



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3839

Introduced 10/19/2011, by Rep. Monique D. Davis

SYNOPSIS AS INTRODUCED:

305 ILCS 5/10-16.5	
735 ILCS 5/12-109	from Ch. 110, par. 12-109
750 ILCS 5/504	from Ch. 40, par. 504
750 ILCS 5/505	from Ch. 40, par. 505
750 ILCS 16/20	
750 ILCS 16/23	
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, and the Illinois Parentage Act of 1984 to provide that no child support order entered on or after the effective date shall accrue interest and that interest on orders entered prior to the effective date shall no longer accrue interest after the effective date.

LRB097 13768 AJO 58326 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 Section 10-16.5 as follows:

6 (305 ILCS 5/10-16.5)

7 Sec. 10-16.5. Interest on support obligations. A support
8 obligation, or any portion of a support obligation, which
9 becomes due and remains unpaid as of the end of each month,
10 excluding the child support that was due for that month to the
11 extent that it was not paid in that month, shall accrue simple
12 interest as set forth in Section 12-109 of the Code of Civil
13 Procedure until the effective date of this amendatory Act of
14 the 97th General Assembly. An order for support entered or
15 modified on or after January 1, 2006 shall contain a statement
16 that a support obligation required under the order, or any
17 portion of a support obligation required under the order, that
18 becomes due and remains unpaid as of the end of each month,
19 excluding the child support that was due for that month to the
20 extent that it was not paid in that month, shall accrue simple
21 interest as set forth in Section 12-109 of the Code of Civil
22 Procedure. Failure to include the statement in the order for
23 support does not affect the validity of the order or the

1 accrual of interest as provided in this Section.

2 (Source: P.A. 94-90, eff. 1-1-06.)

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

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

6 Sec. 12-109. Interest on judgments.

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

10 (a-5) From and after the effective date of this amendatory
11 Act of the 97th General Assembly, no judgment arising by
12 operation of law from a child support order shall bear
13 interest. Any judgment arising by operation of law from a child
14 support order that was entered prior to the effective date of
15 this Amendatory Act of the 97th General Assembly shall not bear
16 interest after the effective date of this amendatory Act of the
17 97th General Assembly.

18 (b) Except as provided in subsection (a-5), every ~~Every~~
19 judgment arising by operation of law from a child support order
20 shall bear interest as provided in this subsection. The
21 interest on judgments arising by operation of law from child
22 support orders shall be calculated by applying one-twelfth of
23 the current statutory interest rate as provided in Section
24 2-1303 to the unpaid child support balance as of the end of

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

1 support.

2 (Source: P.A. 94-90, eff. 1-1-06.)

3 Section 15. The Illinois Marriage and Dissolution of
4 Marriage Act is amended by changing Sections 504 and 505 as
5 follows:

6 (750 ILCS 5/504) (from Ch. 40, par. 504)

7 Sec. 504. Maintenance.

8 (a) In a proceeding for dissolution of marriage or legal
9 separation or declaration of invalidity of marriage, or a
10 proceeding for maintenance following dissolution of the
11 marriage by a court which lacked personal jurisdiction over the
12 absent spouse, the court may grant a temporary or permanent
13 maintenance award for either spouse in amounts and for periods
14 of time as the court deems just, without regard to marital
15 misconduct, in gross or for fixed or indefinite periods of
16 time, and the maintenance may be paid from the income or
17 property of the other spouse after consideration of all
18 relevant factors, including:

19 (1) the income and property of each party, including
20 marital property apportioned and non-marital property
21 assigned to the party seeking maintenance;

22 (2) the needs of each party;

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

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

6 (5) the time necessary to enable the party seeking
7 maintenance to acquire appropriate education, training,
8 and employment, and whether that party is able to support
9 himself or herself through appropriate employment or is the
10 custodian of a child making it appropriate that the
11 custodian not seek employment;

12 (6) the standard of living established during the
13 marriage;

14 (7) the duration of the marriage;

15 (8) the age and the physical and emotional condition of
16 both parties;

17 (9) the tax consequences of the property division upon
18 the respective economic circumstances of the parties;

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

22 (11) any valid agreement of the parties; and

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

25 (b) (Blank).

26 (b-5) Any maintenance obligation including any unallocated

1 maintenance and child support obligation, or any portion of any
2 support obligation, that becomes due and remains unpaid shall
3 accrue simple interest as set forth in Section 505 of this Act
4 until the effective date of this amendatory Act of the 97th
5 General Assembly.

