



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB0452

Introduced 2/16/2005, by Sen. M. Maggie Crotty

SYNOPSIS AS INTRODUCED:

305 ILCS 5/10-1	from Ch. 23, par. 10-1
305 ILCS 5/10-16.5	
735 ILCS 5/12-109	from Ch. 110, par. 12-109
750 ILCS 5/505	from Ch. 40, par. 505
750 ILCS 16/20	
750 ILCS 16/23	
750 ILCS 28/15	
750 ILCS 45/20.7	

Amends the Illinois Public Aid Code, the Code of Civil Procedure, the Illinois Marriage and Dissolution of Marriage Act, the Non-Support Punishment Act, the Income Withholding for Support Act, and the Illinois Parentage Act of 1984. Replaces the provisions concerning interest on child support judgments. Provides for the accrual of interest on a child support obligation that becomes due and remains unpaid as of the end of each month (instead of for 30 days or more). Provides that the interest on child support judgments shall be calculated by applying one-twelfth of the current statutory interest rate as provided in the Code of Civil Procedure to the unpaid child support balance as of the end of each calendar month. Provides that monthly child support payments shall be applied first to the current monthly child support obligation, then to any unpaid child support balance owed from previous months, and finally to the accrued interest on the unpaid child support balance. Provides that interest on child support obligations may be collected by any means available under federal or State law or rules. Effective January 1, 2006.

LRB094 05502 DRJ 35549 b

1 AN ACT concerning civil law.

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

4 Section 5. The Illinois Public Aid Code is amended by
5 changing Sections 10-1 and 10-16.5 as follows:

6 (305 ILCS 5/10-1) (from Ch. 23, par. 10-1)

7 Sec. 10-1. Declaration of Public Policy - Persons Eligible
8 for Child Support Enforcement Services - Fees for
9 Non-Applicants and Non-Recipients.) It is the intent of this
10 Code that the financial aid and social welfare services herein
11 provided supplement rather than supplant the primary and
12 continuing obligation of the family unit for self-support to
13 the fullest extent permitted by the resources available to it.
14 This primary and continuing obligation applies whether the
15 family unit of parents and children or of husband and wife
16 remains intact and resides in a common household or whether the
17 unit has been broken by absence of one or more members of the
18 unit. The obligation of the family unit is particularly
19 applicable when a member is in necessitous circumstances and
20 lacks the means of a livelihood compatible with health and
21 well-being.

22 It is the purpose of this Article to provide for locating
23 an absent parent or spouse, for determining his financial
24 circumstances, and for enforcing his legal obligation of
25 support, if he is able to furnish support, in whole or in part.
26 The Illinois Department of Public Aid shall give priority to
27 establishing, enforcing and collecting the current support
28 obligation, and then to past due support owed to the family
29 unit, except with respect to collections effected through the
30 intercept programs provided for in this Article.

31 The child support enforcement services provided hereunder
32 shall be furnished dependents of an absent parent or spouse who

1 are applicants for or recipients of financial aid under this
2 Code. It is not, however, a condition of eligibility for
3 financial aid that there be no responsible relatives who are
4 reasonably able to provide support. Nor, except as provided in
5 Sections 4-1.7 and 10-8, shall the existence of such relatives
6 or their payment of support contributions disqualify a needy
7 person for financial aid.

8 By accepting financial aid under this Code, a spouse or a
9 parent or other person having custody of a child shall be
10 deemed to have made assignment to the Illinois Department for
11 aid under Articles III, IV, V and VII or to a local
12 governmental unit for aid under Article VI of any and all
13 rights, title, and interest in any support obligation,
14 including statutory interest thereon, up to the amount of
15 financial aid provided. The rights to support assigned to the
16 Illinois Department of Public Aid or local governmental unit
17 shall constitute an obligation owed the State or local
18 governmental unit by the person who is responsible for
19 providing the support, and shall be collectible under all
20 applicable processes.

