act (2000). Notwithstanding any  
19 provisions in this Act to the contrary, the State Registrar  
20 shall not be liable to any person for any disclosure of  
21 information to the Illinois Department of Public Aid under this  
22 subsection or for any other action taken in good faith to  
23 comply with the requirements of this subsection.

24 (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 10-1-99.)

25 Section 905.10. The Illinois Vehicle Code is amended by  
26 changing Sections 2-109.1 and 7-703 as follows:

27 (625 ILCS 5/2-109.1)

28 Sec. 2-109.1. Exchange of information.

29 (a) The Secretary of State shall exchange information with  
30 the Illinois Department of Public Aid which may be necessary  
31 for the establishment of paternity and the establishment,  
32 modification, and enforcement of child support orders pursuant  
33 to the Illinois Public Aid Code, the Illinois Marriage and  
34 Dissolution of Marriage Act, the Non-Support of Spouse and

1 Children Act, the Non-Support Punishment Act, the Revised  
2 Uniform Reciprocal Enforcement of Support Act, the Uniform  
3 Interstate Family Support Act, ~~or~~ the Illinois Parentage Act of  
4 1984, or the Uniform Parentage Act (2000).

5 (b) Notwithstanding any provisions in this Code to the  
6 contrary, the Secretary of State shall not be liable to any  
7 person for any disclosure of information to the Illinois  
8 Department of Public Aid under subsection (a) or for any other  
9 action taken in good faith to comply with the requirements of  
10 subsection (a).

11 (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 7-1-00.)

12 (625 ILCS 5/7-703)

13 Sec. 7-703. Courts to report non-payment of court ordered  
14 support.

15 (a) The clerk of the circuit court, as provided in  
16 subsection (b) of Section 505 of the Illinois Marriage and  
17 Dissolution of Marriage Act ~~or as provided in Section 15 of the~~  
18 ~~Illinois Parentage Act of 1984~~, shall forward to the Secretary  
19 of State, on a form prescribed by the Secretary, an  
20 authenticated document certifying the court's order suspending  
21 the driving privileges of the obligor. For any such  
22 certification, the clerk of the court shall charge the obligor  
23 a fee of \$5 as provided in the Clerks of Courts Act.

24 (b) If an obligor has been adjudicated in arrears in court  
25 ordered child support payments in an amount equal to 90 days  
26 obligation or more but has not been held in contempt of court,  
27 the circuit court may order that the obligor's driving  
28 privileges be suspended. If the circuit court orders that the  
29 obligor's driving privileges be suspended, it shall forward to  
30 the Secretary of State, on a form prescribed by the Secretary,  
31 an authenticated document certifying the court's order  
32 suspending the driving privileges of the obligor. The  
33 authenticated document shall be forwarded to the Secretary of  
34 State by the court no later than 45 days after entry of the  
35 order suspending the obligor's driving privileges.

1 (Source: P.A. 91-613, eff. 7-1-00.)

2 Section 905.11. The Clerks of Courts Act is amended by  
3 changing Section 27.1a as follows:

4 (705 ILCS 105/27.1a) (from Ch. 25, par. 27.1a)

5 Sec. 27.1a. The fees of the clerks of the circuit court in  
6 all counties having a population of not more than 500,000  
7 inhabitants in the instances described in this Section shall be  
8 as provided in this Section. In those instances where a minimum  
9 and maximum fee is stated, the clerk of the circuit court must  
10 charge the minimum fee listed and may charge up to the maximum  
11 fee if the county board has by resolution increased the fee.  
12 The fees shall be paid in advance and shall be as follows:

13 (a) Civil Cases.

14 The fee for filing a complaint, petition, or other  
15 pleading initiating a civil action, with the following  
16 exceptions, shall be a minimum of \$40 and a maximum of  
17 \$160.

18 (A) When the amount of money or damages or the  
19 value of personal property claimed does not exceed  
20 \$250, \$10.

21 (B) When that amount exceeds \$250 but does not  
22 exceed \$500, a minimum of \$10 and a maximum of \$20.

23 (C) When that amount exceeds \$500 but does not  
24 exceed \$2500, a minimum of \$25 and a maximum of \$40.

25 (D) When that amount exceeds \$2500 but does not  
26 exceed \$15,000, a minimum of \$25 and a maximum of \$75.

27 (E) For the exercise of eminent domain, a minimum  
28 of \$45 and a maximum of \$150. For each additional lot  
29 or tract of land or right or interest therein subject  
30 to be condemned, the damages in respect to which shall  
31 require separate assessment by a jury, a minimum of \$45  
32 and a maximum of \$150.

33 (a-1) Family.

34 For filing a petition under the Juvenile Court Act of



1 1987, \$25.

2 For filing a petition for a marriage license, \$10.

3 For performing a marriage in court, \$10.

4 For filing a petition under the Uniform Parentage Act  
5 (2000) ~~Illinois Parentage Act of 1984~~, \$40.

6 (b) Forcible Entry and Detainer.

7 In each forcible entry and detainer case when the  
8 plaintiff seeks possession only or unites with his or her  
9 claim for possession of the property a claim for rent or  
10 damages or both in the amount of \$15,000 or less, a minimum  
11 of \$10 and a maximum of \$50. When the plaintiff unites his  
12 or her claim for possession with a claim for rent or  
13 damages or both exceeding \$15,000, a minimum of \$40 and a  
14 maximum of \$160.

15 (c) Counterclaim or Joining Third Party Defendant.

16 When any defendant files a counterclaim as part of his  
17 or her answer or otherwise or joins another party as a  
18 third party defendant, or both, the defendant shall pay a  
19 fee for each counterclaim or third party action in an  
20 amount equal to the fee he or she would have had to pay had  
21 he or she brought a separate action for the relief sought  
22 in the counterclaim or against the third party defendant,  
23 less the amount of the appearance fee, if that has been  
24 paid.

25 (d) Confession of Judgment.

26 In a confession of judgment when the amount does not  
27 exceed \$1500, a minimum of \$20 and a maximum of \$50. When  
28 the amount exceeds \$1500, but does not exceed \$15,000, a  
29 minimum of \$40 and a maximum of \$115. When the amount  
30 exceeds \$15,000, a minimum of \$40 and a maximum of \$200.

31 (e) Appearance.

32 The fee for filing an appearance in each civil case  
33 shall be a minimum of \$15 and a maximum of \$60, except as  
34 follows:

35 (A) When the plaintiff in a forcible entry and  
36 detainer case seeks possession only, a minimum of \$10

1 and a maximum of \$50.

2 (B) When the amount in the case does not exceed  
3 \$1500, a minimum of \$10 and a maximum of \$30.

4 (C) When that amount exceeds \$1500 but does not  
5 exceed \$15,000, a minimum of \$15 and a maximum of \$60.

6 (f) Garnishment, Wage Deduction, and Citation.

7 In garnishment affidavit, wage deduction affidavit,  
8 and citation petition when the amount does not exceed  
9 \$1,000, a minimum of \$5 and a maximum of \$15; when the  
10 amount exceeds \$1,000 but does not exceed \$5,000, a minimum  
11 of \$5 and a maximum of \$30; and when the amount exceeds  
12 \$5,000, a minimum of \$5 and a maximum of \$50.

13 (g) Petition to Vacate or Modify.

14 (1) Petition to vacate or modify any final judgment or  
15 order of court, except in forcible entry and detainer cases  
16 and small claims cases or a petition to reopen an estate,  
17 to modify, terminate, or enforce a judgment or order for  
18 child or spousal support, or to modify, suspend, or  
19 terminate an order for withholding, if filed before 30 days  
20 after the entry of the judgment or order, a minimum of \$20  
21 and a maximum of \$50.

22 (2) Petition to vacate or modify any final judgment or  
23 order of court, except a petition to modify, terminate, or  
24 enforce a judgment or order for child or spousal support or  
25 to modify, suspend, or terminate an order for withholding,  
26 if filed later than 30 days after the entry of the judgment  
27 or order, a minimum of \$20 and a maximum of \$75.

28 (3) Petition to vacate order of bond forfeiture, a  
29 minimum of \$10 and a maximum of \$40.

30 (h) Mailing.

31 When the clerk is required to mail, the fee will be a  
32 minimum of \$2 and a maximum of \$10, plus the cost of  
33 postage.

34 (i) Certified Copies.

35 Each certified copy of a judgment after the first,  
36 except in small claims and forcible entry and detainer

1 cases, a minimum of \$2 and a maximum of \$10.

2 (j) Habeas Corpus.

3 For filing a petition for relief by habeas corpus, a  
4 minimum of \$60 and a maximum of \$100.

5 (k) Certification, Authentication, and Reproduction.

6 (1) Each certification or authentication for taking  
7 the acknowledgment of a deed or other instrument in writing  
8 with the seal of office, a minimum of \$2 and a maximum of  
9 \$6.

10 (2) Court appeals when original documents are  
11 forwarded, under 100 pages, plus delivery and costs, a  
12 minimum of \$20 and a maximum of \$60.

13 (3) Court appeals when original documents are  
14 forwarded, over 100 pages, plus delivery and costs, a  
15 minimum of \$50 and a maximum of \$150.

16 (4) Court appeals when original documents are  
17 forwarded, over 200 pages, an additional fee of a minimum  
18 of 20 cents and a maximum of 25 cents per page.

19 (5) For reproduction of any document contained in the  
20 clerk's files:

21 (A) First page, a minimum of \$1 and a maximum of  
22 \$2.

23 (B) Next 19 pages, 50 cents per page.

24 (C) All remaining pages, 25 cents per page.

25 (l) Remands.

26 In any cases remanded to the Circuit Court from the  
27 Supreme Court or the Appellate Court for a new trial, the  
28 clerk shall file the remanding order and reinstate the case  
29 with either its original number or a new number. The Clerk  
30 shall not charge any new or additional fee for the  
31 reinstatement. Upon reinstatement the Clerk shall advise  
32 the parties of the reinstatement. A party shall have the  
33 same right to a jury trial on remand and reinstatement as  
34 he or she had before the appeal, and no additional or new  
35 fee or charge shall be made for a jury trial after remand.

36 (m) Record Search.

1           For each record search, within a division or municipal  
2           district, the clerk shall be entitled to a search fee of a  
3           minimum of \$4 and a maximum of \$6 for each year searched.

4       (n) Hard Copy.

5           For each page of hard copy print output, when case  
6           records are maintained on an automated medium, the clerk  
7           shall be entitled to a fee of a minimum of \$4 and a maximum  
8           of \$6.

9       (o) Index Inquiry and Other Records.

10           No fee shall be charged for a single  
11           plaintiff/defendant index inquiry or single case record  
12           inquiry when this request is made in person and the records  
13           are maintained in a current automated medium, and when no  
14           hard copy print output is requested. The fees to be charged  
15           for management records, multiple case records, and  
16           multiple journal records may be specified by the Chief  
17           Judge pursuant to the guidelines for access and  
18           dissemination of information approved by the Supreme  
19           Court.

20       (p) (Blank).

21       ~~a minimum of \$25 and a maximum of \$50~~

22       (q) Alias Summons.

23           For each alias summons or citation issued by the clerk,  
24           a minimum of \$2 and a maximum of \$5.

25       (r) Other Fees.

26           Any fees not covered in this Section shall be set by  
27           rule or administrative order of the Circuit Court with the  
28           approval of the Administrative Office of the Illinois  
29           Courts.

30           The clerk of the circuit court may provide additional  
31           services for which there is no fee specified by statute in  
32           connection with the operation of the clerk's office as may  
33           be requested by the public and agreed to by the clerk and  
34           approved by the chief judge of the circuit court. Any  
35           charges for additional services shall be as agreed to  
36           between the clerk and the party making the request and

1 approved by the chief judge of the circuit court. Nothing  
2 in this subsection shall be construed to require any clerk  
3 to provide any service not otherwise required by law.

4 (s) Jury Services.

5 The clerk shall be entitled to receive, in addition to  
6 other fees allowed by law, the sum of a minimum of \$62.50  
7 and a maximum of \$212.50, as a fee for the services of a  
8 jury in every civil action not quasi-criminal in its nature  
9 and not a proceeding for the exercise of the right of  
10 eminent domain and in every other action wherein the right  
11 of trial by jury is or may be given by law. The jury fee  
12 shall be paid by the party demanding a jury at the time of  
13 filing the jury demand. If the fee is not paid by either  
14 party, no jury shall be called in the action or proceeding,  
15 and the same shall be tried by the court without a jury.

16 (t) Voluntary Assignment.

17 For filing each deed of voluntary assignment, a minimum  
18 of \$10 and a maximum of \$20; for recording the same, a  
19 minimum of 25 cents and a maximum of 50 cents for each 100  
20 words. Exceptions filed to claims presented to an assignee  
21 of a debtor who has made a voluntary assignment for the  
22 benefit of creditors shall be considered and treated, for  
23 the purpose of taxing costs therein, as actions in which  
24 the party or parties filing the exceptions shall be  
25 considered as party or parties plaintiff, and the claimant  
26 or claimants as party or parties defendant, and those  
27 parties respectively shall pay to the clerk the same fees  
28 as provided by this Section to be paid in other actions.

29 (u) Expungement Petition.

30 The clerk shall be entitled to receive a fee of a  
31 minimum of \$15 and a maximum of \$60 for each expungement  
32 petition filed and an additional fee of a minimum of \$2 and  
33 a maximum of \$4 for each certified copy of an order to  
34 expunge arrest records.

35 (v) Probate.

36 The clerk is entitled to receive the fees specified in

1           this subsection (v), which shall be paid in advance, except  
2           that, for good cause shown, the court may suspend, reduce,  
3           or release the costs payable under this subsection:

4           (1) For administration of the estate of a decedent  
5           (whether testate or intestate) or of a missing person, a  
6           minimum of \$50 and a maximum of \$150, plus the fees  
7           specified in subsection (v) (3), except:

8           (A) When the value of the real and personal  
9           property does not exceed \$15,000, the fee shall be a  
10          minimum of \$25 and a maximum of \$40.

11          (B) When (i) proof of heirship alone is made, (ii)  
12          a domestic or foreign will is admitted to probate  
13          without administration (including proof of heirship),  
14          or (iii) letters of office are issued for a particular  
15          purpose without administration of the estate, the fee  
16          shall be a minimum of \$10 and a maximum of \$40.

17          (C) For filing a petition to sell Real Estate, \$50.

18          (2) For administration of the estate of a ward, a  
19          minimum of \$50 and a maximum of \$75, plus the fees  
20          specified in subsection (v) (3), except:

21          (A) When the value of the real and personal  
22          property does not exceed \$15,000, the fee shall be a  
23          minimum of \$25 and a maximum of \$40.

24          (B) When (i) letters of office are issued to a  
25          guardian of the person or persons, but not of the  
26          estate or (ii) letters of office are issued in the  
27          estate of a ward without administration of the estate,  
28          including filing or joining in the filing of a tax  
29          return or releasing a mortgage or consenting to the  
30          marriage of the ward, the fee shall be a minimum of \$10  
31          and a maximum of \$20.

32          (C) For filing a Petition to sell Real Estate, \$50.

33          (3) In addition to the fees payable under subsection  
34          (v) (1) or (v) (2) of this Section, the following fees are  
35          payable:

36          (A) For each account (other than one final account)

1 filed in the estate of a decedent, or ward, a minimum  
2 of \$10 and a maximum of \$25.

3 (B) For filing a claim in an estate when the amount  
4 claimed is \$150 or more but less than \$500, a minimum  
5 of \$10 and a maximum of \$25; when the amount claimed is  
6 \$500 or more but less than \$10,000, a minimum of \$10  
7 and a maximum of \$40; when the amount claimed is  
8 \$10,000 or more, a minimum of \$10 and a maximum of \$60;  
9 provided that the court in allowing a claim may add to  
10 the amount allowed the filing fee paid by the claimant.

11 (C) For filing in an estate a claim, petition, or  
12 supplemental proceeding based upon an action seeking  
13 equitable relief including the construction or contest  
14 of a will, enforcement of a contract to make a will,  
15 and proceedings involving testamentary trusts or the  
16 appointment of testamentary trustees, a minimum of \$40  
17 and a maximum of \$60.

18 (D) For filing in an estate (i) the appearance of  
19 any person for the purpose of consent or (ii) the  
20 appearance of an executor, administrator,  
21 administrator to collect, guardian, guardian ad litem,  
22 or special administrator, no fee.

23 (E) Except as provided in subsection (v) (3) (D),  
24 for filing the appearance of any person or persons, a  
25 minimum of \$10 and a maximum of \$30.

26 (F) For each jury demand, a minimum of \$62.50 and a  
27 maximum of \$137.50.

28 (G) For disposition of the collection of a judgment  
29 or settlement of an action or claim for wrongful death  
30 of a decedent or of any cause of action of a ward, when  
31 there is no other administration of the estate, a  
32 minimum of \$30 and a maximum of \$50, less any amount  
33 paid under subsection (v) (1) (B) or (v) (2) (B) except  
34 that if the amount involved does not exceed \$5,000, the  
35 fee, including any amount paid under subsection  
36 (v) (1) (B) or (v) (2) (B), shall be a minimum of \$10 and a

1 maximum of \$20.

2 (H) For each certified copy of letters of office,  
3 of court order or other certification, a minimum of \$1  
4 and a maximum of \$2, plus a minimum of 50 cents and a  
5 maximum of \$1 per page in excess of 3 pages for the  
6 document certified.

7 (I) For each exemplification, a minimum of \$1 and a  
8 maximum of \$2, plus the fee for certification.

9 (4) The executor, administrator, guardian, petitioner,  
10 or other interested person or his or her attorney shall pay  
11 the cost of publication by the clerk directly to the  
12 newspaper.

13 (5) The person on whose behalf a charge is incurred for  
14 witness, court reporter, appraiser, or other miscellaneous  
15 fee shall pay the same directly to the person entitled  
16 thereto.

17 (6) The executor, administrator, guardian, petitioner,  
18 or other interested person or his or her attorney shall pay  
19 to the clerk all postage charges incurred by the clerk in  
20 mailing petitions, orders, notices, or other documents  
21 pursuant to the provisions of the Probate Act of 1975.

22 (w) Criminal and Quasi-Criminal Costs and Fees.

23 (1) The clerk shall be entitled to costs in all  
24 criminal and quasi-criminal cases from each person  
25 convicted or sentenced to supervision therein as follows:

26 (A) Felony complaints, a minimum of \$40 and a  
27 maximum of \$100.