6 (b-6) The provisions of subsection (b-5) shall not apply to
7 any child support obligation contained in an order entered on
8 or after the effective date of this amendatory Act of the 97th
9 General Assembly. On and after the effective date of this
10 amendatory Act of the 97th General Assembly, no interest shall
11 accrue on a child support order entered prior to the effective
12 date of this amendatory Act of the 97th General Assembly.

13 (b-7) Any new or existing maintenance order including any
14 unallocated maintenance and child support order entered by the
15 court under this Section shall be deemed to be a series of
16 judgments against the person obligated to pay support
17 thereunder. Each such judgment to be in the amount of each
18 payment or installment of support and each such judgment to be
19 deemed entered as of the date the corresponding payment or
20 installment becomes due under the terms of the support order,
21 except no judgment shall arise as to any installment coming due
22 after the termination of maintenance as provided by Section 510
23 of the Illinois Marriage and Dissolution of Marriage Act or the
24 provisions of any order for maintenance. Each such judgment
25 shall have the full force, effect and attributes of any other
26 judgment of this State, including the ability to be enforced.

1 Notwithstanding any other State or local law to the contrary, a
2 lien arises by operation of law against the real and personal
3 property of the obligor for each installment of overdue support
4 owed by the obligor.

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

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

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

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

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

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

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

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

22 In determining the maximum level of death benefit coverage,
23 the court shall take into account all relevant facts and
24 circumstances, including the impact on access to life
25 insurance by the maintenance payor. If in resolving any
26 issues under paragraph (2) of this subsection (f) a court

1 reviews any submitted or proposed application for new
2 insurance on the life of a maintenance payor, the review
3 shall be in camera.

4 (3) A judgment shall expressly set forth that all death
5 benefits paid under life insurance on a payor's life
6 maintained or obtained pursuant to this subsection to
7 secure maintenance are designated as excludable from the
8 gross income of the maintenance payee under Section
9 71(b)(1)(B) of the Internal Revenue Code, unless an
10 agreement or stipulation of the parties otherwise
11 provides.

12 (Source: P.A. 97-186, eff. 7-22-11; 97-608, eff. 1-1-12;
13 revised 9-29-11.)

14 (750 ILCS 5/505) (from Ch. 40, par. 505)

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

16 (a) In a proceeding for dissolution of marriage, legal
17 separation, declaration of invalidity of marriage, a
18 proceeding for child support following dissolution of the
19 marriage by a court which lacked personal jurisdiction over the
20 absent spouse, a proceeding for modification of a previous
21 order for child support under Section 510 of this Act, or any
22 proceeding authorized under Section 501 or 601 of this Act, the
23 court may order either or both parents owing a duty of support
24 to a child of the marriage to pay an amount reasonable and
25 necessary for his support, without regard to marital

1 misconduct. The duty of support owed to a child includes the
 2 obligation to provide for the reasonable and necessary
 3 physical, mental and emotional health needs of the child. For
 4 purposes of this Section, the term "child" shall include any
 5 child under age 18 and any child under age 19 who is still
 6 attending high school.

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

9	Number of Children	Percent of Supporting Party's
10		Net Income
11	1	20%
12	2	28%
13	3	32%
14	4	40%
15	5	45%
16	6 or more	50%

17 (2) The above guidelines shall be applied in each case
 18 unless the court makes a finding that application of the
 19 guidelines would be inappropriate, after considering the
 20 best interests of the child in light of evidence including
 21 but not limited to one or more of the following relevant
 22 factors:

- 23 (a) the financial resources and needs of the child;
- 24 (b) the financial resources and needs of the
- 25 custodial parent;
- 26 (c) the standard of living the child would have

1 enjoyed had the marriage not been dissolved;

2 (d) the physical and emotional condition of the
3 child, and his educational needs; and

4 (e) the financial resources and needs of the
5 non-custodial parent.