21 The Illinois Department of Public Aid shall also furnish
22 the child support enforcement services established under this
23 Article in behalf of persons who are not applicants for or
24 recipients of financial aid under this Code in accordance with
25 the requirements of Title IV, Part D of the Social Security
26 Act. The Department may establish a schedule of reasonable
27 fees, to be paid for the services provided and may deduct a
28 collection fee, not to exceed 10% of the amount collected, from
29 such collection. The Illinois Department of Public Aid shall
30 cause to be published and distributed publications reasonably
31 calculated to inform the public that individuals who are not
32 recipients of or applicants for public aid under this Code are
33 eligible for the child support enforcement services under this
34 Article X. Such publications shall set forth an explanation, in
35 plain language, that the child support enforcement services
36 program is independent of any public aid program under the Code

1 and that the receiving of child support enforcement services in
2 no way implies that the person receiving such services is
3 receiving public aid.

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

5 (305 ILCS 5/10-16.5)

6 Sec. 10-16.5. Interest on support obligations. A support
7 obligation, or any portion of a support obligation, which
8 becomes due and remains unpaid as of the end of each month ~~for~~
9 ~~30 days or more~~ shall accrue simple interest as set forth in
10 Section 12-109 of the Code of Civil Procedure ~~at the rate of 9%~~
11 ~~per annum~~. An order for support entered or modified on or after
12 January 1, 2006 ~~2002~~ shall contain a statement that a support
13 obligation required under the order, or any portion of a
14 support obligation required under the order, that becomes due
15 and remains unpaid as of the end of each month ~~for 30 days or~~
16 ~~more~~ shall accrue simple interest as set forth in Section
17 12-109 of the Code of Civil Procedure ~~at the rate of 9% per~~
18 ~~annum~~. Failure to include the statement in the order for
19 support does not affect the validity of the order or the
20 accrual of interest as provided in this Section.

21 (Source: P.A. 91-397, eff. 1-1-00; 92-374, eff. 8-15-01.)

22 Section 10. The Code of Civil Procedure is amended by
23 changing Section 12-109 as follows:

24 (735 ILCS 5/12-109) (from Ch. 110, par. 12-109)

25 Sec. 12-109. Interest on judgments.

26 (a) Every judgment except those arising by operation of law
27 from child support orders shall bear interest thereon as
28 provided in Section 2-1303.

29 (b) Every judgment arising by operation of law from a child
30 support order shall bear interest as provided in this
31 subsection. The interest on judgments arising by operation of
32 law from child support orders shall be calculated by applying
33 one-twelfth of the current statutory interest rate as provided

1 in Section 2-1303 to the unpaid child support balance as of the
2 end of each calendar month. The unpaid child support balance at
3 the end of the month is the total amount of child support
4 ordered, including judgments for retroactive child support,
5 less all payments received and applied as set forth in this
6 subsection. The accrued interest shall not be included in the
7 unpaid child support balance when calculating interest at the
8 end of the month. The unpaid child support balance as of the
9 end of each month shall be determined by calculating the
10 current monthly child support obligation and applying all
11 payments received for that month, except federal income tax
12 refund intercepts, first to the current monthly child support
13 obligation and then applying any payments in excess of the
14 current monthly child support obligation to the unpaid child
15 support balance owed from previous months. The current monthly
16 child support obligation shall be determined from the document
17 that established the support obligation. Federal income tax
18 refund intercepts and any payments in excess of the current
19 monthly child support obligation shall be applied to the unpaid
20 child support balance. Any payments in excess of the current
21 monthly child support obligation and the unpaid child support
22 balance shall be applied to the accrued interest on the unpaid
23 child support balance. Interest on child support obligations
24 may be collected by any means available under federal and State
25 laws, rules, and regulations providing for the collection of
26 child support. Section 2-1303 commencing 30 days from the
27 effective date of each such judgment.

28 (Source: P.A. 85-2.)