28 (B) Misdemeanor complaints, a minimum of \$25 and a  
29 maximum of \$75.

30 (C) Business offense complaints, a minimum of \$25  
31 and a maximum of \$75.

32 (D) Petty offense complaints, a minimum of \$25 and  
33 a maximum of \$75.

34 (E) Minor traffic or ordinance violations, \$10.

35 (F) When court appearance required, \$15.

36 (G) Motions to vacate or amend final orders, a



1 minimum of \$20 and a maximum of \$40.

2 (H) Motions to vacate bond forfeiture orders, a  
3 minimum of \$20 and a maximum of \$40.

4 (I) Motions to vacate ex parte judgments, whenever  
5 filed, a minimum of \$20 and a maximum of \$40.

6 (J) Motions to vacate judgment on forfeitures,  
7 whenever filed, a minimum of \$20 and a maximum of \$40.

8 (K) Motions to vacate "failure to appear" or  
9 "failure to comply" notices sent to the Secretary of  
10 State, a minimum of \$20 and a maximum of \$40.

11 (2) In counties having a population of not more than  
12 500,000 inhabitants, when the violation complaint is  
13 issued by a municipal police department, the clerk shall be  
14 entitled to costs from each person convicted therein as  
15 follows:

16 (A) Minor traffic or ordinance violations, \$10.

17 (B) When court appearance required, \$15.

18 (3) In ordinance violation cases punishable by fine  
19 only, the clerk of the circuit court shall be entitled to  
20 receive, unless the fee is excused upon a finding by the  
21 court that the defendant is indigent, in addition to other  
22 fees or costs allowed or imposed by law, the sum of a  
23 minimum of \$62.50 and a maximum of \$137.50 as a fee for the  
24 services of a jury. The jury fee shall be paid by the  
25 defendant at the time of filing his or her jury demand. If  
26 the fee is not so paid by the defendant, no jury shall be  
27 called, and the case shall be tried by the court without a  
28 jury.

29 (x) Transcripts of Judgment.

30 For the filing of a transcript of judgment, the clerk  
31 shall be entitled to the same fee as if it were the  
32 commencement of a new suit.

33 (y) Change of Venue.

34 (1) For the filing of a change of case on a change of  
35 venue, the clerk shall be entitled to the same fee as if it  
36 were the commencement of a new suit.

1           (2) The fee for the preparation and certification of a  
2 record on a change of venue to another jurisdiction, when  
3 original documents are forwarded, a minimum of \$10 and a  
4 maximum of \$40.

5 (z) Tax objection complaints.

6           For each tax objection complaint containing one or more  
7 tax objections, regardless of the number of parcels  
8 involved or the number of taxpayers joining on the  
9 complaint, a minimum of \$10 and a maximum of \$50.

10 (aa) Tax Deeds.

11           (1) Petition for tax deed, if only one parcel is  
12 involved, a minimum of \$45 and a maximum of \$200.

13           (2) For each additional parcel, add a fee of a minimum  
14 of \$10 and a maximum of \$60.

15 (bb) Collections.

16           (1) For all collections made of others, except the  
17 State and county and except in maintenance or child support  
18 cases, a sum equal to a minimum of 2% and a maximum of 2.5%  
19 of the amount collected and turned over.

20           (2) Interest earned on any funds held by the clerk  
21 shall be turned over to the county general fund as an  
22 earning of the office.

23           (3) For any check, draft, or other bank instrument  
24 returned to the clerk for non-sufficient funds, account  
25 closed, or payment stopped, \$25.

26           (4) In child support and maintenance cases, the clerk,  
27 if authorized by an ordinance of the county board, may  
28 collect an annual fee of up to \$36 from the person making  
29 payment for maintaining child support records and the  
30 processing of support orders to the State of Illinois KIDS  
31 system and the recording of payments issued by the State  
32 Disbursement Unit for the official record of the Court.  
33 This fee shall be in addition to and separate from amounts  
34 ordered to be paid as maintenance or child support and  
35 shall be deposited into a Separate Maintenance and Child  
36 Support Collection Fund, of which the clerk shall be the

1           custodian, ex-officio, to be used by the clerk to maintain  
2           child support orders and record all payments issued by the  
3           State Disbursement Unit for the official record of the  
4           Court. The clerk may recover from the person making the  
5           maintenance or child support payment any additional cost  
6           incurred in the collection of this annual fee.

7           The clerk shall also be entitled to a fee of \$5 for  
8           certifications made to the Secretary of State as provided  
9           in Section 7-703 of the Family Financial Responsibility Law  
10          and these fees shall also be deposited into the Separate  
11          Maintenance and Child Support Collection Fund.

12         (cc) Corrections of Numbers.

13                 For correction of the case number, case title, or  
14                 attorney computer identification number, if required by  
15                 rule of court, on any document filed in the clerk's office,  
16                 to be charged against the party that filed the document, a  
17                 minimum of \$10 and a maximum of \$25.

18         (dd) Exceptions.

19                 (1) The fee requirements of this Section shall not  
20                 apply to police departments or other law enforcement  
21                 agencies. In this Section, "law enforcement agency" means  
22                 an agency of the State or a unit of local government which  
23                 is vested by law or ordinance with the duty to maintain  
24                 public order and to enforce criminal laws or ordinances.  
25                 "Law enforcement agency" also means the Attorney General or  
26                 any state's attorney.

27                 (2) No fee provided herein shall be charged to any unit  
28                 of local government or school district.

29                 (3) The fee requirements of this Section shall not  
30                 apply to any action instituted under subsection (b) of  
31                 Section 11-31-1 of the Illinois Municipal Code by a private  
32                 owner or tenant of real property within 1200 feet of a  
33                 dangerous or unsafe building seeking an order compelling  
34                 the owner or owners of the building to take any of the  
35                 actions authorized under that subsection.

36                 (4) The fee requirements of this Section shall not

1 apply to the filing of any commitment petition or petition  
2 for an order authorizing the administration of authorized  
3 involuntary treatment in the form of medication under the  
4 Mental Health and Developmental Disabilities Code.

5 (ee) Adoptions.

6 (1) For an adoption ..... \$65

7 (2) Upon good cause shown, the court may waive the  
8 adoption filing fee in a special needs adoption. The term  
9 "special needs adoption" shall have the meaning ascribed to  
10 it by the Illinois Department of Children and Family  
11 Services.

12 (ff) Adoption exemptions.

13 No fee other than that set forth in subsection (ee)  
14 shall be charged to any person in connection with an  
15 adoption proceeding nor may any fee be charged for  
16 proceedings for the appointment of a confidential  
17 intermediary under the Adoption Act.

18 (Source: P.A. 92-16, eff. 6-28-01; 92-521, eff. 6-1-02; 93-39,  
19 eff. 7-1-03; 93-385, eff. 7-25-03; 93-573, eff. 8-21-03;  
20 revised 9-5-03.)

21 Section 905.12. The Juvenile Court Act of 1987 is amended  
22 by changing Sections 1-3 and 6-9 as follows:

23 (705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

24 Sec. 1-3. Definitions. Terms used in this Act, unless the  
25 context otherwise requires, have the following meanings  
26 ascribed to them:

27 (1) "Adjudicatory hearing" means a hearing to determine  
28 whether the allegations of a petition under Section 2-13, 3-15  
29 or 4-12 that a minor under 18 years of age is abused, neglected  
30 or dependent, or requires authoritative intervention, or  
31 addicted, respectively, are supported by a preponderance of the  
32 evidence or whether the allegations of a petition under Section  
33 5-520 that a minor is delinquent are proved beyond a reasonable  
34 doubt.

1 (2) "Adult" means a person 21 years of age or older.

2 (3) "Agency" means a public or private child care facility  
3 legally authorized or licensed by this State for placement or  
4 institutional care or for both placement and institutional  
5 care.

6 (4) "Association" means any organization, public or  
7 private, engaged in welfare functions which include services to  
8 or on behalf of children but does not include "agency" as  
9 herein defined.

10 (4.05) Whenever a "best interest" determination is  
11 required, the following factors shall be considered in the  
12 context of the child's age and developmental needs:

13 (a) the physical safety and welfare of the child, including  
14 food, shelter, health, and clothing;

15 (b) the development of the child's identity;

16 (c) the child's background and ties, including familial,  
17 cultural, and religious;

18 (d) the child's sense of attachments, including:

19 (i) where the child actually feels love, attachment,  
20 and a sense of being valued (as opposed to where adults  
21 believe the child should feel such love, attachment, and a  
22 sense of being valued);

23 (ii) the child's sense of security;

24 (iii) the child's sense of familiarity;

25 (iv) continuity of affection for the child;

26 (v) the least disruptive placement alternative for the  
27 child;

28 (e) the child's wishes and long-term goals;

29 (f) the child's community ties, including church, school,  
30 and friends;

31 (g) the child's need for permanence which includes the  
32 child's need for stability and continuity of relationships with  
33 parent figures and with siblings and other relatives;

34 (h) the uniqueness of every family and child;

35 (i) the risks attendant to entering and being in substitute  
36 care; and

1 (j) the preferences of the persons available to care for  
2 the child.

3 (4.1) "Chronic truant" shall have the definition ascribed  
4 to it in Section 26-2a of the School Code.

5 (5) "Court" means the circuit court in a session or  
6 division assigned to hear proceedings under this Act.

7 (6) "Dispositional hearing" means a hearing to determine  
8 whether a minor should be adjudged to be a ward of the court,  
9 and to determine what order of disposition should be made in  
10 respect to a minor adjudged to be a ward of the court.

11 (7) "Emancipated minor" means any minor 16 years of age or  
12 over who has been completely or partially emancipated under the  
13 ~~"Emancipation of Mature Minors Act", enacted by the~~  
14 ~~Eighty-First General Assembly,~~ or under this Act.

15 (8) "Guardianship of the person" of a minor means the duty  
16 and authority to act in the best interests of the minor,  
17 subject to residual parental rights and responsibilities, to  
18 make important decisions in matters having a permanent effect  
19 on the life and development of the minor and to be concerned  
20 with his or her general welfare. It includes but is not  
21 necessarily limited to:

22 (a) the authority to consent to marriage, to enlistment  
23 in the armed forces of the United States, or to a major  
24 medical, psychiatric, and surgical treatment; to represent  
25 the minor in legal actions; and to make other decisions of  
26 substantial legal significance concerning the minor;

27 (b) the authority and duty of reasonable visitation,  
28 except to the extent that these have been limited in the  
29 best interests of the minor by court order;

30 (c) the rights and responsibilities of legal custody  
31 except where legal custody has been vested in another  
32 person or agency; and

33 (d) the power to consent to the adoption of the minor,  
34 but only if expressly conferred on the guardian in  
35 accordance with Section 2-29, 3-30, or 4-27.

36 (9) "Legal custody" means the relationship created by an

1 order of court in the best interests of the minor which imposes  
2 on the custodian the responsibility of physical possession of a  
3 minor and the duty to protect, train and discipline him and to  
4 provide him with food, shelter, education and ordinary medical  
5 care, except as these are limited by residual parental rights  
6 and responsibilities and the rights and responsibilities of the  
7 guardian of the person, if any.

8 (10) "Minor" means a person under the age of 21 years  
9 subject to this Act.

10 (11) "Parent" means the father or mother of a child and  
11 includes any adoptive parent. It also includes a man (i) whose  
12 paternity is presumed or has been established under the law of  
13 this or another jurisdiction or (ii) who has registered with  
14 the Putative Father Registry in accordance with Section 12.1 of  
15 the Adoption Act or with the Registry of Paternity under the  
16 Uniform Parentage Act (2000) and whose paternity has not been  
17 ruled out under the law of this or another jurisdiction. It  
18 does not include a parent whose rights in respect to the minor  
19 have been terminated in any manner provided by law.

20 (11.1) "Permanency goal" means a goal set by the court as  
21 defined in subdivision (2) of Section 2-28.

22 (11.2) "Permanency hearing" means a hearing to set the  
23 permanency goal and to review and determine (i) the  
24 appropriateness of the services contained in the plan and  
25 whether those services have been provided, (ii) whether  
26 reasonable efforts have been made by all the parties to the  
27 service plan to achieve the goal, and (iii) whether the plan  
28 and goal have been achieved.

29 (12) "Petition" means the petition provided for in Section  
30 2-13, 3-15, 4-12 or 5-520, including any supplemental petitions  
31 thereunder in Section 3-15, 4-12 or 5-520.

32 (13) "Residual parental rights and responsibilities" means  
33 those rights and responsibilities remaining with the parent  
34 after the transfer of legal custody or guardianship of the  
35 person, including, but not necessarily limited to, the right to  
36 reasonable visitation (which may be limited by the court in the

1 best interests of the minor as provided in subsection (8) (b) of  
2 this Section), the right to consent to adoption, the right to  
3 determine the minor's religious affiliation, and the  
4 responsibility for his support.

5 (14) "Shelter" means the temporary care of a minor in  
6 physically unrestricting facilities pending court disposition  
7 or execution of court order for placement.

8 (15) "Station adjustment" means the informal handling of an  
9 alleged offender by a juvenile police officer.

10 (16) "Ward of the court" means a minor who is so adjudged  
11 under Section 2-22, 3-23, 4-20 or 5-705, after a finding of the  
12 requisite jurisdictional facts, and thus is subject to the  
13 dispositional powers of the court under this Act.

14 (17) "Juvenile police officer" means a sworn police officer  
15 who has completed a Basic Recruit Training Course, has been  
16 assigned to the position of juvenile police officer by his or  
17 her chief law enforcement officer and has completed the  
18 necessary juvenile officers training as prescribed by the  
19 Illinois Law Enforcement Training Standards Board, or in the  
20 case of a State police officer, juvenile officer training  
21 approved by the Director of the Department of State Police.

22 (18) "Secure child care facility" means any child care  
23 facility licensed by the Department of Children and Family  
24 Services to provide secure living arrangements for children  
25 under 18 years of age who are subject to placement in  
26 facilities under the Children and Family Services Act and who  
27 are not subject to placement in facilities for whom standards  
28 are established by the Department of Corrections under Section  
29 3-15-2 of the Unified Code of Corrections. "Secure child care  
30 facility" also means a facility that is designed and operated  
31 to ensure that all entrances and exits from the facility, a  
32 building, or a distinct part of the building are under the  
33 exclusive control of the staff of the facility, whether or not  
34 the child has the freedom of movement within the perimeter of  
35 the facility, building, or distinct part of the building.

36 (Source: P.A. 90-28, eff. 1-1-98; 90-87, eff. 9-1-97; 90-590,



1 eff. 1-1-99; 90-608, eff. 6-30-98; 90-655, eff. 7-30-98;  
2 91-357, eff. 7-29-99; revised 10-9-03.)

3 (705 ILCS 405/6-9) (from Ch. 37, par. 806-9)

4 Sec. 6-9. Enforcement of liability of parents and others.

5 (1) If parentage is at issue in any proceeding under this  
6 Act, the Uniform Parentage Act (2000) ~~Illinois Parentage Act of~~  
7 ~~1984~~ shall apply and the court shall enter orders consistent  
8 with that Act. If it appears at any hearing that a parent or  
9 any other person named in the petition, liable under the law  
10 for the support of the minor, is able to contribute to his or  
11 her support, the court shall enter an order requiring that  
12 parent or other person to pay the clerk of the court, or to the  
13 guardian or custodian appointed under Sections 2-27, 3-28, 4-25  
14 or 5-740, a reasonable sum from time to time for the care,  
15 support and necessary special care or treatment, of the minor.  
16 If the court determines at any hearing that a parent or any  
17 other person named in the petition, liable under the law for  
18 the support of the minor, is able to contribute to help defray  
19 the costs associated with the minor's detention in a county or  
20 regional detention center, the court shall enter an order  
21 requiring that parent or other person to pay the clerk of the  
22 court a reasonable sum for the care and support of the minor.  
23 The court may require reasonable security for the payments.  
24 Upon failure to pay, the court may enforce obedience to the  
25 order by a proceeding as for contempt of court.

26 If it appears that the person liable for the support of the  
27 minor is able to contribute to legal fees for representation of  
28 the minor, the court shall enter an order requiring that person  
29 to pay a reasonable sum for the representation, to the attorney  
30 providing the representation or to the clerk of the court for  
31 deposit in the appropriate account or fund. The sum may be paid  
32 as the court directs, and the payment thereof secured and  
33 enforced as provided in this Section for support.

34 If it appears at the detention or shelter care hearing of a  
35 minor before the court under Section 5-501 that a parent or any

1 other person liable for support of the minor is able to  
2 contribute to his or her support, that parent or other person  
3 shall be required to pay a fee for room and board at a rate not  
4 to exceed \$10 per day established, with the concurrence of the  
5 chief judge of the judicial circuit, by the county board of the  
6 county in which the minor is detained unless the court  
7 determines that it is in the best interest and welfare of the  
8 minor to waive the fee. The concurrence of the chief judge  
9 shall be in the form of an administrative order. Each week, on  
10 a day designated by the clerk of the circuit court, that parent  
11 or other person shall pay the clerk for the minor's room and  
12 board. All fees for room and board collected by the circuit  
13 court clerk shall be disbursed into the separate county fund  
14 under Section 6-7.

15 Upon application, the court shall waive liability for  
16 support or legal fees under this Section if the parent or other  
17 person establishes that he or she is indigent and unable to pay  
18 the incurred liability, and the court may reduce or waive  
19 liability if the parent or other person establishes  
20 circumstances showing that full payment of support or legal  
21 fees would result in financial hardship to the person or his or  
22 her family.

23 (2) When a person so ordered to pay for the care and  
24 support of a minor is employed for wages, salary or commission,  
25 the court may order him to make the support payments for which  
26 he is liable under this Act out of his wages, salary or  
27 commission and to assign so much thereof as will pay the  
28 support. The court may also order him to make discovery to the  
29 court as to his place of employment and the amounts earned by  
30 him. Upon his failure to obey the orders of court he may be  
31 punished as for contempt of court.