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

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

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

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

17 (c) Social Security (FICA payments);

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

20 (e) Union dues;

21 (f) Dependent and individual
22 health/hospitalization insurance premiums;

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

25 (h) Expenditures for repayment of debts that
26 represent reasonable and necessary expenses for the

1 production of income, medical expenditures necessary
2 to preserve life or health, reasonable expenditures
3 for the benefit of the child and the other parent,
4 exclusive of gifts. The court shall reduce net income
5 in determining the minimum amount of support to be
6 ordered only for the period that such payments are due
7 and shall enter an order containing provisions for its
8 self-executing modification upon termination of such
9 payment period;

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

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

22 (4.5) In a proceeding for child support following
23 dissolution of the marriage by a court that lacked personal
24 jurisdiction over the absent spouse, and in which the court
25 is requiring payment of support for the period before the
26 date an order for current support is entered, there is a

1 rebuttable presumption that the supporting party's net
2 income for the prior period was the same as his or her net
3 income at the time the order for current support is
4 entered.

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

17 (6) If (i) the non-custodial parent was properly served
18 with a request for discovery of financial information
19 relating to the non-custodial parent's ability to provide
20 child support, (ii) the non-custodial parent failed to
21 comply with the request, despite having been ordered to do
22 so by the court, and (iii) the non-custodial parent is not
23 present at the hearing to determine support despite having
24 received proper notice, then any relevant financial
25 information concerning the non-custodial parent's ability
26 to provide child support that was obtained pursuant to

1 subpoena and proper notice shall be admitted into evidence
2 without the need to establish any further foundation for
3 its admission.

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

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

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

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

24 (A) work; or

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

1 The Court may further order any part or all of the earnings
2 of a parent during a sentence of periodic imprisonment paid to
3 the Clerk of the Circuit Court or to the parent having custody
4 or to the guardian having custody of the children of the
5 sentenced parent for the support of said children until further
6 order of the Court.

7 If there is a unity of interest and ownership sufficient to
8 render no financial separation between a non-custodial parent
9 and another person or persons or business entity, the court may
10 pierce the ownership veil of the person, persons, or business
11 entity to discover assets of the non-custodial parent held in
12 the name of that person, those persons, or that business
13 entity. The following circumstances are sufficient to
14 authorize a court to order discovery of the assets of a person,
15 persons, or business entity and to compel the application of
16 any discovered assets toward payment on the judgment for
17 support:

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

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

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

26 With respect to assets which are real property, no order

1 entered under this paragraph shall affect the rights of bona
2 fide purchasers, mortgagees, judgment creditors, or other lien
3 holders who acquire their interests in the property prior to
4 the time a notice of lis pendens pursuant to the Code of Civil
5 Procedure or a copy of the order is placed of record in the
6 office of the recorder of deeds for the county in which the
7 real property is located.

8 The court may also order in cases where the parent is 90
9 days or more delinquent in payment of support or has been
10 adjudicated in arrears in an amount equal to 90 days obligation
11 or more, that the parent's Illinois driving privileges be
12 suspended until the court determines that the parent is in
13 compliance with the order of support. The court may also order
14 that the parent be issued a family financial responsibility
15 driving permit that would allow limited driving privileges for
16 employment and medical purposes in accordance with Section
17 7-702.1 of the Illinois Vehicle Code. The clerk of the circuit
18 court shall certify the order suspending the driving privileges
19 of the parent or granting the issuance of a family financial
20 responsibility driving permit to the Secretary of State on
21 forms prescribed by the Secretary. Upon receipt of the
22 authenticated documents, the Secretary of State shall suspend
23 the parent's driving privileges until further order of the
24 court and shall, if ordered by the court, subject to the
25 provisions of Section 7-702.1 of the Illinois Vehicle Code,
26 issue a family financial responsibility driving permit to the

1 parent.

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

14 (b-10) A support obligation, or any portion of a support
15 obligation, which becomes due and remains unpaid as of the end
16 of each month, excluding the child support that was due for
17 that month to the extent that it was not paid in that month,
18 shall accrue simple interest as set forth in Section 12-109 of
19 the Code of Civil Procedure until the effective date of this
20 amendatory Act of the 97th General Assembly. An order for
21 support entered or modified on or after January 1, 2006 shall
22 contain a statement that a support obligation required under
23 the order, or any portion of a support obligation required
24 under the order, that becomes due and remains unpaid as of the
25 end of each month, excluding the child support that was due for
26 that month to the extent that it was not paid in that month,

1 shall accrue simple interest as set forth in Section 12-109 of
2 the Code of Civil Procedure. Failure to include the statement
3 in the order for support does not affect the validity of the
4 order or the accrual of interest as provided in this Section.