29 Section 15. The Illinois Marriage and Dissolution of
30 Marriage Act is amended by changing Section 505 as follows:

31 (750 ILCS 5/505) (from Ch. 40, par. 505)

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

33 (a) In a proceeding for dissolution of marriage, legal
34 separation, declaration of invalidity of marriage, a

1 proceeding for child support following dissolution of the
 2 marriage by a court which lacked personal jurisdiction over the
 3 absent spouse, a proceeding for modification of a previous
 4 order for child support under Section 510 of this Act, or any
 5 proceeding authorized under Section 501 or 601 of this Act, the
 6 court may order either or both parents owing a duty of support
 7 to a child of the marriage to pay an amount reasonable and
 8 necessary for his support, without regard to marital
 9 misconduct. The duty of support owed to a child includes the
 10 obligation to provide for the reasonable and necessary
 11 physical, mental and emotional health needs of the child. For
 12 purposes of this Section, the term "child" shall include any
 13 child under age 18 and any child under age 19 who is still
 14 attending high school.

15 (1) The Court shall determine the minimum amount of
 16 support by using the following guidelines:

Number of Children	Percent of Supporting Party's Net Income
1	20%
2	28%
3	32%
4	40%
5	45%
6 or more	50%

25 (2) The above guidelines shall be applied in each case
 26 unless the court makes a finding that application of the
 27 guidelines would be inappropriate, after considering the
 28 best interests of the child in light of evidence including
 29 but not limited to one or more of the following relevant
 30 factors:

- (a) the financial resources and needs of the child;
- (b) the financial resources and needs of the
custodial parent;
- (c) the standard of living the child would have
enjoyed had the marriage not been dissolved;
- (d) the physical and emotional condition of the

1 child, and his educational needs; and

2 (e) the financial resources and needs of the
3 non-custodial parent.

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

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

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

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

15 (c) Social Security (FICA payments);

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

18 (e) Union dues;

19 (f) Dependent and individual
20 health/hospitalization insurance premiums;

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

23 (h) Expenditures for repayment of debts that
24 represent reasonable and necessary expenses for the
25 production of income, medical expenditures necessary
26 to preserve life or health, reasonable expenditures
27 for the benefit of the child and the other parent,
28 exclusive of gifts. The court shall reduce net income
29 in determining the minimum amount of support to be
30 ordered only for the period that such payments are due
31 and shall enter an order containing provisions for its
32 self-executing modification upon termination of such
33 payment period.

34 (4) In cases where the court order provides for
35 health/hospitalization insurance coverage pursuant to
36 Section 505.2 of this Act, the premiums for that insurance,

1 or that portion of the premiums for which the supporting
2 party is responsible in the case of insurance provided
3 through an employer's health insurance plan where the
4 employer pays a portion of the premiums, shall be
5 subtracted from net income in determining the minimum
6 amount of support to be ordered.

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

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

28 (6) If (i) the non-custodial parent was properly served
29 with a request for discovery of financial information
30 relating to the non-custodial parent's ability to provide
31 child support, (ii) the non-custodial parent failed to
32 comply with the request, despite having been ordered to do
33 so by the court, and (iii) the non-custodial parent is not
34 present at the hearing to determine support despite having
35 received proper notice, then any relevant financial
36 information concerning the non-custodial parent's ability

1 to provide child support that was obtained pursuant to
2 subpoena and proper notice shall be admitted into evidence
3 without the need to establish any further foundation for
4 its admission.

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

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

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

21 (2) sentenced to periodic imprisonment for a period not
22 to exceed 6 months; provided, however, that the Court may
23 permit the parent to be released for periods of time during
24 the day or night to:

25 (A) work; or

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

28 The Court may further order any part or all of the earnings
29 of a parent during a sentence of periodic imprisonment paid to
30 the Clerk of the Circuit Court or to the parent having custody
31 or to the guardian having custody of the children of the
32 sentenced parent for the support of said children until further
33 order of the Court.

34 If there is a unity of interest and ownership sufficient to
35 render no financial separation between a non-custodial parent
36 and another person or persons or business entity, the court may

1 pierce the ownership veil of the person, persons, or business
2 entity to discover assets of the non-custodial parent held in
3 the name of that person, those persons, or that business
4 entity. The following circumstances are sufficient to
5 authorize a court to order discovery of the assets of a person,
6 persons, or business entity and to compel the application of
7 any discovered assets toward payment on the judgment for
8 support:

9 (1) the non-custodial parent and the person, persons,
10 or business entity maintain records together.

11 (2) the non-custodial parent and the person, persons,
12 or business entity fail to maintain an arms length
13 relationship between themselves with regard to any assets.