32 (3) If the minor is a recipient of public aid under the  
33 Illinois Public Aid Code, the court shall order that payments  
34 made by a parent or through assignment of his wages, salary or  
35 commission be made directly to (a) the Illinois Department of  
36 Public Aid if the minor is a recipient of aid under Article V

1 of the Code, (b) the Department of Human Services if the minor  
2 is a recipient of aid under Article IV of the Code, or (c) the  
3 local governmental unit responsible for the support of the  
4 minor if he is a recipient under Articles VI or VII of the  
5 Code. The order shall permit the Illinois Department of Public  
6 Aid, the Department of Human Services, or the local  
7 governmental unit, as the case may be, to direct that  
8 subsequent payments be made directly to the guardian or  
9 custodian of the minor, or to some other person or agency in  
10 the minor's behalf, upon removal of the minor from the public  
11 aid rolls; and upon such direction and removal of the minor  
12 from the public aid rolls, the Illinois Department of Public  
13 Aid, Department of Human Services, or local governmental unit,  
14 as the case requires, shall give written notice of such action  
15 to the court. Payments received by the Illinois Department of  
16 Public Aid, Department of Human Services, or local governmental  
17 unit are to be covered, respectively, into the General Revenue  
18 Fund of the State Treasury or General Assistance Fund of the  
19 governmental unit, as provided in Section 10-19 of the Illinois  
20 Public Aid Code.

21 (Source: P.A. 90-157, eff. 1-1-98; 90-483, eff. 1-1-98; 90-590,  
22 eff. 1-1-99; 90-655, eff. 7-30-98; 91-357, eff. 7-29-99.)

23 Section 905.13. The Code of Criminal Procedure of 1963 is  
24 amended by changing Section 112A-14 as follows:

25 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

26 Sec. 112A-14. Order of protection; remedies.

27 (a) Issuance of order. If the court finds that petitioner  
28 has been abused by a family or household member, as defined in  
29 this Article, an order of protection prohibiting such abuse  
30 shall issue; provided that petitioner must also satisfy the  
31 requirements of one of the following Sections, as appropriate:  
32 Section 112A-17 on emergency orders, Section 112A-18 on interim  
33 orders, or Section 112A-19 on plenary orders. Petitioner shall  
34 not be denied an order of protection because petitioner or

1 respondent is a minor. The court, when determining whether or  
2 not to issue an order of protection, shall not require physical  
3 manifestations of abuse on the person of the victim.  
4 Modification and extension of prior orders of protection shall  
5 be in accordance with this Article.

6 (b) Remedies and standards. The remedies to be included in  
7 an order of protection shall be determined in accordance with  
8 this Section and one of the following Sections, as appropriate:  
9 Section 112A-17 on emergency orders, Section 112A-18 on interim  
10 orders, and Section 112A-19 on plenary orders. The remedies  
11 listed in this subsection shall be in addition to other civil  
12 or criminal remedies available to petitioner.

13 (1) Prohibition of abuse. Prohibit respondent's  
14 harassment, interference with personal liberty,  
15 intimidation of a dependent, physical abuse or willful  
16 deprivation, as defined in this Article, if such abuse has  
17 occurred or otherwise appears likely to occur if not  
18 prohibited.

19 (2) Grant of exclusive possession of residence.  
20 Prohibit respondent from entering or remaining in any  
21 residence or household of the petitioner, including one  
22 owned or leased by respondent, if petitioner has a right to  
23 occupancy thereof. The grant of exclusive possession of the  
24 residence shall not affect title to real property, nor  
25 shall the court be limited by the standard set forth in  
26 Section 701 of the Illinois Marriage and Dissolution of  
27 Marriage Act.

28 (A) Right to occupancy. A party has a right to  
29 occupancy of a residence or household if it is solely  
30 or jointly owned or leased by that party, that party's  
31 spouse, a person with a legal duty to support that  
32 party or a minor child in that party's care, or by any  
33 person or entity other than the opposing party that  
34 authorizes that party's occupancy (e.g., a domestic  
35 violence shelter). Standards set forth in subparagraph  
36 (B) shall not preclude equitable relief.

1           (B) Presumption of hardships. If petitioner and  
2 respondent each has the right to occupancy of a  
3 residence or household, the court shall balance (i) the  
4 hardships to respondent and any minor child or  
5 dependent adult in respondent's care resulting from  
6 entry of this remedy with (ii) the hardships to  
7 petitioner and any minor child or dependent adult in  
8 petitioner's care resulting from continued exposure to  
9 the risk of abuse (should petitioner remain at the  
10 residence or household) or from loss of possession of  
11 the residence or household (should petitioner leave to  
12 avoid the risk of abuse). When determining the balance  
13 of hardships, the court shall also take into account  
14 the accessibility of the residence or household.  
15 Hardships need not be balanced if respondent does not  
16 have a right to occupancy.

17           The balance of hardships is presumed to favor  
18 possession by petitioner unless the presumption is  
19 rebutted by a preponderance of the evidence, showing  
20 that the hardships to respondent substantially  
21 outweigh the hardships to petitioner and any minor  
22 child or dependent adult in petitioner's care. The  
23 court, on the request of petitioner or on its own  
24 motion, may order respondent to provide suitable,  
25 accessible, alternate housing for petitioner instead  
26 of excluding respondent from a mutual residence or  
27 household.

28           (3) Stay away order and additional prohibitions. Order  
29 respondent to stay away from petitioner or any other person  
30 protected by the order of protection, or prohibit  
31 respondent from entering or remaining present at  
32 petitioner's school, place of employment, or other  
33 specified places at times when petitioner is present, or  
34 both, if reasonable, given the balance of hardships.  
35 Hardships need not be balanced for the court to enter a  
36 stay away order or prohibit entry if respondent has no

1 right to enter the premises.

2 If an order of protection grants petitioner exclusive  
3 possession of the residence, or prohibits respondent from  
4 entering the residence, or orders respondent to stay away  
5 from petitioner or other protected persons, then the court  
6 may allow respondent access to the residence to remove  
7 items of clothing and personal adornment used exclusively  
8 by respondent, medications, and other items as the court  
9 directs. The right to access shall be exercised on only one  
10 occasion as the court directs and in the presence of an  
11 agreed-upon adult third party or law enforcement officer.

12 (4) Counseling. Require or recommend the respondent to  
13 undergo counseling for a specified duration with a social  
14 worker, psychologist, clinical psychologist, psychiatrist,  
15 family service agency, alcohol or substance abuse program,  
16 mental health center guidance counselor, agency providing  
17 services to elders, program designed for domestic violence  
18 abusers or any other guidance service the court deems  
19 appropriate.

20 (5) Physical care and possession of the minor child. In  
21 order to protect the minor child from abuse, neglect, or  
22 unwarranted separation from the person who has been the  
23 minor child's primary caretaker, or to otherwise protect  
24 the well-being of the minor child, the court may do either  
25 or both of the following: (i) grant petitioner physical  
26 care or possession of the minor child, or both, or (ii)  
27 order respondent to return a minor child to, or not remove  
28 a minor child from, the physical care of a parent or person  
29 in loco parentis.

30 If a court finds, after a hearing, that respondent has  
31 committed abuse (as defined in Section 112A-3) of a minor  
32 child, there shall be a rebuttable presumption that  
33 awarding physical care to respondent would not be in the  
34 minor child's best interest.

35 (6) Temporary legal custody. Award temporary legal  
36 custody to petitioner in accordance with this Section, the

1 Illinois Marriage and Dissolution of Marriage Act, the  
2 Uniform Parentage Act (2000) ~~the Illinois Parentage Act of~~  
3 ~~1984~~, and this State's Uniform Child-Custody Jurisdiction  
4 and Enforcement Act.

5 If a court finds, after a hearing, that respondent has  
6 committed abuse (as defined in Section 112A-3) of a minor  
7 child, there shall be a rebuttable presumption that  
8 awarding temporary legal custody to respondent would not be  
9 in the child's best interest.

10 (7) Visitation. Determine the visitation rights, if  
11 any, of respondent in any case in which the court awards  
12 physical care or temporary legal custody of a minor child  
13 to petitioner. The court shall restrict or deny  
14 respondent's visitation with a minor child if the court  
15 finds that respondent has done or is likely to do any of  
16 the following: (i) abuse or endanger the minor child during  
17 visitation; (ii) use the visitation as an opportunity to  
18 abuse or harass petitioner or petitioner's family or  
19 household members; (iii) improperly conceal or detain the  
20 minor child; or (iv) otherwise act in a manner that is not  
21 in the best interests of the minor child. The court shall  
22 not be limited by the standards set forth in Section 607.1  
23 of the Illinois Marriage and Dissolution of Marriage Act.  
24 If the court grants visitation, the order shall specify  
25 dates and times for the visitation to take place or other  
26 specific parameters or conditions that are appropriate. No  
27 order for visitation shall refer merely to the term  
28 "reasonable visitation".

29 Petitioner may deny respondent access to the minor  
30 child if, when respondent arrives for visitation,  
31 respondent is under the influence of drugs or alcohol and  
32 constitutes a threat to the safety and well-being of  
33 petitioner or petitioner's minor children or is behaving in  
34 a violent or abusive manner.

35 If necessary to protect any member of petitioner's  
36 family or household from future abuse, respondent shall be

1 prohibited from coming to petitioner's residence to meet  
2 the minor child for visitation, and the parties shall  
3 submit to the court their recommendations for reasonable  
4 alternative arrangements for visitation. A person may be  
5 approved to supervise visitation only after filing an  
6 affidavit accepting that responsibility and acknowledging  
7 accountability to the court.

8 (8) Removal or concealment of minor child. Prohibit  
9 respondent from removing a minor child from the State or  
10 concealing the child within the State.

11 (9) Order to appear. Order the respondent to appear in  
12 court, alone or with a minor child, to prevent abuse,  
13 neglect, removal or concealment of the child, to return the  
14 child to the custody or care of the petitioner or to permit  
15 any court-ordered interview or examination of the child or  
16 the respondent.

17 (10) Possession of personal property. Grant petitioner  
18 exclusive possession of personal property and, if  
19 respondent has possession or control, direct respondent to  
20 promptly make it available to petitioner, if:

21 (i) petitioner, but not respondent, owns the  
22 property; or

23 (ii) the parties own the property jointly; sharing  
24 it would risk abuse of petitioner by respondent or is  
25 impracticable; and the balance of hardships favors  
26 temporary possession by petitioner.

27 If petitioner's sole claim to ownership of the property  
28 is that it is marital property, the court may award  
29 petitioner temporary possession thereof under the  
30 standards of subparagraph (ii) of this paragraph only if a  
31 proper proceeding has been filed under the Illinois  
32 Marriage and Dissolution of Marriage Act, as now or  
33 hereafter amended.

34 No order under this provision shall affect title to  
35 property.

36 (11) Protection of property. Forbid the respondent



1 from taking, transferring, encumbering, concealing,  
2 damaging or otherwise disposing of any real or personal  
3 property, except as explicitly authorized by the court, if:

4 (i) petitioner, but not respondent, owns the  
5 property; or

6 (ii) the parties own the property jointly, and the  
7 balance of hardships favors granting this remedy.

8 If petitioner's sole claim to ownership of the property  
9 is that it is marital property, the court may grant  
10 petitioner relief under subparagraph (ii) of this  
11 paragraph only if a proper proceeding has been filed under  
12 the Illinois Marriage and Dissolution of Marriage Act, as  
13 now or hereafter amended.

14 The court may further prohibit respondent from  
15 improperly using the financial or other resources of an  
16 aged member of the family or household for the profit or  
17 advantage of respondent or of any other person.

18 (12) Order for payment of support. Order respondent to  
19 pay temporary support for the petitioner or any child in  
20 the petitioner's care or custody, when the respondent has a  
21 legal obligation to support that person, in accordance with  
22 the Illinois Marriage and Dissolution of Marriage Act,  
23 which shall govern, among other matters, the amount of  
24 support, payment through the clerk and withholding of  
25 income to secure payment. An order for child support may be  
26 granted to a petitioner with lawful physical care or  
27 custody of a child, or an order or agreement for physical  
28 care or custody, prior to entry of an order for legal  
29 custody. Such a support order shall expire upon entry of a  
30 valid order granting legal custody to another, unless  
31 otherwise provided in the custody order.

32 (13) Order for payment of losses. Order respondent to  
33 pay petitioner for losses suffered as a direct result of  
34 the abuse. Such losses shall include, but not be limited  
35 to, medical expenses, lost earnings or other support,  
36 repair or replacement of property damaged or taken,

1 reasonable attorney's fees, court costs and moving or other  
2 travel expenses, including additional reasonable expenses  
3 for temporary shelter and restaurant meals.

4 (i) Losses affecting family needs. If a party is  
5 entitled to seek maintenance, child support or  
6 property distribution from the other party under the  
7 Illinois Marriage and Dissolution of Marriage Act, as  
8 now or hereafter amended, the court may order  
9 respondent to reimburse petitioner's actual losses, to  
10 the extent that such reimbursement would be  
11 "appropriate temporary relief", as authorized by  
12 subsection (a) (3) of Section 501 of that Act.

13 (ii) Recovery of expenses. In the case of an  
14 improper concealment or removal of a minor child, the  
15 court may order respondent to pay the reasonable  
16 expenses incurred or to be incurred in the search for  
17 and recovery of the minor child, including but not  
18 limited to legal fees, court costs, private  
19 investigator fees, and travel costs.

20 (14) Prohibition of entry. Prohibit the respondent  
21 from entering or remaining in the residence or household  
22 while the respondent is under the influence of alcohol or  
23 drugs and constitutes a threat to the safety and well-being  
24 of the petitioner or the petitioner's children.

25 (14.5) Prohibition of firearm possession. (a) When a  
26 complaint is made under a request for an order of  
27 protection, that the respondent has threatened or is likely  
28 to use firearms illegally against the petitioner, and the  
29 respondent is present in court, or has failed to appear  
30 after receiving actual notice, the court shall examine on  
31 oath the petitioner, and any witnesses who may be produced.  
32 If the court is satisfied that there is any danger of the  
33 illegal use of firearms, it shall include in the order of  
34 protection the requirement that any firearms in the  
35 possession of the respondent, except as provided in  
36 subsection (b), be turned over to the local law enforcement

1 agency for safekeeping. If the respondent fails to appear,  
2 or refuses or fails to surrender his or her firearms, the  
3 court shall issue a warrant for seizure of any firearm in  
4 the possession of the respondent. The period of safekeeping  
5 shall be for a stated period of time not to exceed 2 years.  
6 The firearm or firearms shall be returned to the respondent  
7 at the end of the stated period or at expiration of the  
8 order of protection, whichever is sooner. (b) If the  
9 respondent is a peace officer as defined in Section 2-13 of  
10 the Criminal Code of 1961, the court shall order that any  
11 firearms used by the respondent in the performance of his  
12 or her duties as a peace officer be surrendered to the  
13 chief law enforcement executive of the agency in which the  
14 respondent is employed, who shall retain the firearms for  
15 safekeeping for the stated period not to exceed 2 years as  
16 set forth in the court order.

17 (15) Prohibition of access to records. If an order of  
18 protection prohibits respondent from having contact with  
19 the minor child, or if petitioner's address is omitted  
20 under subsection (b) of Section 112A-5, or if necessary to  
21 prevent abuse or wrongful removal or concealment of a minor  
22 child, the order shall deny respondent access to, and  
23 prohibit respondent from inspecting, obtaining, or  
24 attempting to inspect or obtain, school or any other  
25 records of the minor child who is in the care of  
26 petitioner.

27 (16) Order for payment of shelter services. Order  
28 respondent to reimburse a shelter providing temporary  
29 housing and counseling services to the petitioner for the  
30 cost of the services, as certified by the shelter and  
31 deemed reasonable by the court.

32 (17) Order for injunctive relief. Enter injunctive  
33 relief necessary or appropriate to prevent further abuse of  
34 a family or household member or to effectuate one of the  
35 granted remedies, if supported by the balance of hardships.  
36 If the harm to be prevented by the injunction is abuse or

1 any other harm that one of the remedies listed in  
2 paragraphs (1) through (16) of this subsection is designed  
3 to prevent, no further evidence is necessary to establish  
4 that the harm is an irreparable injury.

5 (c) Relevant factors; findings.

6 (1) In determining whether to grant a specific remedy,  
7 other than payment of support, the court shall consider  
8 relevant factors, including but not limited to the  
9 following:

10 (i) the nature, frequency, severity, pattern and  
11 consequences of the respondent's past abuse of the  
12 petitioner or any family or household member,  
13 including the concealment of his or her location in  
14 order to evade service of process or notice, and the  
15 likelihood of danger of future abuse to petitioner or  
16 any member of petitioner's or respondent's family or  
17 household; and

18 (ii) the danger that any minor child will be abused  
19 or neglected or improperly removed from the  
20 jurisdiction, improperly concealed within the State or  
21 improperly separated from the child's primary  
22 caretaker.

23 (2) In comparing relative hardships resulting to the  
24 parties from loss of possession of the family home, the  
25 court shall consider relevant factors, including but not  
26 limited to the following:

27 (i) availability, accessibility, cost, safety,  
28 adequacy, location and other characteristics of  
29 alternate housing for each party and any minor child or  
30 dependent adult in the party's care;

31 (ii) the effect on the party's employment; and

32 (iii) the effect on the relationship of the party,  
33 and any minor child or dependent adult in the party's  
34 care, to family, school, church and community.

35 (3) Subject to the exceptions set forth in paragraph  
36 (4) of this subsection, the court shall make its findings

1 in an official record or in writing, and shall at a minimum  
2 set forth the following:

3 (i) That the court has considered the applicable  
4 relevant factors described in paragraphs (1) and (2) of  
5 this subsection.

6 (ii) Whether the conduct or actions of respondent,  
7 unless prohibited, will likely cause irreparable harm  
8 or continued abuse.

9 (iii) Whether it is necessary to grant the  
10 requested relief in order to protect petitioner or  
11 other alleged abused persons.

12 (4) For purposes of issuing an ex parte emergency order  
13 of protection, the court, as an alternative to or as a  
14 supplement to making the findings described in paragraphs  
15 (c) (3) (i) through (c) (3) (iii) of this subsection, may use  
16 the following procedure:

17 When a verified petition for an emergency order of  
18 protection in accordance with the requirements of Sections  
19 112A-5 and 112A-17 is presented to the court, the court  
20 shall examine petitioner on oath or affirmation. An  
21 emergency order of protection shall be issued by the court  
22 if it appears from the contents of the petition and the  
23 examination of petitioner that the averments are  
24 sufficient to indicate abuse by respondent and to support  
25 the granting of relief under the issuance of the emergency  
26 order of protection.

27 (5) Never married parties. No rights or  
28 responsibilities for a minor child born outside of marriage  
29 attach to a putative father until a father and child  
30 relationship has been established under the Illinois  
31 Parentage Act of 1984 or under the Uniform Parentage Act  
32 (2000). Absent such an adjudication, no putative father  
33 shall be granted temporary custody of the minor child,  
34 visitation with the minor child, or physical care and  
35 possession of the minor child, nor shall an order of  
36 payment for support of the minor child be entered.