14 (3) the non-custodial parent transfers assets to the
15 person, persons, or business entity with the intent to
16 perpetrate a fraud on the custodial parent.

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

25 The court may also order in cases where the parent is 90
26 days or more delinquent in payment of support or has been
27 adjudicated in arrears in an amount equal to 90 days obligation
28 or more, that the parent's Illinois driving privileges be
29 suspended until the court determines that the parent is in
30 compliance with the order of support. The court may also order
31 that the parent be issued a family financial responsibility
32 driving permit that would allow limited driving privileges for
33 employment and medical purposes in accordance with Section
34 7-702.1 of the Illinois Vehicle Code. The clerk of the circuit
35 court shall certify the order suspending the driving privileges
36 of the parent or granting the issuance of a family financial

1 responsibility driving permit to the Secretary of State on
2 forms prescribed by the Secretary. Upon receipt of the
3 authenticated documents, the Secretary of State shall suspend
4 the parent's driving privileges until further order of the
5 court and shall, if ordered by the court, subject to the
6 provisions of Section 7-702.1 of the Illinois Vehicle Code,
7 issue a family financial responsibility driving permit to the
8 parent.

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

21 A support obligation, or any portion of a support
22 obligation, which becomes due and remains unpaid as of the end
23 of each month for 30 days or more shall accrue simple interest
24 as set forth in Section 12-109 of the Code of Civil Procedure
25 ~~at the rate of 9% per annum~~. An order for support entered or
26 modified on or after January 1, 2006 ~~2002~~ shall contain a
27 statement that a support obligation required under the order,
28 or any portion of a support obligation required under the
29 order, that becomes due and remains unpaid as of the end of
30 each month for 30 days or more shall accrue simple interest as
31 set forth in Section 12-109 of the Code of Civil Procedure ~~at~~
32 ~~the rate of 9% per annum~~. Failure to include the statement in
33 the order for support does not affect the validity of the order
34 or the accrual of interest as provided in this Section.

35 (c) A one-time charge of 20% is imposable upon the amount
36 of past-due child support owed on July 1, 1988 which has

1 accrued under a support order entered by the court. The charge
2 shall be imposed in accordance with the provisions of Section
3 10-21 of the Illinois Public Aid Code and shall be enforced by
4 the court upon petition.

5 (d) Any new or existing support order entered by the court
6 under this Section shall be deemed to be a series of judgments
7 against the person obligated to pay support thereunder, each
8 such judgment to be in the amount of each payment or
9 installment of support and each such judgment to be deemed
10 entered as of the date the corresponding payment or installment
11 becomes due under the terms of the support order. Each such
12 judgment shall have the full force, effect and attributes of
13 any other judgment of this State, including the ability to be
14 enforced. A lien arises by operation of law against the real
15 and personal property of the noncustodial parent for each
16 installment of overdue support owed by the noncustodial parent.

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

26 (f) All orders for support, when entered or modified, shall
27 include a provision requiring the obligor to notify the court
28 and, in cases in which a party is receiving child and spouse
29 services under Article X of the Illinois Public Aid Code, the
30 Illinois Department of Public Aid, within 7 days, (i) of the
31 name and address of any new employer of the obligor, (ii)
32 whether the obligor has access to health insurance coverage
33 through the employer or other group coverage and, if so, the
34 policy name and number and the names of persons covered under
35 the policy, and (iii) of any new residential or mailing address
36 or telephone number of the non-custodial parent. In any

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

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

21 (h) An order entered under this Section shall include a
22 provision requiring the obligor to report to the obligee and to
23 the clerk of court within 10 days each time the obligor obtains
24 new employment, and each time the obligor's employment is
25 terminated for any reason. The report shall be in writing and
26 shall, in the case of new employment, include the name and
27 address of the new employer. Failure to report new employment
28 or the termination of current employment, if coupled with
29 nonpayment of support for a period in excess of 60 days, is
30 indirect criminal contempt. For any obligor arrested for
31 failure to report new employment bond shall be set in the
32 amount of the child support that should have been paid during
33 the period of unreported employment. An order entered under
34 this Section shall also include a provision requiring the
35 obligor and obligee parents to advise each other of a change in
36 residence within 5 days of the change except when the court

1 finds that the physical, mental, or emotional health of a party
2 or that of a child, or both, would be seriously endangered by
3 disclosure of the party's address.

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

9 (Source: P.A. 92-16, eff. 6-28-01; 92-203, eff. 8-1-01; 92-374,
10 eff. 8-15-01; 92-651, eff. 7-11-02; 92-876, eff. 6-1-03;
11 93-148, eff. 7-10-03.)

12 Section 20. The Non-Support Punishment Act is amended by
13 changing Sections 20 and 23 as follows:

14 (750 ILCS 16/20)

15 Sec. 20. Entry of order for support; income withholding.

16 (a) In a case in which no court or administrative order for
17 support is in effect against the defendant:

18 (1) at any time before the trial, upon motion of the
19 State's Attorney, or of the Attorney General if the action
20 has been instituted by his office, and upon notice to the
21 defendant, or at the time of arraignment or as a condition
22 of postponement of arraignment, the court may enter such
23 temporary order for support as may seem just, providing for
24 the support or maintenance of the spouse or child or
25 children of the defendant, or both, pendente lite; or

26 (2) before trial with the consent of the defendant, or
27 at the trial on entry of a plea of guilty, or after
28 conviction, instead of imposing the penalty provided in
29 this Act, or in addition thereto, the court may enter an
30 order for support, subject to modification by the court
31 from time to time as circumstances may require, directing
32 the defendant to pay a certain sum for maintenance of the
33 spouse, or for support of the child or children, or both.

34 (b) The court shall determine the amount of child support

1 by using the guidelines and standards set forth in subsection
2 (a) of Section 505 and in Section 505.2 of the Illinois
3 Marriage and Dissolution of Marriage Act.

4 If (i) the non-custodial parent was properly served with a
5 request for discovery of financial information relating to the
6 non-custodial parent's ability to provide child support, (ii)
7 the non-custodial parent failed to comply with the request,
8 despite having been ordered to do so by the court, and (iii)
9 the non-custodial parent is not present at the hearing to
10 determine support despite having received proper notice, then
11 any relevant financial information concerning the
12 non-custodial parent's ability to provide support that was
13 obtained pursuant to subpoena and proper notice shall be
14 admitted into evidence without the need to establish any
15 further foundation for its admission.

16 (c) The court shall determine the amount of maintenance
17 using the standards set forth in Section 504 of the Illinois
18 Marriage and Dissolution of Marriage Act.

19 (d) The court may, for violation of any order under this
20 Section, punish the offender as for a contempt of court, but no
21 pendente lite order shall remain in effect longer than 4
22 months, or after the discharge of any panel of jurors summoned
23 for service thereafter in such court, whichever is sooner.

24 (e) Any order for support entered by the court under this
25 Section shall be deemed to be a series of judgments against the
26 person obligated to pay support under the judgments, each such
27 judgment to be in the amount of each payment or installment of
28 support and each judgment to be deemed entered as of the date
29 the corresponding payment or installment becomes due under the
30 terms of the support order. Each judgment shall have the full
31 force, effect, and attributes of any other judgment of this
32 State, including the ability to be enforced. Each judgment is
33 subject to modification or termination only in accordance with
34 Section 510 of the Illinois Marriage and Dissolution of
35 Marriage Act. A lien arises by operation of law against the
36 real and personal property of the noncustodial parent for each

1 installment of overdue support owed by the noncustodial parent.

2 (f) An order for support entered under this Section shall
3 include a provision requiring the obligor to report to the
4 obligee and to the clerk of the court within 10 days each time
5 the obligor obtains new employment, and each time the obligor's
6 employment is terminated for any reason. The report shall be in
7 writing and shall, in the case of new employment, include the
8 name and address of the new employer.

9 Failure to report new employment or the termination of
10 current employment, if coupled with nonpayment of support for a
11 period in excess of 60 days, is indirect criminal contempt. For
12 any obligor arrested for failure to report new employment, bond
13 shall be set in the amount of the child support that should
14 have been paid during the period of unreported employment.