1 (d) Balance of hardships; findings. If the court finds that  
2 the balance of hardships does not support the granting of a  
3 remedy governed by paragraph (2), (3), (10), (11), or (16) of  
4 subsection (b) of this Section, which may require such  
5 balancing, the court's findings shall so indicate and shall  
6 include a finding as to whether granting the remedy will result  
7 in hardship to respondent that would substantially outweigh the  
8 hardship to petitioner from denial of the remedy. The findings  
9 shall be an official record or in writing.

10 (e) Denial of remedies. Denial of any remedy shall not be  
11 based, in whole or in part, on evidence that:

12 (1) Respondent has cause for any use of force, unless  
13 that cause satisfies the standards for justifiable use of  
14 force provided by Article VII of the Criminal Code of 1961;

15 (2) Respondent was voluntarily intoxicated;

16 (3) Petitioner acted in self-defense or defense of  
17 another, provided that, if petitioner utilized force, such  
18 force was justifiable under Article VII of the Criminal  
19 Code of 1961;

20 (4) Petitioner did not act in self-defense or defense  
21 of another;

22 (5) Petitioner left the residence or household to avoid  
23 further abuse by respondent;

24 (6) Petitioner did not leave the residence or household  
25 to avoid further abuse by respondent;

26 (7) Conduct by any family or household member excused  
27 the abuse by respondent, unless that same conduct would  
28 have excused such abuse if the parties had not been family  
29 or household members.

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

31 Section 905.14. The Unified Code of Corrections is amended  
32 by changing Section 3-5-4 as follows:

33 (730 ILCS 5/3-5-4)

34 Sec. 3-5-4. Exchange of information for child support

1 enforcement.

2 (a) The Department shall exchange with the Illinois  
3 Department of Public Aid information that may be necessary for  
4 the enforcement of child support orders entered pursuant to the  
5 Illinois Public Aid Code, the Illinois Marriage and Dissolution  
6 of Marriage Act, the Non-Support of Spouse and Children Act,  
7 the Non-Support Punishment Act, the Revised Uniform Reciprocal  
8 Enforcement of Support Act, the Uniform Interstate Family  
9 Support Act, ~~or~~ the Illinois Parentage Act of 1984, or the  
10 Uniform Parentage Act (2000).

11 (b) Notwithstanding any provisions in this Code to the  
12 contrary, the Department shall not be liable to any person for  
13 any disclosure of information to the Illinois Department of  
14 Public Aid under subsection (a) or for any other action taken  
15 in good faith to comply with the requirements of subsection  
16 (a).

17 (Source: P.A. 90-18, eff. 1-1-97; 91-613, eff. 10-1-99.)

18 Section 905.15. The Code of Civil Procedure is amended by  
19 changing Sections 2-209, 2-1401, and 12-112 as follows:

20 (735 ILCS 5/2-209) (from Ch. 110, par. 2-209)

21 Sec. 2-209. Act submitting to jurisdiction - Process.

22 (a) Any person, whether or not a citizen or resident of  
23 this State, who in person or through an agent does any of the  
24 acts hereinafter enumerated, thereby submits such person, and,  
25 if an individual, his or her personal representative, to the  
26 jurisdiction of the courts of this State as to any cause of  
27 action arising from the doing of any of such acts:

28 (1) The transaction of any business within this State;

29 (2) The commission of a tortious act within this State;

30 (3) The ownership, use, or possession of any real  
31 estate situated in this State;

32 (4) Contracting to insure any person, property or risk  
33 located within this State at the time of contracting;

34 (5) With respect to actions of dissolution of marriage,

1 declaration of invalidity of marriage and legal  
2 separation, the maintenance in this State of a matrimonial  
3 domicile at the time this cause of action arose or the  
4 commission in this State of any act giving rise to the  
5 cause of action;

6 (6) With respect to actions brought under the Illinois  
7 Parentage Act of 1984, as now or hereafter amended, or  
8 under the Uniform Parentage Act (2000), the performance of  
9 an act of sexual intercourse within this State during the  
10 possible period of conception;

11 (7) The making or performance of any contract or  
12 promise substantially connected with this State;

13 (8) The performance of sexual intercourse within this  
14 State which is claimed to have resulted in the conception  
15 of a child who resides in this State;

16 (9) The failure to support a child, spouse or former  
17 spouse who has continued to reside in this State since the  
18 person either formerly resided with them in this State or  
19 directed them to reside in this State;

20 (10) The acquisition of ownership, possession or  
21 control of any asset or thing of value present within this  
22 State when ownership, possession or control was acquired;

23 (11) The breach of any fiduciary duty within this  
24 State;

25 (12) The performance of duties as a director or officer  
26 of a corporation organized under the laws of this State or  
27 having its principal place of business within this State;

28 (13) The ownership of an interest in any trust  
29 administered within this State; or

30 (14) The exercise of powers granted under the authority  
31 of this State as a fiduciary.

32 (b) A court may exercise jurisdiction in any action arising  
33 within or without this State against any person who:

34 (1) Is a natural person present within this State when  
35 served;

36 (2) Is a natural person domiciled or resident within



1           this State when the cause of action arose, the action was  
2           commenced, or process was served;

3           (3) Is a corporation organized under the laws of this  
4           State; or

5           (4) Is a natural person or corporation doing business  
6           within this State.

7           (c) A court may also exercise jurisdiction on any other  
8           basis now or hereafter permitted by the Illinois Constitution  
9           and the Constitution of the United States.

10          (d) Service of process upon any person who is subject to  
11          the jurisdiction of the courts of this State, as provided in  
12          this Section, may be made by personally serving the summons  
13          upon the defendant outside this State, as provided in this Act,  
14          with the same force and effect as though summons had been  
15          personally served within this State.

16          (e) Service of process upon any person who resides or whose  
17          business address is outside the United States and who is  
18          subject to the jurisdiction of the courts of this State, as  
19          provided in this Section, in any action based upon product  
20          liability may be made by serving a copy of the summons with a  
21          copy of the complaint attached upon the Secretary of State. The  
22          summons shall be accompanied by a \$5 fee payable to the  
23          Secretary of State. The plaintiff shall forthwith mail a copy  
24          of the summons, upon which the date of service upon the  
25          Secretary is clearly shown, together with a copy of the  
26          complaint to the defendant at his or her last known place of  
27          residence or business address. Plaintiff shall file with the  
28          circuit clerk an affidavit of the plaintiff or his or her  
29          attorney stating the last known place of residence or the last  
30          known business address of the defendant and a certificate of  
31          mailing a copy of the summons and complaint to the defendant at  
32          such address as required by this subsection (e). The  
33          certificate of mailing shall be prima facie evidence that the  
34          plaintiff or his or her attorney mailed a copy of the summons  
35          and complaint to the defendant as required. Service of the  
36          summons shall be deemed to have been made upon the defendant on

1 the date it is served upon the Secretary and shall have the  
2 same force and effect as though summons had been personally  
3 served upon the defendant within this State.

4 (f) Only causes of action arising from acts enumerated  
5 herein may be asserted against a defendant in an action in  
6 which jurisdiction over him or her is based upon subsection  
7 (a).

8 (g) Nothing herein contained limits or affects the right to  
9 serve any process in any other manner now or hereafter provided  
10 by law.

11 (Source: P.A. 86-840.)

12 (735 ILCS 5/2-1401) (from Ch. 110, par. 2-1401)  
13 Sec. 2-1401. Relief from judgments.

14 (a) Relief from final orders and judgments, after 30 days  
15 from the entry thereof, may be had upon petition as provided in  
16 this Section. Writs of error coram nobis and coram vobis, bills  
17 of review and bills in the nature of bills of review are  
18 abolished. All relief heretofore obtainable and the grounds for  
19 such relief heretofore available, whether by any of the  
20 foregoing remedies or otherwise, shall be available in every  
21 case, by proceedings hereunder, regardless of the nature of the  
22 order or judgment from which relief is sought or of the  
23 proceedings in which it was entered. Except as provided in the  
24 Uniform Parentage Act (2000) ~~Section 6 of the Illinois~~  
25 ~~Parentage Act of 1984~~, there shall be no distinction between  
26 actions and other proceedings, statutory or otherwise, as to  
27 availability of relief, grounds for relief or the relief  
28 obtainable.

29 (b) The petition must be filed in the same proceeding in  
30 which the order or judgment was entered but is not a  
31 continuation thereof. The petition must be supported by  
32 affidavit or other appropriate showing as to matters not of  
33 record. All parties to the petition shall be notified as  
34 provided by rule.

35 (c) Except as provided in Section 20b of the Adoption Act

1 and Section 2-32 ~~3-32~~ of the Juvenile Court Act of 1987 or in a  
2 petition based upon Section 116-3 of the Code of Criminal  
3 Procedure of 1963, the petition must be filed not later than 2  
4 years after the entry of the order or judgment. Time during  
5 which the person seeking relief is under legal disability or  
6 duress or the ground for relief is fraudulently concealed shall  
7 be excluded in computing the period of 2 years.

8 (d) The filing of a petition under this Section does not  
9 affect the order or judgment, or suspend its operation.

10 (e) Unless lack of jurisdiction affirmatively appears from  
11 the record proper, the vacation or modification of an order or  
12 judgment pursuant to the provisions of this Section does not  
13 affect the right, title or interest in or to any real or  
14 personal property of any person, not a party to the original  
15 action, acquired for value after the entry of the order or  
16 judgment but before the filing of the petition, nor affect any  
17 right of any person not a party to the original action under  
18 any certificate of sale issued before the filing of the  
19 petition, pursuant to a sale based on the order or judgment.

20 (f) Nothing contained in this Section affects any existing  
21 right to relief from a void order or judgment, or to employ any  
22 existing method to procure that relief.

23 (Source: P.A. 90-18, eff. 7-1-97; 90-27, eff. 1-1-98; 90-141,  
24 eff. 1-1-98; 90-655, eff. 7-30-98; revised 11-06-02.)

25 (735 ILCS 5/12-112) (from Ch. 110, par. 12-112)

26 Sec. 12-112. What liable to enforcement. All the lands,  
27 tenements, real estate, goods and chattels (except such as is  
28 by law declared to be exempt) of every person against whom any  
29 judgment has been or shall be hereafter entered in any court,  
30 for any debt, damages, costs, or other sum of money, shall be  
31 liable to be sold upon such judgment. Any real property, or any  
32 beneficial interest in a land trust, held in tenancy by the  
33 entirety shall not be liable to be sold upon judgment entered  
34 on or after October 1, 1990 against only one of the tenants,  
35 except if the property was transferred into tenancy by the

1 entirety with the sole intent to avoid the payment of debts  
2 existing at the time of the transfer beyond the transferor's  
3 ability to pay those debts as they become due. However, any  
4 income from such property shall be subject to garnishment as  
5 provided in Part 7 of this Article XII, whether judgment has  
6 been entered against one or both of the tenants.

7 If the court authorizes the piercing of the ownership veil  
8 pursuant to Section 505 of the Illinois Marriage and  
9 Dissolution of Marriage Act ~~or Section 15 of the Illinois~~  
10 ~~Parentage Act of 1984~~, any assets determined to be those of the  
11 non-custodial parent, although not held in name of the  
12 non-custodial parent, shall be subject to attachment or other  
13 provisional remedy in accordance with the procedure prescribed  
14 by this Code. The court may not authorize attachment of  
15 property or any other provisional remedy under this paragraph  
16 unless it has obtained jurisdiction over the entity holding  
17 title to the property by proper service on that entity. With  
18 respect to assets which are real property, no order entered as  
19 described in this paragraph shall affect the rights of bona  
20 fide purchasers, mortgagees, judgment creditors, or other lien  
21 holders who acquire their interests in the property prior to  
22 the time a notice of lis pendens pursuant to this Code or a  
23 copy of the order is placed of record in the office of the  
24 recorder of deeds for the county in which the real property is  
25 located.

26 This amendatory Act of 1995 (P.A. 89-438) is declarative of  
27 existing law.

28 This amendatory Act of 1997 (P.A. 90-514) is intended as a  
29 clarification of existing law and not as a new enactment.

30 (Source: P.A. 89-88, eff. 6-30-95; 89-438, eff. 12-15-95;  
31 90-476, eff. 1-1-98; 90-514, eff. 8-22-97; 90-655, eff.  
32 7-30-98.)

33 Section 905.16. The Illinois Marriage and Dissolution of  
34 Marriage Act is amended by changing Section 713 as follows:

1 (750 ILCS 5/713) (from Ch. 40, par. 713)

2 Sec. 713. Attachment of the Body. As used in this Section,  
3 "obligor" has the same meaning ascribed to such term in the  
4 Income Withholding for Support Act.

5 (a) In any proceeding to enforce an order for support,  
6 where the obligor has failed to appear in court pursuant to  
7 order of court and after due notice thereof, the court may  
8 enter an order for the attachment of the body of the obligor.  
9 Notices under this Section shall be served upon the obligor by  
10 any means authorized under subsection (a-5) of Section 505. The  
11 attachment order shall fix an amount of escrow which is equal  
12 to a minimum of 20% of the total child support arrearage  
13 alleged by the obligee in sworn testimony to be due and owing.  
14 The attachment order shall direct the Sheriff of any county in  
15 Illinois to take the obligor into custody and shall set the  
16 number of days following release from custody for a hearing to  
17 be held at which the obligor must appear, if he is released  
18 under subsection (b) of this Section.

19 (b) If the obligor is taken into custody, the Sheriff shall  
20 take the obligor before the court which entered the attachment  
21 order. However, the Sheriff may release the person after he or  
22 she has deposited the amount of escrow ordered by the court  
23 pursuant to local procedures for the posting of bond. The  
24 Sheriff shall advise the obligor of the hearing date at which  
25 the obligor is required to appear.

26 (c) Any escrow deposited pursuant to this Section shall be  
27 transmitted to the Clerk of the Circuit Court for the county in  
28 which the order for attachment of the body of the obligor was  
29 entered. Any Clerk who receives money deposited into escrow  
30 pursuant to this Section shall notify the obligee, public  
31 office or legal counsel whose name appears on the attachment  
32 order of the court date at which the obligor is required to  
33 appear and the amount deposited into escrow. The Clerk shall  
34 disburse such money to the obligee only under an order from the  
35 court that entered the attachment order pursuant to this  
36 Section.

1 (d) Whenever an obligor is taken before the court by the  
2 Sheriff, or appears in court after the court has ordered the  
3 attachment of his body, the court shall:

4 (1) hold a hearing on the complaint or petition that  
5 gave rise to the attachment order. For purposes of  
6 determining arrearages that are due and owing by the  
7 obligor, the court shall accept the previous sworn  
8 testimony of the obligee as true and the appearance of the  
9 obligee shall not be required. The court shall require  
10 sworn testimony of the obligor as to his or her Social  
11 Security number, income, employment, bank accounts,  
12 property and any other assets. If there is a dispute as to  
13 the total amount of arrearages, the court shall proceed as  
14 in any other case as to the undisputed amounts; and

15 (2) order the Clerk of the Circuit Court to disburse to  
16 the obligee or public office money held in escrow pursuant  
17 to this Section if the court finds that the amount of  
18 arrearages exceeds the amount of the escrow. Amounts  
19 received by the obligee or public office shall be deducted  
20 from the amount of the arrearages.

21 (e) If the obligor fails to appear in court after being  
22 notified of the court date by the Sheriff upon release from  
23 custody, the court shall order any monies deposited into escrow  
24 to be immediately released to the obligee or public office and  
25 shall proceed under subsection (a) of this Section by entering  
26 another order for the attachment of the body of the obligor.

27 (f) This Section shall apply to any order for support  
28 issued under the "Illinois Marriage and Dissolution of Marriage  
29 Act", approved September 22, 1977, as amended; the Uniform  
30 Parentage Act (2000); the "Illinois Parentage Act of 1984",  
31 effective July 1, 1985, as amended; the "Revised Uniform  
32 Reciprocal Enforcement of Support Act", approved August 28,  
33 1969, as amended; "The Illinois Public Aid Code", approved  
34 April 11, 1967, as amended; the Non-Support Punishment Act; and  
35 the "Non-support of Spouse and Children Act", approved June 8,  
36 1953, as amended.

1 (g) Any escrow established pursuant to this Section for the  
2 purpose of providing support shall not be subject to fees  
3 collected by the Clerk of the Circuit Court for any other  
4 escrow.

5 (Source: P.A. 91-113, eff. 7-15-99; 91-613, eff. 10-1-99;  
6 92-16, eff. 6-28-01.)

7 Section 905.17. The Expedited Child Support Act of 1990 is  
8 amended by changing Section 6 as follows:

9 (750 ILCS 25/6) (from Ch. 40, par. 2706)

10 Sec. 6. Authority of hearing officers.

11 (a) With the exception of judicial functions exclusively  
12 retained by the court in Section 8 of this Act and in  
13 accordance with Supreme Court rules promulgated pursuant to  
14 this Act, Administrative Hearing Officers shall be authorized  
15 to:

16 (1) Accept voluntary agreements reached by the parties  
17 setting the amount of child support to be paid and medical  
18 support liability and recommend the entry of orders  
19 incorporating such agreements.

20 (2) Accept voluntary acknowledgments of parentage and  
21 recommend entry of an order establishing parentage based on  
22 such acknowledgement. Prior to accepting such  
23 acknowledgment, the Administrative Hearing Officer shall  
24 advise the putative father of his rights and obligations in  
25 accordance with Supreme Court rules promulgated pursuant  
26 to this Act.

27 (3) Manage all stages of discovery, including setting  
28 deadlines by which discovery must be completed; and  
29 directing the parties to submit to appropriate tests  
30 pursuant to the Uniform Parentage Act (2000) ~~Section 11 of~~  
31 ~~the Illinois Parentage Act of 1984.~~

32 (4) Cause notices to be issued requiring the Obligor to  
33 appear either before the Administrative Hearing Officer or  
34 in court.

1           (5) Administer the oath or affirmation and take  
2 testimony under oath or affirmation.

3           (6) Analyze the evidence and prepare written  
4 recommendations based on such evidence, including but not  
5 limited to: (i) proposed findings as to the amount of the  
6 Obligor's income; (ii) proposed findings as to the amount  
7 and nature of appropriate deductions from the Obligor's  
8 income to determine the Obligor's net income; (iii)  
9 proposed findings as to the existence of relevant factors  
10 as set forth in subsection (a)(2) of Section 505 of the  
11 Illinois Marriage and Dissolution of Marriage Act, which  
12 justify setting child support payment levels above or below  
13 the guidelines; (iv) recommended orders for temporary  
14 child support; (v) recommended orders setting the amount of  
15 current child support to be paid; (vi) proposed findings as  
16 to the existence and amount of any arrearages; (vii)  
17 recommended orders reducing any arrearages to judgement  
18 and for the payment of amounts towards such arrearages;  
19 (viii) proposed findings as to whether there has been a  
20 substantial change of circumstances since the entry of the  
21 last child support order, or other circumstances  
22 justifying a modification of the child support order; and  
23 (ix) proposed findings as to whether the Obligor is  
24 employed.

25           (7) With respect to any unemployed Obligor who is not  
26 making child support payments or is otherwise unable to  
27 provide support, recommend that the Obligor be ordered to  
28 seek employment and report periodically of his or her  
29 efforts in accordance with such order. Additionally, the  
30 Administrative Hearing Officer may recommend that the  
31 Obligor be ordered to report to the Department of  
32 Employment Security for job search services or to make  
33 application with the local Job Training Partnership Act  
34 provider for participation in job search, training or work  
35 programs and, where the duty of support is owed to a child  
36 receiving child support enforcement services under Article



1 X of the Illinois Public Aid Code, the Administrative  
2 Hearing Officer may recommend that the Obligor be ordered  
3 to report to the Illinois Department of Public Aid for  
4 participation in the job search, training or work programs  
5 established under Section 9-6 of the Public Aid Code.

6 (8) Recommend the registration of any foreign support  
7 judgments or orders as the judgments or orders of Illinois.

8 (b) In any case in which the Obligee is not participating  
9 in the IV-D program or has not applied to participate in the  
10 IV-D program, the Administrative Hearing Officer shall:

11 (1) inform the Obligee of the existence of the IV-D  
12 program and provide applications on request; and

13 (2) inform the Obligee and the Obligor of the option of  
14 requesting payment to be made through the Clerk of the  
15 Circuit Court.

16 If a request for payment through the Clerk is made, the  
17 Administrative Hearing Officer shall note this fact in the  
18 recommendations to the court.

19 (c) The Administrative Hearing Officer may make  
20 recommendations in addition to the proposed findings of fact  
21 and recommended order to which the parties have agreed.

22 (Source: P.A. 92-16, eff. 6-28-01; 92-590, eff. 7-1-02.)

23 Section 905.18. The Adoption Act is amended by changing  
24 Sections 1, 7, 8, 12.1, and 18.06 as follows:

25 (750 ILCS 50/1) (from Ch. 40, par. 1501)

26 Sec. 1. Definitions. When used in this Act, unless the  
27 context otherwise requires:

28 A. "Child" means a person under legal age subject to  
29 adoption under this Act.

30 B. "Related child" means a child subject to adoption where  
31 either or both of the adopting parents stands in any of the  
32 following relationships to the child by blood or marriage:  
33 parent, grand-parent, brother, sister, step-parent,  
34 step-grandparent, step-brother, step-sister, uncle, aunt,

1 great-uncle, great-aunt, or cousin of first degree. A child  
2 whose parent has executed a final irrevocable consent to  
3 adoption or a final irrevocable surrender for purposes of  
4 adoption, or whose parent has had his or her parental rights  
5 terminated, is not a related child to that person, unless the  
6 consent is determined to be void or is void pursuant to  
7 subsection O of Section 10.

8 C. "Agency" for the purpose of this Act means a public  
9 child welfare agency or a licensed child welfare agency.

10 D. "Unfit person" means any person whom the court shall  
11 find to be unfit to have a child, without regard to the  
12 likelihood that the child will be placed for adoption. The  
13 grounds of unfitness are any one or more of the following,  
14 except that a person shall not be considered an unfit person  
15 for the sole reason that the person has relinquished a child in  
16 accordance with the Abandoned Newborn Infant Protection Act:

17 (a) Abandonment of the child.

18 (a-1) Abandonment of a newborn infant in a hospital.

19 (a-2) Abandonment of a newborn infant in any setting  
20 where the evidence suggests that the parent intended to  
21 relinquish his or her parental rights.

22 (b) Failure to maintain a reasonable degree of  
23 interest, concern or responsibility as to the child's  
24 welfare.

25 (c) Desertion of the child for more than 3 months next  
26 preceding the commencement of the Adoption proceeding.

27 (d) Substantial neglect of the child if continuous or  
28 repeated.

29 (d-1) Substantial neglect, if continuous or repeated,  
30 of any child residing in the household which resulted in  
31 the death of that child.

32 (e) Extreme or repeated cruelty to the child.

33 (f) Two or more findings of physical abuse to any  
34 children under Section 4-8 of the Juvenile Court Act or  
35 Section 2-21 of the Juvenile Court Act of 1987, the most  
36 recent of which was determined by the juvenile court

1 hearing the matter to be supported by clear and convincing  
2 evidence; a criminal conviction or a finding of not guilty  
3 by reason of insanity resulting from the death of any child  
4 by physical child abuse; or a finding of physical child  
5 abuse resulting from the death of any child under Section  
6 4-8 of the Juvenile Court Act or Section 2-21 of the  
7 Juvenile Court Act of 1987.

8 (g) Failure to protect the child from conditions within  
9 his environment injurious to the child's welfare.

10 (h) Other neglect of, or misconduct toward the child;  
11 provided that in making a finding of unfitness the court  
12 hearing the adoption proceeding shall not be bound by any  
13 previous finding, order or judgment affecting or  
14 determining the rights of the parents toward the child  
15 sought to be adopted in any other proceeding except such  
16 proceedings terminating parental rights as shall be had  
17 under either this Act, the Juvenile Court Act or the  
18 Juvenile Court Act of 1987.

19 (i) Depravity. Conviction of any one of the following  
20 crimes shall create a presumption that a parent is deprived  
21 which can be overcome only by clear and convincing  
22 evidence: (1) first degree murder in violation of paragraph  
23 1 or 2 of subsection (a) of Section 9-1 of the Criminal  
24 Code of 1961 or conviction of second degree murder in  
25 violation of subsection (a) of Section 9-2 of the Criminal  
26 Code of 1961 of a parent of the child to be adopted; (2)  
27 first degree murder or second degree murder of any child in  
28 violation of the Criminal Code of 1961; (3) attempt or  
29 conspiracy to commit first degree murder or second degree  
30 murder of any child in violation of the Criminal Code of  
31 1961; (4) solicitation to commit murder of any child,  
32 solicitation to commit murder of any child for hire, or  
33 solicitation to commit second degree murder of any child in  
34 violation of the Criminal Code of 1961; or (5) aggravated  
35 criminal sexual assault in violation of Section  
36 12-14(b) (1) of the Criminal Code of 1961.

1           There is a rebuttable presumption that a parent is  
2           depraved if the parent has been criminally convicted of at  
3           least 3 felonies under the laws of this State or any other  
4           state, or under federal law, or the criminal laws of any  
5           United States territory; and at least one of these  
6           convictions took place within 5 years of the filing of the  
7           petition or motion seeking termination of parental rights.

8           There is a rebuttable presumption that a parent is  
9           depraved if that parent has been criminally convicted of  
10          either first or second degree murder of any person as  
11          defined in the Criminal Code of 1961 within 10 years of the  
12          filing date of the petition or motion to terminate parental  
13          rights.

14           (j) Open and notorious adultery or fornication.

15           (j-1) (Blank).

16           (k) Habitual drunkenness or addiction to drugs, other  
17          than those prescribed by a physician, for at least one year  
18          immediately prior to the commencement of the unfitness  
19          proceeding.

20          There is a rebuttable presumption that a parent is  
21          unfit under this subsection with respect to any child to  
22          which that parent gives birth where there is a confirmed  
23          test result that at birth the child's blood, urine, or  
24          meconium contained any amount of a controlled substance as  
25          defined in subsection (f) of Section 102 of the Illinois  
26          Controlled Substances Act or metabolites of such  
27          substances, the presence of which in the newborn infant was  
28          not the result of medical treatment administered to the  
29          mother or the newborn infant; and the biological mother of  
30          this child is the biological mother of at least one other  
31          child who was adjudicated a neglected minor under  
32          subsection (c) of Section 2-3 of the Juvenile Court Act of  
33          1987.

34           (l) Failure to demonstrate a reasonable degree of  
35          interest, concern or responsibility as to the welfare of a  
36          new born child during the first 30 days after its birth.

1 (m) Failure by a parent (i) to make reasonable efforts  
2 to correct the conditions that were the basis for the  
3 removal of the child from the parent, or (ii) to make  
4 reasonable progress toward the return of the child to the  
5 parent within 9 months after an adjudication of neglected  
6 or abused minor under Section 2-3 of the Juvenile Court Act  
7 of 1987 or dependent minor under Section 2-4 of that Act,  
8 or (iii) to make reasonable progress toward the return of  
9 the child to the parent during any 9-month period after the  
10 end of the initial 9-month period following the  
11 adjudication of neglected or abused minor under Section 2-3  
12 of the Juvenile Court Act of 1987 or dependent minor under  
13 Section 2-4 of that Act. If a service plan has been  
14 established as required under Section 8.2 of the Abused and  
15 Neglected Child Reporting Act to correct the conditions  
16 that were the basis for the removal of the child from the  
17 parent and if those services were available, then, for  
18 purposes of this Act, "failure to make reasonable progress  
19 toward the return of the child to the parent" includes (I)  
20 the parent's failure to substantially fulfill his or her  
21 obligations under the service plan and correct the  
22 conditions that brought the child into care within 9 months  
23 after the adjudication under Section 2-3 or 2-4 of the  
24 Juvenile Court Act of 1987 and (II) the parent's failure to  
25 substantially fulfill his or her obligations under the  
26 service plan and correct the conditions that brought the  
27 child into care during any 9-month period after the end of  
28 the initial 9-month period following the adjudication  
29 under Section 2-3 or 2-4 of the Juvenile Court Act of 1987.

30 (m-1) Pursuant to the Juvenile Court Act of 1987, a  
31 child has been in foster care for 15 months out of any 22  
32 month period which begins on or after the effective date of  
33 this amendatory Act of 1998 unless the child's parent can  
34 prove by a preponderance of the evidence that it is more  
35 likely than not that it will be in the best interests of  
36 the child to be returned to the parent within 6 months of

1 the date on which a petition for termination of parental  
2 rights is filed under the Juvenile Court Act of 1987. The  
3 15 month time limit is tolled during any period for which  
4 there is a court finding that the appointed custodian or  
5 guardian failed to make reasonable efforts to reunify the  
6 child with his or her family, provided that (i) the finding  
7 of no reasonable efforts is made within 60 days of the  
8 period when reasonable efforts were not made or (ii) the  
9 parent filed a motion requesting a finding of no reasonable  
10 efforts within 60 days of the period when reasonable  
11 efforts were not made. For purposes of this subdivision  
12 (m-1), the date of entering foster care is the earlier of:  
13 (i) the date of a judicial finding at an adjudicatory  
14 hearing that the child is an abused, neglected, or  
15 dependent minor; or (ii) 60 days after the date on which  
16 the child is removed from his or her parent, guardian, or  
17 legal custodian.

18 (n) Evidence of intent to forgo his or her parental  
19 rights, whether or not the child is a ward of the court,  
20 (1) as manifested by his or her failure for a period of 12  
21 months: (i) to visit the child, (ii) to communicate with  
22 the child or agency, although able to do so and not  
23 prevented from doing so by an agency or by court order, or  
24 (iii) to maintain contact with or plan for the future of  
25 the child, although physically able to do so, or (2) as  
26 manifested by the father's failure, where he and the mother  
27 of the child were unmarried to each other at the time of  
28 the child's birth, (i) to commence legal proceedings to  
29 establish his paternity under the Illinois Parentage Act of  
30 1984, the Uniform Parentage Act (2000), or the law of the  
31 jurisdiction of the child's birth within 30 days of being  
32 informed, ~~pursuant to Section 12a of this Act,~~ that he is  
33 the father or the likely father of the child or, after  
34 being so informed where the child is not yet born, within  
35 30 days of the child's birth, or (ii) to make a good faith  
36 effort to pay a reasonable amount of the expenses related

1 to the birth of the child and to provide a reasonable  
2 amount for the financial support of the child, the court to  
3 consider in its determination all relevant circumstances,  
4 including the financial condition of both parents;  
5 provided that the ground for termination provided in this  
6 subparagraph (n) (2) (ii) shall only be available where the  
7 petition is brought by the mother or the husband of the  
8 mother.

9 Contact or communication by a parent with his or her  
10 child that does not demonstrate affection and concern does  
11 not constitute reasonable contact and planning under  
12 subdivision (n). In the absence of evidence to the  
13 contrary, the ability to visit, communicate, maintain  
14 contact, pay expenses and plan for the future shall be  
15 presumed. The subjective intent of the parent, whether  
16 expressed or otherwise, unsupported by evidence of the  
17 foregoing parental acts manifesting that intent, shall not  
18 preclude a determination that the parent has intended to  
19 forgo his or her parental rights. In making this  
20 determination, the court may consider but shall not require  
21 a showing of diligent efforts by an authorized agency to  
22 encourage the parent to perform the acts specified in  
23 subdivision (n).

24 It shall be an affirmative defense to any allegation  
25 under paragraph (2) of this subsection that the father's  
26 failure was due to circumstances beyond his control or to  
27 impediments created by the mother or any other person  
28 having legal custody. Proof of that fact need only be by a  
29 preponderance of the evidence.

30 (o) Repeated or continuous failure by the parents,  
31 although physically and financially able, to provide the  
32 child with adequate food, clothing, or shelter.

33 (p) Inability to discharge parental responsibilities  
34 supported by competent evidence from a psychiatrist,  
35 licensed clinical social worker, or clinical psychologist  
36 of mental impairment, mental illness or mental retardation

1 as defined in Section 1-116 of the Mental Health and  
2 Developmental Disabilities Code, or developmental  
3 disability as defined in Section 1-106 of that Code, and  
4 there is sufficient justification to believe that the  
5 inability to discharge parental responsibilities shall  
6 extend beyond a reasonable time period. However, this  
7 subdivision (p) shall not be construed so as to permit a  
8 licensed clinical social worker to conduct any medical  
9 diagnosis to determine mental illness or mental  
10 impairment.

11 (q) The parent has been criminally convicted of  
12 aggravated battery, heinous battery, or attempted murder  
13 of any child.

14 (r) The child is in the temporary custody or  
15 guardianship of the Department of Children and Family  
16 Services, the parent is incarcerated as a result of  
17 criminal conviction at the time the petition or motion for  
18 termination of parental rights is filed, prior to  
19 incarceration the parent had little or no contact with the  
20 child or provided little or no support for the child, and  
21 the parent's incarceration will prevent the parent from  
22 discharging his or her parental responsibilities for the  
23 child for a period in excess of 2 years after the filing of  
24 the petition or motion for termination of parental rights.

25 (s) The child is in the temporary custody or  
26 guardianship of the Department of Children and Family  
27 Services, the parent is incarcerated at the time the  
28 petition or motion for termination of parental rights is  
29 filed, the parent has been repeatedly incarcerated as a  
30 result of criminal convictions, and the parent's repeated  
31 incarceration has prevented the parent from discharging  
32 his or her parental responsibilities for the child.

33 (t) A finding that at birth the child's blood, urine,  
34 or meconium contained any amount of a controlled substance  
35 as defined in subsection (f) of Section 102 of the Illinois  
36 Controlled Substances Act, or a metabolite of a controlled



1 substance, with the exception of controlled substances or  
2 metabolites of such substances, the presence of which in  
3 the newborn infant was the result of medical treatment  
4 administered to the mother or the newborn infant, and that  
5 the biological mother of this child is the biological  
6 mother of at least one other child who was adjudicated a  
7 neglected minor under subsection (c) of Section 2-3 of the  
8 Juvenile Court Act of 1987, after which the biological  
9 mother had the opportunity to enroll in and participate in  
10 a clinically appropriate substance abuse counseling,  
11 treatment, and rehabilitation program.

12 E. "Parent" means the father or mother of a legitimate or  
13 illegitimate child. For the purpose of this Act, a person who  
14 has executed a final and irrevocable consent to adoption or a  
15 final and irrevocable surrender for purposes of adoption, or  
16 whose parental rights have been terminated by a court, is not a  
17 parent of the child who was the subject of the consent or  
18 surrender, unless the consent is void pursuant to subsection O  
19 of Section 10.

20 F. A person is available for adoption when the person is:

21 (a) a child who has been surrendered for adoption to an  
22 agency and to whose adoption the agency has thereafter  
23 consented;

24 (b) a child to whose adoption a person authorized by  
25 law, other than his parents, has consented, or to whose  
26 adoption no consent is required pursuant to Section 8 of  
27 this Act;

28 (c) a child who is in the custody of persons who intend  
29 to adopt him through placement made by his parents;

30 (c-1) a child for whom a parent has signed a specific  
31 consent pursuant to subsection O of Section 10;

32 (d) an adult who meets the conditions set forth in  
33 Section 3 of this Act; or

34 (e) a child who has been relinquished as defined in  
35 Section 10 of the Abandoned Newborn Infant Protection Act.

36 A person who would otherwise be available for adoption

1 shall not be deemed unavailable for adoption solely by reason  
2 of his or her death.

3 G. The singular includes the plural and the plural includes  
4 the singular and the "male" includes the "female", as the  
5 context of this Act may require.

6 H. "Adoption disruption" occurs when an adoptive placement  
7 does not prove successful and it becomes necessary for the  
8 child to be removed from placement before the adoption is  
9 finalized.

10 I. "Foreign placing agency" is an agency or individual  
11 operating in a country or territory outside the United States  
12 that is authorized by its country to place children for  
13 adoption either directly with families in the United States or  
14 through United States based international agencies.

15 J. "Immediate relatives" means the biological parents, the  
16 parents of the biological parents and siblings of the  
17 biological parents.

18 K. "Intercountry adoption" is a process by which a child  
19 from a country other than the United States is adopted.

20 L. "Intercountry Adoption Coordinator" is a staff person of  
21 the Department of Children and Family Services appointed by the  
22 Director to coordinate the provision of services by the public  
23 and private sector to prospective parents of foreign-born  
24 children.

25 M. "Interstate Compact on the Placement of Children" is a  
26 law enacted by most states for the purpose of establishing  
27 uniform procedures for handling the interstate placement of  
28 children in foster homes, adoptive homes, or other child care  
29 facilities.