15 An order for support entered under this Section shall also
16 include a provision requiring the obligor and obligee parents
17 to advise each other of a change in residence within 5 days of
18 the change except when the court finds that the physical,
19 mental, or emotional health of a party or of a minor child, or
20 both, would be seriously endangered by disclosure of the
21 party's address.

22 (g) An order for support entered or modified in a case in
23 which a party is receiving child support enforcement services
24 under Article X of the Illinois Public Aid Code shall include a
25 provision requiring the noncustodial parent to notify the
26 Illinois Department of Public Aid, within 7 days, of the name
27 and address of any new employer of the noncustodial parent,
28 whether the noncustodial parent has access to health insurance
29 coverage through the employer or other group coverage and, if
30 so, the policy name and number and the names of persons covered
31 under the policy.

32 (h) In any subsequent action to enforce an order for
33 support entered under this Act, upon sufficient showing that
34 diligent effort has been made to ascertain the location of the
35 noncustodial parent, service of process or provision of notice
36 necessary in that action may be made at the last known address

1 of the noncustodial parent, in any manner expressly provided by
2 the Code of Civil Procedure or in this Act, which service shall
3 be sufficient for purposes of due process.

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

17 (j) A support obligation, or any portion of a support
18 obligation, which becomes due and remains unpaid as of the end
19 of each month for 30 days or more shall accrue simple interest
20 as set forth in Section 12-109 of the Code of Civil Procedure
21 at the rate of 9% per annum. An order for support entered or
22 modified on or after January 1, 2006 ~~2002~~ shall contain a
23 statement that a support obligation required under the order,
24 or any portion of a support obligation required under the
25 order, that becomes due and remains unpaid as of the end of
26 each month for 30 days or more shall accrue simple interest as
27 set forth in Section 12-109 of the Code of Civil Procedure ~~at~~
28 ~~the rate of 9% per annum~~. Failure to include the statement in
29 the order for support does not affect the validity of the order
30 or the accrual of interest as provided in this Section.

31 (Source: P.A. 92-374, eff. 8-15-01; 92-590, eff. 7-1-02;
32 92-876, eff. 6-1-03; revised 9-27-03.)

33 (750 ILCS 16/23)

34 Sec. 23. Interest on support obligations. A support
35 obligation, or any portion of a support obligation, which

1 becomes due and remains unpaid as of the end of each month ~~for~~
2 ~~30 days or more~~ shall accrue interest as set forth in Section
3 12-109 of the Code of Civil Procedure ~~at the rate of 9% per~~
4 ~~annum.~~

5 (Source: P.A. 91-397, eff. 1-1-00; 92-16, eff. 6-28-01.)

6 Section 25. The Income Withholding for Support Act is
7 amended by changing Section 15 as follows:

8 (750 ILCS 28/15)

9 Sec. 15. Definitions.

10 (a) "Order for support" means any order of the court which
11 provides for periodic payment of funds for the support of a
12 child or maintenance of a spouse, whether temporary or final,
13 and includes any such order which provides for:

14 (1) modification or resumption of, or payment of
15 arrearage, including interest, accrued under, a previously
16 existing order;

17 (2) reimbursement of support;

18 (3) payment or reimbursement of the expenses of
19 pregnancy and delivery (for orders for support entered
20 under the Illinois Parentage Act of 1984 or its predecessor
21 the Paternity Act); or

22 (4) enrollment in a health insurance plan that is
23 available to the obligor through an employer or labor union
24 or trade union.

25 (b) "Arrearage" means the total amount of unpaid support
26 obligations, including interest, as determined by the court and
27 incorporated into an order for support.

28 (b-5) "Business day" means a day on which State offices are
29 open for regular business.

30 (c) "Delinquency" means any payment, including a payment of
31 interest, under an order for support which becomes due and
32 remains unpaid after entry of the order for support.