30 N. "Non-Compact state" means a state that has not enacted  
31 the Interstate Compact on the Placement of Children.

32 O. "Preadoption requirements" are any conditions  
33 established by the laws or regulations of the Federal  
34 Government or of each state that must be met prior to the  
35 placement of a child in an adoptive home.

36 P. "Abused child" means a child whose parent or immediate

1 family member, or any person responsible for the child's  
2 welfare, or any individual residing in the same home as the  
3 child, or a paramour of the child's parent:

4 (a) inflicts, causes to be inflicted, or allows to be  
5 inflicted upon the child physical injury, by other than  
6 accidental means, that causes death, disfigurement,  
7 impairment of physical or emotional health, or loss or  
8 impairment of any bodily function;

9 (b) creates a substantial risk of physical injury to  
10 the child by other than accidental means which would be  
11 likely to cause death, disfigurement, impairment of  
12 physical or emotional health, or loss or impairment of any  
13 bodily function;

14 (c) commits or allows to be committed any sex offense  
15 against the child, as sex offenses are defined in the  
16 Criminal Code of 1961 and extending those definitions of  
17 sex offenses to include children under 18 years of age;

18 (d) commits or allows to be committed an act or acts of  
19 torture upon the child; or

20 (e) inflicts excessive corporal punishment.

21 Q. "Neglected child" means any child whose parent or other  
22 person responsible for the child's welfare withholds or denies  
23 nourishment or medically indicated treatment including food or  
24 care denied solely on the basis of the present or anticipated  
25 mental or physical impairment as determined by a physician  
26 acting alone or in consultation with other physicians or  
27 otherwise does not provide the proper or necessary support,  
28 education as required by law, or medical or other remedial care  
29 recognized under State law as necessary for a child's  
30 well-being, or other care necessary for his or her well-being,  
31 including adequate food, clothing and shelter; or who is  
32 abandoned by his or her parents or other person responsible for  
33 the child's welfare.

34 A child shall not be considered neglected or abused for the  
35 sole reason that the child's parent or other person responsible  
36 for his or her welfare depends upon spiritual means through

1 prayer alone for the treatment or cure of disease or remedial  
2 care as provided under Section 4 of the Abused and Neglected  
3 Child Reporting Act. A child shall not be considered neglected  
4 or abused for the sole reason that the child's parent or other  
5 person responsible for the child's welfare failed to vaccinate,  
6 delayed vaccination, or refused vaccination for the child due  
7 to a waiver on religious or medical grounds as permitted by  
8 law.

9 R. "Putative father" means a man who may be a child's  
10 father, but who (1) is not married to the child's mother on or  
11 before the date that the child was or is to be born and (2) has  
12 not established paternity of the child in a court proceeding  
13 before the filing of a petition for the adoption of the child.  
14 The term includes a male who is less than 18 years of age.  
15 "Putative father" does not mean a man who is the child's father  
16 as a result of criminal sexual abuse or assault as defined  
17 under Article 12 of the Criminal Code of 1961. ~~A child shall  
18 not be considered neglected or abused for the sole reason that  
19 the child's parent or other person responsible for the child's  
20 welfare failed to vaccinate, delayed vaccination, or refused  
21 vaccination for the child due to a waiver on religious or  
22 medical grounds as permitted by law.~~

23 S. "Standby adoption" means an adoption in which a  
24 terminally ill parent consents to custody and termination of  
25 parental rights to become effective upon the occurrence of a  
26 future event, which is either the death of the terminally ill  
27 parent or the request of the parent for the entry of a final  
28 judgment of adoption.

29 T. "Terminally ill parent" means a person who has a medical  
30 prognosis by a physician licensed to practice medicine in all  
31 of its branches that the person has an incurable and  
32 irreversible condition which will lead to death.

33 (Source: P.A. 91-357, eff. 7-29-99; 91-373, eff. 1-1-00;  
34 91-572, eff. 1-1-00; 92-16, eff. 6-28-01; 92-375, eff. 1-1-02;  
35 92-408, eff. 8-17-01; 92-432, eff. 8-17-01; 92-651, 7-11-02;  
36 revised 8-23-02.)

1 (750 ILCS 50/7) (from Ch. 40, par. 1509)

2 Sec. 7. Process.

3 A. All persons named in the petition for adoption or  
4 standby adoption, other than the petitioners and any party who  
5 has previously either denied being a parent pursuant to Section  
6 12a of this Act or pursuant to the Uniform Parentage Act (2002)  
7 or whose rights have been terminated pursuant to Section 12a of  
8 this Act or pursuant to the Uniform Parentage Act of (2002),  
9 but including the person sought to be adopted, shall be made  
10 parties defendant by name, and if the name or names of any such  
11 persons are alleged in the petition to be unknown such persons  
12 shall be made parties defendant under the name and style of  
13 "All whom it may concern". In all such actions petitioner or  
14 his attorney shall file, at the office of the clerk of the  
15 court in which the action is pending, an affidavit showing that  
16 the defendant resides or has gone out of this State, or on due  
17 inquiry cannot be found, or is concealed within this State, so  
18 that process cannot be served upon him, and stating the place  
19 of residence of the defendant, if known, or that upon diligent  
20 inquiry his place of residence cannot be ascertained, the clerk  
21 shall cause publication to be made in some newspaper published  
22 in the county in which the action is pending. If there is no  
23 newspaper published in that county, then the publication shall  
24 be in a newspaper published in an adjoining county in this  
25 State, having a circulation in the county in which such action  
26 is pending. In the event there is service on any of the parties  
27 by publication, the publication shall contain notice of  
28 pendency of the action, the name of the person to be adopted  
29 and the name of the parties to be served by publication, and  
30 the date on or after which default may be entered against such  
31 parties. Neither the name of petitioners nor the name of any  
32 party who has either surrendered said child, has given their  
33 consent to the adoption of the child, or whose parental rights  
34 have been terminated by a court of competent jurisdiction shall  
35 be included in the notice of publication. The Clerk shall also,

1 within ten (10) days of the first publication of the notice,  
2 send a copy thereof by mail, addressed to each defendant whose  
3 place of residence is stated in such affidavit. The certificate  
4 of the Clerk that he sent the copies pursuant to this section  
5 is evidence that he has done so. Except as provided in this  
6 section pertaining to service by publication, all parties  
7 defendant shall be notified of the proceedings in the same  
8 manner as is now or may hereafter be required in other civil  
9 cases or proceedings. Any party defendant who is of age of 14  
10 years or upward may waive service of process by entering an  
11 appearance in writing. The form to be used for publication  
12 shall be substantially as follows: "ADOPTION NOTICE - STATE OF  
13 ILLINOIS, County of ....., ss. - Circuit Court of .... County.  
14 In the matter of the Petition for the Adoption of ....., a  
15 ..male child. Adoption No. .... To-- .... (whom it may concern  
16 or the named parent) Take notice that a petition was filed in  
17 the Circuit Court of .... County, Illinois, for the adoption of  
18 a child named ....., Now, therefore, unless you ....., and all  
19 whom it may concern, file your answer to the Petition in the  
20 action or otherwise file your appearance therein, in the said  
21 Circuit Court of ....., County, Room ....., ....., in the City of  
22 ....., Illinois, on or before the .... day of ....., a default  
23 may be entered against you at any time after that day and a  
24 judgment entered in accordance with the prayer of said  
25 Petition. Dated, ....., Illinois, .... ....., Clerk. (Name and  
26 address of attorney for petitioners.)

27 B. A minor defendant who has been served in accordance with  
28 this Section may be defaulted in the same manner as any other  
29 defendant.

30 C. Notwithstanding any inconsistent provision of this or  
31 any other law, and in addition to the notice requirements of  
32 any law pertaining to persons other than those specified in  
33 this subsection, the persons entitled to notice that a petition  
34 has been filed under Section 5 of this Act shall include:

35 (a) any person adjudicated by a court in this State to  
36 be the father of the child;

1 (b) any person adjudicated by a court of another state  
2 or territory of the United States to be the father of the  
3 child, when a certified copy of the court order has been  
4 filed with the Putative Father Registry under Section 12.1  
5 of this Act or the Registry of Paternity under the Uniform  
6 Parentage Act (2000);

7 (c) any person who at the time of the filing of the  
8 petition is registered in the Putative Father Registry  
9 under Section 12.1 of this Act or the Registry of Paternity  
10 under the Uniform Parentage Act (2000) as the putative  
11 father of the child;

12 (d) any person who is recorded on the child's birth  
13 certificate as the child's father;

14 (e) any person who is openly living with the child or  
15 the child's mother at the time the proceeding is initiated  
16 and who is holding himself out to be the child's father;

17 (f) any person who has been identified as the child's  
18 father by the mother in a written, sworn statement,  
19 including an Affidavit of Identification as specified  
20 under Section 11 of this Act;

21 (g) any person who was married to the child's mother on  
22 the date of the child's birth or within 300 days prior to  
23 the child's birth.

24 The sole purpose of notice under this Section shall be to  
25 enable the person receiving notice to appear in the adoption  
26 proceedings to present evidence to the court relevant to the  
27 best interests of the child.

28 (Source: P.A. 91-572, eff. 1-1-00.)

29 (750 ILCS 50/8) (from Ch. 40, par. 1510)

30 Sec. 8. Consents to adoption and surrenders for purposes of  
31 adoption.

32 (a) Except as hereinafter provided in this Section consents  
33 or surrenders shall be required in all cases, unless the person  
34 whose consent or surrender would otherwise be required shall be  
35 found by the court:

1 (1) to be an unfit person as defined in Section 1 of  
2 this Act, by clear and convincing evidence; or

3 (2) not to be the biological or adoptive father of the  
4 child; or

5 (3) to have waived his parental rights to the child  
6 under Section 12a or 12.1 of this Act or under Article 4 of  
7 the Uniform Parentage Act (2000); or

8 (4) to be the parent of an adult sought to be adopted;  
9 or

10 (5) to be the father of the child as a result of  
11 criminal sexual abuse or assault as defined under Article  
12 12 of the Criminal Code of 1961; or

13 (6) to have been indicated for child sexual abuse as  
14 defined in the Abused and Neglected Child Reporting Act  
15 that involved sexual penetration of the mother; or

16 (7) to be at least 5 years older than the mother and  
17 the mother was under the age 17 at the time of conception  
18 of the child to be adopted.

19 (b) Where consents are required in the case of an adoption  
20 of a minor child, the consents of the following persons shall  
21 be sufficient:

22 (1) (A) The mother of the minor child; and

23 (B) The father of the minor child, if the father:

24 (i) was married to the mother on the date of  
25 birth of the child or within 300 days before the  
26 birth of the child, except for a husband or former  
27 husband who has been found by a court of competent  
28 jurisdiction not to be the biological father of the  
29 child; or

30 (ii) is the father of the child under a  
31 judgment for adoption, an order of parentage, or an  
32 acknowledgment of parentage or paternity pursuant  
33 to subsection (a) of Section 5 of the Illinois  
34 Parentage Act of 1984 or pursuant to Article 3 of  
35 the Uniform Parentage Act (2000); or

36 (iii) in the case of a child placed with the



1 adopting parents less than 6 months after birth,  
2 openly lived with the child, the child's  
3 biological mother, or both, and held himself out to  
4 be the child's biological father during the first  
5 30 days following the birth of the child; or

6 (iv) in the case of a child placed with the  
7 adopting parents less than 6 months after birth,  
8 made a good faith effort to pay a reasonable amount  
9 of the expenses related to the birth of the child  
10 and to provide a reasonable amount for the  
11 financial support of the child before the  
12 expiration of 30 days following the birth of the  
13 child, provided that the court may consider in its  
14 determination all relevant circumstances,  
15 including the financial condition of both  
16 biological parents; or

17 (v) in the case of a child placed with the  
18 adopting parents more than 6 months after birth,  
19 has maintained substantial and continuous or  
20 repeated contact with the child as manifested by:  
21 (I) the payment by the father toward the support of  
22 the child of a fair and reasonable sum, according  
23 to the father's means, and either (II) the father's  
24 visiting the child at least monthly when  
25 physically and financially able to do so and not  
26 prevented from doing so by the person or authorized  
27 agency having lawful custody of the child, or (III)  
28 the father's regular communication with the child  
29 or with the person or agency having the care or  
30 custody of the child, when physically and  
31 financially unable to visit the child or prevented  
32 from doing so by the person or authorized agency  
33 having lawful custody of the child. The subjective  
34 intent of the father, whether expressed or  
35 otherwise unsupported by evidence of acts  
36 specified in this sub-paragraph as manifesting

1 such intent, shall not preclude a determination  
2 that the father failed to maintain substantial and  
3 continuous or repeated contact with the child; or

4 (vi) in the case of a child placed with the  
5 adopting parents more than six months after birth,  
6 openly lived with the child for a period of six  
7 months within the one year period immediately  
8 preceding the placement of the child for adoption  
9 and openly held himself out to be the father of the  
10 child; or

11 (vii) has timely registered with Putative  
12 Father Registry, as provided in Section 12.1 of  
13 this Act, or with the Registry of Paternity, as  
14 provided in Article 4 of the Uniform Parentage Act  
15 (2000), and prior to the expiration of 30 days from  
16 the date of such registration, commenced legal  
17 proceedings to establish paternity under the  
18 Illinois Parentage Act of 1984, under the Uniform  
19 Parentage Act (2000), or under the law of the  
20 jurisdiction of the child's birth; or

21 (2) The legal guardian of the person of the child, if  
22 there is no surviving parent; or

23 (3) An agency, if the child has been surrendered for  
24 adoption to such agency; or

25 (4) Any person or agency having legal custody of a  
26 child by court order if the parental rights of the parents  
27 have been judicially terminated, and the court having  
28 jurisdiction of the guardianship of the child has  
29 authorized the consent to the adoption; or

30 (5) The execution and verification of the petition by  
31 any petitioner who is also a parent of the child sought to  
32 be adopted shall be sufficient evidence of such parent's  
33 consent to the adoption.

34 (c) Where surrenders to an agency are required in the case  
35 of a placement for adoption of a minor child by an agency, the  
36 surrenders of the following persons shall be sufficient:

- 1 (1) (A) The mother of the minor child; and
- 2 (B) The father of the minor child, if the father:
- 3 (i) was married to the mother on the date of
- 4 birth of the child or within 300 days before the
- 5 birth of the child, except for a husband or former
- 6 husband who has been found by a court of competent
- 7 jurisdiction not to be the biological father of the
- 8 child; or
- 9 (ii) is the father of the child under a
- 10 judgment for adoption, an order of parentage, or an
- 11 acknowledgment of parentage or paternity pursuant
- 12 to subsection (a) of Section 5 of the Illinois
- 13 Parentage Act of 1984 or pursuant to Article 3 of
- 14 the Uniform Parentage Act (2000); or
- 15 (iii) in the case of a child placed with the
- 16 adopting parents less than 6 months after birth,
- 17 openly lived with the child, the child's
- 18 biological mother, or both, and held himself out to
- 19 be the child's biological father during the first
- 20 30 days following the birth of a child; or
- 21 (iv) in the case of a child placed with the
- 22 adopting parents less than 6 months after birth,
- 23 made a good faith effort to pay a reasonable amount
- 24 of the expenses related to the birth of the child
- 25 and to provide a reasonable amount for the
- 26 financial support of the child before the
- 27 expiration of 30 days following the birth of the
- 28 child, provided that the court may consider in its
- 29 determination all relevant circumstances,
- 30 including the financial condition of both
- 31 biological parents; or
- 32 (v) in the case of a child placed with the
- 33 adopting parents more than six months after birth,
- 34 has maintained substantial and continuous or
- 35 repeated contact with the child as manifested by:
- 36 (I) the payment by the father toward the support of

1 the child of a fair and reasonable sum, according  
2 to the father's means, and either (II) the father's  
3 visiting the child at least monthly when  
4 physically and financially able to do so and not  
5 prevented from doing so by the person or authorized  
6 agency having lawful custody of the child or (III)  
7 the father's regular communication with the child  
8 or with the person or agency having the care or  
9 custody of the child, when physically and  
10 financially unable to visit the child or prevented  
11 from doing so by the person or authorized agency  
12 having lawful custody of the child. The subjective  
13 intent of the father, whether expressed or  
14 otherwise, unsupported by evidence of acts  
15 specified in this sub-paragraph as manifesting  
16 such intent, shall not preclude a determination  
17 that the father failed to maintain substantial and  
18 continuous or repeated contact with the child; or

19 (vi) in the case of a child placed with the  
20 adopting parents more than six months after birth,  
21 openly lived with the child for a period of six  
22 months within the one year period immediately  
23 preceding the placement of the child for adoption  
24 and openly held himself out to be the father of the  
25 child; or

26 (vii) has timely registered with the Putative  
27 Father Registry, as provided in Section 12.1 of  
28 this Act, or with the Registry of Paternity, as  
29 provided in Article 4 of the Uniform Parentage Act  
30 (2000), and prior to the expiration of 30 days from  
31 the date of such registration, commenced legal  
32 proceedings to establish paternity under the  
33 Illinois Parentage Act of 1984, or under the law of  
34 the jurisdiction of the child's birth.

35 (d) In making a determination under subparagraphs (b) (1)  
36 and (c) (1), no showing shall be required of diligent efforts by

1 a person or agency to encourage the father to perform the acts  
2 specified therein.

3 (e) In the case of the adoption of an adult, only the  
4 consent of such adult shall be required.

5 (Source: P.A. 93-510, eff. 1-1-04.)

6 (750 ILCS 50/12.1)

7 Sec. 12.1. Putative Father Registry; Registry of  
8 Paternity. On and after the effective date of this amendatory  
9 Act of the 93rd General Assembly, all information and records  
10 in the Putative Father Registry are a part of the Registry of  
11 Paternity created under the Uniform Parentage Act (2000), have  
12 the same force and effect as other information and records in  
13 the Registry of Paternity, and are subject to the laws and  
14 rules governing the Registry of Paternity. The Department of  
15 Children and Family Services shall take all actions necessary  
16 to transfer the information and records. The Department of  
17 Children and Family Services shall establish a Putative Father  
18 Registry for the purpose of determining the identity and  
19 location of a putative father of a minor child who is, or is  
20 expected to be, the subject of an adoption proceeding, in order  
21 to provide notice of such proceeding to the putative father.  
22 The Department of Children and Family Services shall establish  
23 rules and informational material necessary to implement the  
24 provisions of this Section. The Department shall have the  
25 authority to set reasonable fees for the use of the Registry.

26 ~~(a) The Department shall maintain the following~~  
27 ~~information in the Registry:~~

28 ~~(1) With respect to the putative father:~~

29 ~~(i) Name, including any other names by which the~~  
30 ~~putative father may be known and that he may provide to~~  
31 ~~the Registry;~~

32 ~~(ii) Address at which he may be served with notice~~  
33 ~~of a petition under this Act, including any change of~~  
34 ~~address;~~

35 ~~(iii) Social Security Number;~~

1           ~~(iv) Date of birth; and~~

2           ~~(v) If applicable, a certified copy of an order by~~  
3           ~~a court of this State or of another state or territory~~  
4           ~~of the United States adjudicating the putative father~~  
5           ~~to be the father of the child.~~

6           ~~(2) With respect to the mother of the child:~~

7           ~~(i) Name, including all other names known to the~~  
8           ~~putative father by which the mother may be known;~~

9           ~~(ii) If known to the putative father, her last~~  
10           ~~address;~~

11           ~~(iii) Social Security Number; and~~

12           ~~(iv) Date of birth.~~

13           ~~(3) If known to the putative father, the name, gender,~~  
14           ~~place of birth, and date of birth or anticipated date of~~  
15           ~~birth of the child.~~

16           ~~(4) The date that the Department received the putative~~  
17           ~~father's registration.~~

18           ~~(5) Other information as the Department may by rule~~  
19           ~~determine necessary for the orderly administration of the~~  
20           ~~Registry.~~

21           ~~(b) A putative father may register with the Department~~  
22           ~~before the birth of the child but shall register no later than~~  
23           ~~30 days after the birth of the child. All registrations shall~~  
24           ~~be in writing and signed by the putative father. No fee shall~~  
25           ~~be charged for the initial registration. The Department shall~~  
26           ~~have no independent obligation to gather the information to be~~  
27           ~~maintained.~~

28           ~~(c) An interested party, including persons intending to~~  
29           ~~adopt a child, a child welfare agency with whom the mother has~~  
30           ~~placed or has given written notice of her intention to place a~~  
31           ~~child for adoption, the mother of the child, or an attorney~~  
32           ~~representing an interested party may request that the~~  
33           ~~Department search the Registry to determine whether a putative~~  
34           ~~father is registered in relation to a child who is or may be~~  
35           ~~the subject to an adoption petition.~~

36           ~~(d) A search of the Registry may be proven by the~~

1 ~~production of a certified copy of the registration form, or by~~  
2 ~~the certified statement of the administrator of the Registry~~  
3 ~~that after a search, no registration of a putative father in~~  
4 ~~relation to a child who is or may be the subject of an adoption~~  
5 ~~petition could be located.~~

6 ~~(e) Except as otherwise provided, information contained~~  
7 ~~within the Registry is confidential and shall not be published~~  
8 ~~or open to public inspection.~~

9 ~~(f) A person who knowingly or intentionally registers false~~  
10 ~~information under this Section commits a Class B misdemeanor. A~~  
11 ~~person who knowingly or intentionally releases confidential~~  
12 ~~information in violation of this Section commits a Class B~~  
13 ~~misdemeanor.~~

14 ~~(g) Except as provided in subsections (b) or (c) of Section~~  
15 ~~8 of this Act, a putative father who fails to register with the~~  
16 ~~Putative Father Registry as provided in this Section is barred~~  
17 ~~from thereafter bringing or maintaining any action to assert~~  
18 ~~any interest in the child, unless he proves by clear and~~  
19 ~~convincing evidence that:~~

20 ~~(1) it was not possible for him to register within the~~  
21 ~~period of time specified in subsection (b) of this Section;~~  
22 ~~and~~

23 ~~(2) his failure to register was through no fault of his~~  
24 ~~own; and~~

25 ~~(3) he registered within 10 days after it became~~  
26 ~~possible for him to file.~~

27 ~~A lack of knowledge of the pregnancy or birth is not an~~  
28 ~~acceptable reason for failure to register.~~

29 ~~(h) Except as provided in subsection (b) or (c) of Section~~  
30 ~~8 of this Act, failure to timely register with the Putative~~  
31 ~~Father Registry (i) shall be deemed to be a waiver and~~  
32 ~~surrender of any right to notice of any hearing in any judicial~~  
33 ~~proceeding for the adoption of the child, and the consent or~~  
34 ~~surrender of that person to the adoption of the child is not~~  
35 ~~required, and (ii) shall constitute an abandonment of the child~~  
36 ~~and shall be prima facie evidence of sufficient grounds to~~

1 ~~support termination of such father's parental rights under this~~  
2 ~~Act.~~

3 ~~(i) In any adoption proceeding pertaining to a child born~~  
4 ~~out of wedlock, if there is no showing that a putative father~~  
5 ~~has executed a consent or surrender or waived his rights~~  
6 ~~regarding the proposed adoption, certification as specified in~~  
7 ~~subsection (d) shall be filed with the court prior to entry of~~  
8 ~~a final judgment order of adoption.~~

9 ~~(j) The Registry shall not be used to notify a putative~~  
10 ~~father who is the father of a child as a result of criminal~~  
11 ~~sexual abuse or assault as defined under Article 12 of the~~  
12 ~~Criminal Code of 1961.~~

13 (Source: P.A. 89-315, eff. 1-1-96; 90-15, eff. 6-13-97.)

14 (750 ILCS 50/18.06)

15 Sec. 18.06. Definitions. When used in Sections 18.05  
16 through Section 18.6, for the purposes of the Registry:

17 "Adopted person" means a person who was adopted pursuant to  
18 the laws in effect at the time of the adoption.

19 "Adoptive parent" means a person who has become a parent  
20 through the legal process of adoption.

21 "Agency" means a public child welfare agency or a licensed  
22 child welfare agency.

23 "Birth father" means the biological father of an adopted or  
24 surrendered person who is named on the original certificate of  
25 live birth or on a consent or surrender document, or a  
26 biological father whose paternity has been established by a  
27 judgment or order of the court, pursuant to the Illinois  
28 Parentage Act of 1984 or the Uniform Parentage Act (2000).

29 "Birth mother" means the biological mother of an adopted or  
30 surrendered person.

31 "Birth parent" means a birth mother or birth father of an  
32 adopted or surrendered person.

33 "Birth sibling" means the adult full or half sibling of an  
34 adopted or surrendered person.

35 "Denial of Information Exchange" means an affidavit



1 completed by a registrant with the Illinois Adoption Registry  
2 and Medical Information Exchange denying the release of  
3 identifying information.

4 "Information Exchange Authorization" means an affidavit  
5 completed by a registrant with the Illinois Adoption Registry  
6 and Medical Information Exchange authorizing the release of  
7 identifying information.

8 "Medical Information Exchange Questionnaire" means the  
9 medical history questionnaire completed by a registrant of the  
10 Illinois Adoption Registry and Medical Information Exchange.

11 "Proof of death" means a death certificate.

12 "Registrant" or "Registered Party" means a birth parent,  
13 birth sibling, adopted or surrendered person over the age of  
14 21, or adoptive parent or legal guardian of an adopted or  
15 surrendered person under the age of 21 who has filed an  
16 Illinois Adoption Registry Application or Registration  
17 Identification Form with the Registry.

18 "Surrendered person" means a person whose parents' rights  
19 have been surrendered or terminated but who has not been  
20 adopted.

21 (Source: P.A. 91-417, eff. 1-1-00.)

22 Section 905.19. The Illinois Domestic Violence Act of 1986  
23 is amended by changing Sections 202 and 214 as follows:

24 (750 ILCS 60/202) (from Ch. 40, par. 2312-2)

25 Sec. 202. Commencement of action; filing fees; dismissal.

26 (a) How to commence action. Actions for orders of  
27 protection are commenced:

28 (1) Independently: By filing a petition for an order of  
29 protection in any civil court, unless specific courts are  
30 designated by local rule or order.

31 (2) In conjunction with another civil proceeding: By  
32 filing a petition for an order of protection under the same  
33 case number as another civil proceeding involving the  
34 parties, including but not limited to: (i) any proceeding

1 under the Illinois Marriage and Dissolution of Marriage  
2 Act, Uniform Parentage Act (2000) ~~Illinois Parentage Act of~~  
3 ~~1984~~, Nonsupport of Spouse and Children Act, Revised  
4 Uniform Reciprocal Enforcement of Support Act or an action  
5 for nonsupport brought under Article 10 of the Illinois  
6 Public Aid Code, provided that a petitioner and the  
7 respondent are a party to or the subject of that proceeding  
8 or (ii) a guardianship proceeding under the Probate Act of  
9 1975, or a proceeding for involuntary commitment under the  
10 Mental Health and Developmental Disabilities Code, or any  
11 proceeding, other than a delinquency petition, under the  
12 Juvenile Court Act of 1987, provided that a petitioner or  
13 the respondent is a party to or the subject of such  
14 proceeding.

15 (3) In conjunction with a delinquency petition or a  
16 criminal prosecution: By filing a petition for an order of  
17 protection, under the same case number as the delinquency  
18 petition or criminal prosecution, to be granted during  
19 pre-trial release of a defendant, with any dispositional  
20 order issued under Section 5-710 of the Juvenile Court Act  
21 of 1987 or as a condition of release, supervision,  
22 conditional discharge, probation, periodic imprisonment,  
23 parole or mandatory supervised release, or in conjunction  
24 with imprisonment or a bond forfeiture warrant; provided  
25 that:

26 (i) the violation is alleged in an information,  
27 complaint, indictment or delinquency petition on file,  
28 and the alleged offender and victim are family or  
29 household members or persons protected by this Act; and

30 (ii) the petition, which is filed by the State's  
31 Attorney, names a victim of the alleged crime as a  
32 petitioner.

33 (b) Filing, certification, and service fees. No fee shall  
34 be charged by the clerk for filing, amending, vacating,  
35 certifying, or photocopying petitions or orders; or for issuing  
36 alias summons; or for any related filing service. No fee shall

1 be charged by the sheriff for service by the sheriff of a  
2 petition, rule, motion, or order in an action commenced under  
3 this Section.

4 (c) Dismissal and consolidation. Withdrawal or dismissal  
5 of any petition for an order of protection prior to  
6 adjudication where the petitioner is represented by the State  
7 shall operate as a dismissal without prejudice. No action for  
8 an order of protection shall be dismissed because the  
9 respondent is being prosecuted for a crime against the  
10 petitioner. An independent action may be consolidated with  
11 another civil proceeding, as provided by paragraph (2) of  
12 subsection (a) of this Section. For any action commenced under  
13 paragraph (2) or (3) of subsection (a) of this Section,  
14 dismissal of the conjoined case (or a finding of not guilty)  
15 shall not require dismissal of the action for the order of  
16 protection; instead, it may be treated as an independent action  
17 and, if necessary and appropriate, transferred to a different  
18 court or division. Dismissal of any conjoined case shall not  
19 affect the validity of any previously issued order of  
20 protection, and thereafter subsections (b)(1) and (b)(2) of  
21 Section 220 shall be inapplicable to such order.

22 (d) Pro se petitions. The court shall provide, through the  
23 office of the clerk of the court, simplified forms and clerical  
24 assistance to help with the writing and filing of a petition  
25 under this Section by any person not represented by counsel. In  
26 addition, that assistance may be provided by the state's  
27 attorney.

28 (Source: P.A. 93-458, eff. 1-1-04.)

29 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

30 Sec. 214. Order of protection; remedies.

31 (a) Issuance of order. If the court finds that petitioner  
32 has been abused by a family or household member or that  
33 petitioner is a high-risk adult who has been abused, neglected,  
34 or exploited, as defined in this Act, an order of protection  
35 prohibiting the abuse, neglect, or exploitation shall issue;

1 provided that petitioner must also satisfy the requirements of  
2 one of the following Sections, as appropriate: Section 217 on  
3 emergency orders, Section 218 on interim orders, or Section 219  
4 on plenary orders. Petitioner shall not be denied an order of  
5 protection because petitioner or respondent is a minor. The  
6 court, when determining whether or not to issue an order of  
7 protection, shall not require physical manifestations of abuse  
8 on the person of the victim. Modification and extension of  
9 prior orders of protection shall be in accordance with this  
10 Act.

11 (b) Remedies and standards. The remedies to be included in  
12 an order of protection shall be determined in accordance with  
13 this Section and one of the following Sections, as appropriate:  
14 Section 217 on emergency orders, Section 218 on interim orders,  
15 and Section 219 on plenary orders. The remedies listed in this  
16 subsection shall be in addition to other civil or criminal  
17 remedies available to petitioner.

18 (1) Prohibition of abuse, neglect, or exploitation.  
19 Prohibit respondent's harassment, interference with  
20 personal liberty, intimidation of a dependent, physical  
21 abuse, or willful deprivation, neglect or exploitation, as  
22 defined in this Act, or stalking of the petitioner, as  
23 defined in Section 12-7.3 of the Criminal Code of 1961, if  
24 such abuse, neglect, exploitation, or stalking has  
25 occurred or otherwise appears likely to occur if not  
26 prohibited.

27 (2) Grant of exclusive possession of residence.  
28 Prohibit respondent from entering or remaining in any  
29 residence or household of the petitioner, including one  
30 owned or leased by respondent, if petitioner has a right to  
31 occupancy thereof. The grant of exclusive possession of the  
32 residence shall not affect title to real property, nor  
33 shall the court be limited by the standard set forth in  
34 Section 701 of the Illinois Marriage and Dissolution of  
35 Marriage Act.

36 (A) Right to occupancy. A party has a right to

1 occupancy of a residence or household if it is solely  
2 or jointly owned or leased by that party, that party's  
3 spouse, a person with a legal duty to support that  
4 party or a minor child in that party's care, or by any  
5 person or entity other than the opposing party that  
6 authorizes that party's occupancy (e.g., a domestic  
7 violence shelter). Standards set forth in subparagraph  
8 (B) shall not preclude equitable relief.

9 (B) Presumption of hardships. If petitioner and  
10 respondent each has the right to occupancy of a  
11 residence or household, the court shall balance (i) the  
12 hardships to respondent and any minor child or  
13 dependent adult in respondent's care resulting from  
14 entry of this remedy with (ii) the hardships to  
15 petitioner and any minor child or dependent adult in  
16 petitioner's care resulting from continued exposure to  
17 the risk of abuse (should petitioner remain at the  
18 residence or household) or from loss of possession of  
19 the residence or household (should petitioner leave to  
20 avoid the risk of abuse). When determining the balance  
21 of hardships, the court shall also take into account  
22 the accessibility of the residence or household.  
23 Hardships need not be balanced if respondent does not  
24 have a right to occupancy.

25 The balance of hardships is presumed to favor  
26 possession by petitioner unless the presumption is  
27 rebutted by a preponderance of the evidence, showing  
28 that the hardships to respondent substantially  
29 outweigh the hardships to petitioner and any minor  
30 child or dependent adult in petitioner's care. The  
31 court, on the request of petitioner or on its own  
32 motion, may order respondent to provide suitable,  
33 accessible, alternate housing for petitioner instead  
34 of excluding respondent from a mutual residence or  
35 household.

36 (3) Stay away order and additional prohibitions. Order

1       respondent to stay away from petitioner or any other person  
2       protected by the order of protection, or prohibit  
3       respondent from entering or remaining present at  
4       petitioner's school, place of employment, or other  
5       specified places at times when petitioner is present, or  
6       both, if reasonable, given the balance of hardships.  
7       Hardships need not be balanced for the court to enter a  
8       stay away order or prohibit entry if respondent has no  
9       right to enter the premises.

10       If an order of protection grants petitioner exclusive  
11       possession of the residence, or prohibits respondent from  
12       entering the residence, or orders respondent to stay away  
13       from petitioner or other protected persons, then the court  
14       may allow respondent access to the residence to remove  
15       items of clothing and personal adornment used exclusively  
16       by respondent, medications, and other items as the court  
17       directs. The right to access shall be exercised on only one  
18       occasion as the court directs and in the presence of an  
19       agreed-upon adult third party or law enforcement officer.

20       (4) Counseling. Require or recommend the respondent to  
21       undergo counseling for a specified duration with a social  
22       worker, psychologist, clinical psychologist, psychiatrist,  
23       family service agency, alcohol or substance abuse program,  
24       mental health center guidance counselor, agency providing  
25       services to elders, program designed for domestic violence  
26       abusers or any other guidance service the court deems  
27       appropriate.

28       (5) Physical care and possession of the minor child. In  
29       order to protect the minor child from abuse, neglect, or  
30       unwarranted separation from the person who has been the  
31       minor child's primary caretaker, or to otherwise protect  
32       the well-being of the minor child, the court may do either  
33       or both of the following: (i) grant petitioner physical  
34       care or possession of the minor child, or both, or (ii)  
35       order respondent to return a minor child to, or not remove  
36       a minor child from, the physical care of a parent or person

1 in loco parentis.

2 If a court finds, after a hearing, that respondent has  
3 committed abuse (as defined in Section 103) of a minor  
4 child, there shall be a rebuttable presumption that  
5 awarding physical care to respondent would not be in the  
6 minor child's best interest.

7 (6) Temporary legal custody. Award temporary legal  
8 custody to petitioner in accordance with this Section, the  
9 Illinois Marriage and Dissolution of Marriage Act, the  
10 Uniform Parentage Act (2000) ~~the Illinois Parentage Act of~~  
11 ~~1984~~, and this State's Uniform Child-Custody Jurisdiction  
12 and Enforcement Act.

13 If a court finds, after a hearing, that respondent has  
14 committed abuse (as defined in Section 103) of a minor  
15 child, there shall be a rebuttable presumption that  
16 awarding temporary legal custody to respondent would not be  
17 in the child's best interest.

18 (7) Visitation. Determine the visitation rights, if  
19 any, of respondent in any case in which the court awards  
20 physical care or temporary legal custody of a minor child  
21 to petitioner. The court shall restrict or deny  
22 respondent's visitation with a minor child if the court  
23 finds that respondent has done or is likely to do any of  
24 the following: (i) abuse or endanger the minor child during  
25 visitation; (ii) use the visitation as an opportunity to  
26 abuse or harass petitioner or petitioner's family or  
27 household members; (iii) improperly conceal or detain the  
28 minor child; or (iv) otherwise act in a manner that is not  
29 in the best interests of the minor child. The court shall  
30 not be limited by the standards set forth in Section 607.1  
31 of the Illinois Marriage and Dissolution of Marriage Act.  
32 If the court grants visitation, the order shall specify  
33 dates and times for the visitation to take place or other  
34 specific parameters or conditions that are appropriate. No  
35 order for visitation shall refer merely to the term  
36 "reasonable visitation".