33 (d) "Income" means any form of periodic payment to an
34 individual, regardless of source, including, but not limited

1 to: wages, salary, commission, compensation as an independent
2 contractor, workers' compensation, disability, annuity,
3 pension, and retirement benefits, lottery prize awards,
4 insurance proceeds, vacation pay, bonuses, profit-sharing
5 payments, interest, and any other payments, made by any person,
6 private entity, federal or state government, any unit of local
7 government, school district or any entity created by Public
8 Act; however, "income" excludes:

9 (1) any amounts required by law to be withheld, other
10 than creditor claims, including, but not limited to,
11 federal, State and local taxes, Social Security and other
12 retirement and disability contributions;

13 (2) union dues;

14 (3) any amounts exempted by the federal Consumer Credit
15 Protection Act;

16 (4) public assistance payments; and

17 (5) unemployment insurance benefits except as provided
18 by law.

19 Any other State or local laws which limit or exempt income
20 or the amount or percentage of income that can be withheld
21 shall not apply.

22 (e) "Obligor" means the individual who owes a duty to make
23 payments under an order for support.

24 (f) "Obligee" means the individual to whom a duty of
25 support is owed or the individual's legal representative.

26 (g) "Payor" means any payor of income to an obligor.

27 (h) "Public office" means any elected official or any State
28 or local agency which is or may become responsible by law for
29 enforcement of, or which is or may become authorized to
30 enforce, an order for support, including, but not limited to:
31 the Attorney General, the Illinois Department of Public Aid,
32 the Illinois Department of Human Services, the Illinois
33 Department of Children and Family Services, and the various
34 State's Attorneys, Clerks of the Circuit Court and supervisors
35 of general assistance.

36 (i) "Premium" means the dollar amount for which the obligor

1 is liable to his employer or labor union or trade union and
2 which must be paid to enroll or maintain a child in a health
3 insurance plan that is available to the obligor through an
4 employer or labor union or trade union.

5 (j) "State Disbursement Unit" means the unit established to
6 collect and disburse support payments in accordance with the
7 provisions of Section 10-26 of the Illinois Public Aid Code.

8 (k) "Title IV-D Agency" means the agency of this State
9 charged by law with the duty to administer the child support
10 enforcement program established under Title IV, Part D of the
11 Social Security Act and Article X of the Illinois Public Aid
12 Code.

13 (l) "Title IV-D case" means a case in which an obligee or
14 obligor is receiving child support enforcement services under
15 Title IV, Part D of the Social Security Act and Article X of
16 the Illinois Public Aid Code.

17 (m) "National Medical Support Notice" means the notice
18 required for enforcement of orders for support providing for
19 health insurance coverage of a child under Title IV, Part D of
20 the Social Security Act, the Employee Retirement Income
21 Security Act of 1974, and federal regulations promulgated under
22 those Acts.

23 (n) "Employer" means a payor or labor union or trade union
24 with an employee group health insurance plan and, for purposes
25 of the National Medical Support Notice, also includes but is
26 not limited to:

27 (1) any State or local governmental agency with a group
28 health plan; and

29 (2) any payor with a group health plan or "church plan"
30 covered under the Employee Retirement Income Security Act
31 of 1974.

32 (Source: P.A. 91-357, eff. 7-29-99; 92-590, eff. 7-1-02.)

33 Section 30. The Illinois Parentage Act of 1984 is amended
34 by changing Section 20.7 as follows:

1 (750 ILCS 45/20.7)

2 Sec. 20.7. Interest on support obligations. A support
3 obligation, or any portion of a support obligation, which
4 becomes due and remains unpaid as of the end of each month ~~for~~
5 ~~30 days or more~~ shall accrue simple interest as set forth in
6 Section 12-109 of the Code of Civil Procedure ~~at the rate of 9%~~
7 ~~per annum~~. An order for support entered or modified on or after
8 January 1, 2006 ~~2002~~ shall contain a statement that a support
9 obligation required under the order, or any portion of a
10 support obligation required under the order, that becomes due
11 and remains unpaid as of the end of each month ~~for 30 days or~~
12 ~~more~~ shall accrue simple interest as set forth in Section
13 12-109 of the Code of Civil Procedure ~~at the rate of 9% per~~
14 ~~annum~~. Failure to include the statement in the order for
15 support does not affect the validity of the order or the
16 accrual of interest as provided in this Section.

17 (Source: P.A. 91-397, eff. 1-1-00; 92-374, eff. 8-15-01.)

18 Section 99. Effective date. This Act takes effect January
19 1, 2006.