1           Petitioner may deny respondent access to the minor  
2 child if, when respondent arrives for visitation,  
3 respondent is under the influence of drugs or alcohol and  
4 constitutes a threat to the safety and well-being of  
5 petitioner or petitioner's minor children or is behaving in  
6 a violent or abusive manner.

7           If necessary to protect any member of petitioner's  
8 family or household from future abuse, respondent shall be  
9 prohibited from coming to petitioner's residence to meet  
10 the minor child for visitation, and the parties shall  
11 submit to the court their recommendations for reasonable  
12 alternative arrangements for visitation. A person may be  
13 approved to supervise visitation only after filing an  
14 affidavit accepting that responsibility and acknowledging  
15 accountability to the court.

16           (8) Removal or concealment of minor child. Prohibit  
17 respondent from removing a minor child from the State or  
18 concealing the child within the State.

19           (9) Order to appear. Order the respondent to appear in  
20 court, alone or with a minor child, to prevent abuse,  
21 neglect, removal or concealment of the child, to return the  
22 child to the custody or care of the petitioner or to permit  
23 any court-ordered interview or examination of the child or  
24 the respondent.

25           (10) Possession of personal property. Grant petitioner  
26 exclusive possession of personal property and, if  
27 respondent has possession or control, direct respondent to  
28 promptly make it available to petitioner, if:

29           (i) petitioner, but not respondent, owns the  
30 property; or

31           (ii) the parties own the property jointly; sharing  
32 it would risk abuse of petitioner by respondent or is  
33 impracticable; and the balance of hardships favors  
34 temporary possession by petitioner.

35           If petitioner's sole claim to ownership of the property  
36 is that it is marital property, the court may award



1 petitioner temporary possession thereof under the  
2 standards of subparagraph (ii) of this paragraph only if a  
3 proper proceeding has been filed under the Illinois  
4 Marriage and Dissolution of Marriage Act, as now or  
5 hereafter amended.

6 No order under this provision shall affect title to  
7 property.

8 (11) Protection of property. Forbid the respondent  
9 from taking, transferring, encumbering, concealing,  
10 damaging or otherwise disposing of any real or personal  
11 property, except as explicitly authorized by the court, if:

12 (i) petitioner, but not respondent, owns the  
13 property; or

14 (ii) the parties own the property jointly, and the  
15 balance of hardships favors granting this remedy.

16 If petitioner's sole claim to ownership of the property  
17 is that it is marital property, the court may grant  
18 petitioner relief under subparagraph (ii) of this  
19 paragraph only if a proper proceeding has been filed under  
20 the Illinois Marriage and Dissolution of Marriage Act, as  
21 now or hereafter amended.

22 The court may further prohibit respondent from  
23 improperly using the financial or other resources of an  
24 aged member of the family or household for the profit or  
25 advantage of respondent or of any other person.

26 (12) Order for payment of support. Order respondent to  
27 pay temporary support for the petitioner or any child in  
28 the petitioner's care or custody, when the respondent has a  
29 legal obligation to support that person, in accordance with  
30 the Illinois Marriage and Dissolution of Marriage Act,  
31 which shall govern, among other matters, the amount of  
32 support, payment through the clerk and withholding of  
33 income to secure payment. An order for child support may be  
34 granted to a petitioner with lawful physical care or  
35 custody of a child, or an order or agreement for physical  
36 care or custody, prior to entry of an order for legal

1 custody. Such a support order shall expire upon entry of a  
2 valid order granting legal custody to another, unless  
3 otherwise provided in the custody order.

4 (13) Order for payment of losses. Order respondent to  
5 pay petitioner for losses suffered as a direct result of  
6 the abuse, neglect, or exploitation. Such losses shall  
7 include, but not be limited to, medical expenses, lost  
8 earnings or other support, repair or replacement of  
9 property damaged or taken, reasonable attorney's fees,  
10 court costs and moving or other travel expenses, including  
11 additional reasonable expenses for temporary shelter and  
12 restaurant meals.

13 (i) Losses affecting family needs. If a party is  
14 entitled to seek maintenance, child support or  
15 property distribution from the other party under the  
16 Illinois Marriage and Dissolution of Marriage Act, as  
17 now or hereafter amended, the court may order  
18 respondent to reimburse petitioner's actual losses, to  
19 the extent that such reimbursement would be  
20 "appropriate temporary relief", as authorized by  
21 subsection (a) (3) of Section 501 of that Act.

22 (ii) Recovery of expenses. In the case of an  
23 improper concealment or removal of a minor child, the  
24 court may order respondent to pay the reasonable  
25 expenses incurred or to be incurred in the search for  
26 and recovery of the minor child, including but not  
27 limited to legal fees, court costs, private  
28 investigator fees, and travel costs.

29 (14) Prohibition of entry. Prohibit the respondent  
30 from entering or remaining in the residence or household  
31 while the respondent is under the influence of alcohol or  
32 drugs and constitutes a threat to the safety and well-being  
33 of the petitioner or the petitioner's children.

34 (14.5) Prohibition of firearm possession.

35 (a) When a complaint is made under a request for an  
36 order of protection, that the respondent has

1 threatened or is likely to use firearms illegally  
2 against the petitioner, and the respondent is present  
3 in court, or has failed to appear after receiving  
4 actual notice, the court shall examine on oath the  
5 petitioner, and any witnesses who may be produced. If  
6 the court is satisfied that there is any danger of the  
7 illegal use of firearms, it shall issue an order that  
8 any firearms in the possession of the respondent,  
9 except as provided in subsection (b), be turned over to  
10 the local law enforcement agency for safekeeping. If  
11 the respondent has failed to appear, the court shall  
12 issue a warrant for seizure of any firearm in the  
13 possession of the respondent. The period of  
14 safekeeping shall be for a stated period of time not to  
15 exceed 2 years. The firearm or firearms shall be  
16 returned to the respondent at the end of the stated  
17 period or at expiration of the order of protection,  
18 whichever is sooner.

19 (b) If the respondent is a peace officer as defined  
20 in Section 2-13 of the Criminal Code of 1961, the court  
21 shall order that any firearms used by the respondent in  
22 the performance of his or her duties as a peace officer  
23 be surrendered to the chief law enforcement executive  
24 of the agency in which the respondent is employed, who  
25 shall retain the firearms for safekeeping for the  
26 stated period not to exceed 2 years as set forth in the  
27 court order.

28 (15) Prohibition of access to records. If an order of  
29 protection prohibits respondent from having contact with  
30 the minor child, or if petitioner's address is omitted  
31 under subsection (b) of Section 203, or if necessary to  
32 prevent abuse or wrongful removal or concealment of a minor  
33 child, the order shall deny respondent access to, and  
34 prohibit respondent from inspecting, obtaining, or  
35 attempting to inspect or obtain, school or any other  
36 records of the minor child who is in the care of

1 petitioner.

2 (16) Order for payment of shelter services. Order  
3 respondent to reimburse a shelter providing temporary  
4 housing and counseling services to the petitioner for the  
5 cost of the services, as certified by the shelter and  
6 deemed reasonable by the court.

7 (17) Order for injunctive relief. Enter injunctive  
8 relief necessary or appropriate to prevent further abuse of  
9 a family or household member or further abuse, neglect, or  
10 exploitation of a high-risk adult with disabilities or to  
11 effectuate one of the granted remedies, if supported by the  
12 balance of hardships. If the harm to be prevented by the  
13 injunction is abuse or any other harm that one of the  
14 remedies listed in paragraphs (1) through (16) of this  
15 subsection is designed to prevent, no further evidence is  
16 necessary that the harm is an irreparable injury.

17 (c) Relevant factors; findings.

18 (1) In determining whether to grant a specific remedy,  
19 other than payment of support, the court shall consider  
20 relevant factors, including but not limited to the  
21 following:

22 (i) the nature, frequency, severity, pattern and  
23 consequences of the respondent's past abuse, neglect  
24 or exploitation of the petitioner or any family or  
25 household member, including the concealment of his or  
26 her location in order to evade service of process or  
27 notice, and the likelihood of danger of future abuse,  
28 neglect, or exploitation to petitioner or any member of  
29 petitioner's or respondent's family or household; and

30 (ii) the danger that any minor child will be abused  
31 or neglected or improperly removed from the  
32 jurisdiction, improperly concealed within the State or  
33 improperly separated from the child's primary  
34 caretaker.

35 (2) In comparing relative hardships resulting to the  
36 parties from loss of possession of the family home, the

1 court shall consider relevant factors, including but not  
2 limited to the following:

3 (i) availability, accessibility, cost, safety,  
4 adequacy, location and other characteristics of  
5 alternate housing for each party and any minor child or  
6 dependent adult in the party's care;

7 (ii) the effect on the party's employment; and

8 (iii) the effect on the relationship of the party,  
9 and any minor child or dependent adult in the party's  
10 care, to family, school, church and community.

11 (3) Subject to the exceptions set forth in paragraph  
12 (4) of this subsection, the court shall make its findings  
13 in an official record or in writing, and shall at a minimum  
14 set forth the following:

15 (i) That the court has considered the applicable  
16 relevant factors described in paragraphs (1) and (2) of  
17 this subsection.

18 (ii) Whether the conduct or actions of respondent,  
19 unless prohibited, will likely cause irreparable harm  
20 or continued abuse.

21 (iii) Whether it is necessary to grant the  
22 requested relief in order to protect petitioner or  
23 other alleged abused persons.

24 (4) For purposes of issuing an ex parte emergency order  
25 of protection, the court, as an alternative to or as a  
26 supplement to making the findings described in paragraphs  
27 (c) (3) (i) through (c) (3) (iii) of this subsection, may use  
28 the following procedure:

29 When a verified petition for an emergency order of  
30 protection in accordance with the requirements of Sections  
31 203 and 217 is presented to the court, the court shall  
32 examine petitioner on oath or affirmation. An emergency  
33 order of protection shall be issued by the court if it  
34 appears from the contents of the petition and the  
35 examination of petitioner that the averments are  
36 sufficient to indicate abuse by respondent and to support

1 the granting of relief under the issuance of the emergency  
2 order of protection.

3 (5) Never married parties. No rights or  
4 responsibilities for a minor child born outside of marriage  
5 attach to a putative father until a father and child  
6 relationship has been established under the Illinois  
7 Parentage Act of 1984, the Uniform Parentage Act (2000),  
8 the Illinois Public Aid Code, Section 12 of the Vital  
9 Records Act, the Juvenile Court Act of 1987, the Probate  
10 Act of 1985, the Revised Uniform Reciprocal Enforcement of  
11 Support Act, the Uniform Interstate Family Support Act, the  
12 Expedited Child Support Act of 1990, any judicial,  
13 administrative, or other act of another state or territory,  
14 any other Illinois statute, or by any foreign nation  
15 establishing the father and child relationship, any other  
16 proceeding substantially in conformity with the Personal  
17 Responsibility and Work Opportunity Reconciliation Act of  
18 1996 (Pub. L. 104-193), or where both parties appeared in  
19 open court or at an administrative hearing acknowledging  
20 under oath or admitting by affirmation the existence of a  
21 father and child relationship. Absent such an  
22 adjudication, finding, or acknowledgement, no putative  
23 father shall be granted temporary custody of the minor  
24 child, visitation with the minor child, or physical care  
25 and possession of the minor child, nor shall an order of  
26 payment for support of the minor child be entered.

27 (d) Balance of hardships; findings. If the court finds that  
28 the balance of hardships does not support the granting of a  
29 remedy governed by paragraph (2), (3), (10), (11), or (16) of  
30 subsection (b) of this Section, which may require such  
31 balancing, the court's findings shall so indicate and shall  
32 include a finding as to whether granting the remedy will result  
33 in hardship to respondent that would substantially outweigh the  
34 hardship to petitioner from denial of the remedy. The findings  
35 shall be an official record or in writing.

36 (e) Denial of remedies. Denial of any remedy shall not be

1 based, in whole or in part, on evidence that:

2 (1) Respondent has cause for any use of force, unless  
3 that cause satisfies the standards for justifiable use of  
4 force provided by Article VII of the Criminal Code of 1961;

5 (2) Respondent was voluntarily intoxicated;

6 (3) Petitioner acted in self-defense or defense of  
7 another, provided that, if petitioner utilized force, such  
8 force was justifiable under Article VII of the Criminal  
9 Code of 1961;

10 (4) Petitioner did not act in self-defense or defense  
11 of another;

12 (5) Petitioner left the residence or household to avoid  
13 further abuse, neglect, or exploitation by respondent;

14 (6) Petitioner did not leave the residence or household  
15 to avoid further abuse, neglect, or exploitation by  
16 respondent;

17 (7) Conduct by any family or household member excused  
18 the abuse, neglect, or exploitation by respondent, unless  
19 that same conduct would have excused such abuse, neglect,  
20 or exploitation if the parties had not been family or  
21 household members.

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

23 Section 905.20. The Business Corporation Act of 1983 is  
24 amended by changing Section 1.25 as follows:

25 (805 ILCS 5/1.25) (from Ch. 32, par. 1.25)

26 Sec. 1.25. List of corporations; exchange of information.

27 (a) The Secretary of State shall publish each year a list  
28 of corporations filing an annual report for the preceding year  
29 in accordance with the provisions of this Act, which report  
30 shall state the name of the corporation and the respective  
31 names and addresses of the president, secretary, and registered  
32 agent thereof and the address of the registered office in this  
33 State of each such corporation. The Secretary of State shall  
34 furnish without charge a copy of such report to each recorder

1 of this State, and to each member of the General Assembly and  
2 to each State agency or department requesting the same. The  
3 Secretary of State shall, upon receipt of a written request and  
4 a fee as determined by the Secretary, furnish such report to  
5 anyone else.

6 (b) (1) The Secretary of State shall publish daily a list  
7 of all newly formed corporations, business and not for profit,  
8 chartered by him on that day issued after receipt of the  
9 application. The daily list shall contain the same information  
10 as to each corporation as is provided for the corporation list  
11 published under subsection (a) of this Section. The daily list  
12 may be obtained at the Secretary's office by any person,  
13 newspaper, State department or agency, or local government for  
14 a reasonable charge to be determined by the Secretary.  
15 Inspection of the daily list may be made at the Secretary's  
16 office during normal business hours without charge by any  
17 person, newspaper, State department or agency, or local  
18 government.

19 (2) The Secretary shall compile the daily list mentioned in  
20 paragraph (1) of subsection (b) of this Section monthly, or  
21 more often at the Secretary's discretion. The compilation shall  
22 be immediately mailed free of charge to all local governments  
23 requesting in writing receipt of such publication, or shall be  
24 automatically mailed by the Secretary without charge to local  
25 governments as determined by the Secretary. The Secretary shall  
26 mail a copy of the compilations free of charge to all State  
27 departments or agencies making a written request. A request for  
28 a compilation of the daily list once made by a local government  
29 or State department or agency need not be renewed. However, the  
30 Secretary may request from time to time whether the local  
31 governments or State departments or agencies desire to continue  
32 receiving the compilation.

33 (3) The compilations of the daily list mentioned in  
34 paragraph (2) of subsection (b) of this Section shall be mailed  
35 to newspapers, or any other person not included as a recipient  
36 in paragraph (2) of subsection (b) of this Section, upon



1 receipt of a written application signed by the applicant and  
2 accompanied by the payment of a fee as determined by the  
3 Secretary.

4 (c) If a domestic or foreign corporation has filed with the  
5 Secretary of State an annual report for the preceding year or  
6 has been newly formed or is otherwise and in any manner  
7 registered with the Secretary of State, the Secretary of State  
8 shall exchange with the Illinois Department of Public Aid any  
9 information concerning that corporation that may be necessary  
10 for the enforcement of child support orders entered pursuant to  
11 the Illinois Public Aid Code, the Illinois Marriage and  
12 Dissolution of Marriage Act, the Non-Support of Spouse and  
13 Children Act, the Non-Support Punishment Act, the Revised  
14 Uniform Reciprocal Enforcement of Support Act, the Uniform  
15 Interstate Family Support Act, ~~or~~ the Illinois Parentage Act of  
16 1984, or the Uniform Parentage Act (2000).

17 Notwithstanding any provisions in this Act to the contrary,  
18 the Secretary of State shall not be liable to any person for  
19 any disclosure of information to the Illinois Department of  
20 Public Aid under this subsection or for any other action taken  
21 in good faith to comply with the requirements of this  
22 subsection.

23 (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 10-1-99.)

24 Section 905.21. The Limited Liability Company Act is  
25 amended by changing Section 50-5 as follows:

26 (805 ILCS 180/50-5)

27 Sec. 50-5. List of limited liability companies; exchange of  
28 information.

29 (a) The Secretary of State may publish a list or lists of  
30 limited liability companies and foreign limited liability  
31 companies, as often, in the format, and for the fees as the  
32 Secretary of State may in his or her discretion provide by  
33 rule. The Secretary of State may disseminate information  
34 concerning limited liability companies and foreign limited

1 liability companies by computer network in the format and for  
2 the fees as may be determined by rule.

3 (b) Upon written request, any list published under  
4 subsection (a) shall be free to each member of the General  
5 Assembly, to each State agency or department, and to each  
6 recorder in this State. An appropriate fee established by rule  
7 to cover the cost of producing the list shall be charged to all  
8 others.

9 (c) If a domestic or foreign limited liability company has  
10 filed with the Secretary of State an annual report for the  
11 preceding year or has been newly formed or is otherwise and in  
12 any manner registered with the Secretary of State, the  
13 Secretary of State shall exchange with the Illinois Department  
14 of Public Aid any information concerning that limited liability  
15 company that may be necessary for the enforcement of child  
16 support orders entered pursuant to the Illinois Public Aid  
17 Code, the Illinois Marriage and Dissolution of Marriage Act,  
18 the Non-Support of Spouse and Children Act, the Non-Support  
19 Punishment Act, the Revised Uniform Reciprocal Enforcement of  
20 Support Act, the Uniform Interstate Family Support Act, ~~or~~ the  
21 Illinois Parentage Act of 1984, or the Uniform Parentage Act  
22 (2000).

23 Notwithstanding any provisions in this Act to the contrary,  
24 the Secretary of State shall not be liable to any person for  
25 any disclosure of information to the Illinois Department of  
26 Public Aid under this subsection or for any other action taken  
27 in good faith to comply with the requirements of this  
28 subsection.

29 (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 10-1-99.)

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