5 (b-11) The provisions of subsection (b-10) shall not apply
6 to any child support order entered on or after the effective
7 date of this amendatory Act of the 97th General Assembly. On
8 and after the effective date of this amendatory Act of the 97th
9 General Assembly, no interest shall accrue on a child support
10 order entered prior to the effective date of this amendatory
11 Act of the 97th General Assembly.

12 (c) A one-time charge of 20% is imposable upon the amount
13 of past-due child support owed on July 1, 1988 which has
14 accrued under a support order entered by the court. The charge
15 shall be imposed in accordance with the provisions of Section
16 10-21 of the Illinois Public Aid Code and shall be enforced by
17 the court upon petition.

18 (d) Any new or existing support order entered by the court
19 under this Section shall be deemed to be a series of judgments
20 against the person obligated to pay support thereunder, each
21 such judgment to be in the amount of each payment or
22 installment of support and each such judgment to be deemed
23 entered as of the date the corresponding payment or installment
24 becomes due under the terms of the support order. Each such
25 judgment shall have the full force, effect and attributes of
26 any other judgment of this State, including the ability to be

1 enforced. A lien arises by operation of law against the real
2 and personal property of the noncustodial parent for each
3 installment of overdue support owed by the noncustodial parent.

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

13 (f) All orders for support, when entered or modified, shall
14 include a provision requiring the obligor to notify the court
15 and, in cases in which a party is receiving child and spouse
16 services under Article X of the Illinois Public Aid Code, the
17 Department of Healthcare and Family Services, within 7 days,
18 (i) of the name and address of any new employer of the obligor,
19 (ii) whether the obligor has access to health insurance
20 coverage through the employer or other group coverage and, if
21 so, the policy name and number and the names of persons covered
22 under the policy, and (iii) of any new residential or mailing
23 address or telephone number of the non-custodial parent. In any
24 subsequent action to enforce a support order, upon a sufficient
25 showing that a diligent effort has been made to ascertain the
26 location of the non-custodial parent, service of process or

1 provision of notice necessary in the case may be made at the
2 last known address of the non-custodial parent in any manner
3 expressly provided by the Code of Civil Procedure or this Act,
4 which service shall be sufficient for purposes of due process.

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

18 (g-5) If there is an unpaid arrearage or delinquency (as
19 those terms are defined in the Income Withholding for Support
20 Act) equal to at least one month's support obligation on the
21 termination date stated in the order for support or, if there
22 is no termination date stated in the order, on the date the
23 child attains the age of majority or is otherwise emancipated,
24 the periodic amount required to be paid for current support of
25 that child immediately prior to that date shall automatically
26 continue to be an obligation, not as current support but as

1 periodic payment toward satisfaction of the unpaid arrearage or
2 delinquency. That periodic payment shall be in addition to any
3 periodic payment previously required for satisfaction of the
4 arrearage or delinquency. The total periodic amount to be paid
5 toward satisfaction of the arrearage or delinquency may be
6 enforced and collected by any method provided by law for
7 enforcement and collection of child support, including but not
8 limited to income withholding under the Income Withholding for
9 Support Act. Each order for support entered or modified on or
10 after the effective date of this amendatory Act of the 93rd
11 General Assembly must contain a statement notifying the parties
12 of the requirements of this subsection. Failure to include the
13 statement in the order for support does not affect the validity
14 of the order or the operation of the provisions of this
15 subsection with regard to the order. This subsection shall not
16 be construed to prevent or affect the establishment or
17 modification of an order for support of a minor child or the
18 establishment or modification of an order for support of a
19 non-minor child or educational expenses under Section 513 of
20 this Act.

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

1 address of the new employer. Failure to report new employment
2 or the termination of current employment, if coupled with
3 nonpayment of support for a period in excess of 60 days, is
4 indirect criminal contempt. For any obligor arrested for
5 failure to report new employment bond shall be set in the
6 amount of the child support that should have been paid during
7 the period of unreported employment. An order entered under
8 this Section shall also include a provision requiring the
9 obligor and obligee parents to advise each other of a change in
10 residence within 5 days of the change except when the court
11 finds that the physical, mental, or emotional health of a party
12 or that of a child, or both, would be seriously endangered by
13 disclosure of the party's address.

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

19 (Source: P.A. 95-331, eff. 8-21-07; 96-1134, eff. 7-21-10.)

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

22 (750 ILCS 16/20)

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

24 (a) In a case in which no court or administrative order for

1 support is in effect against the defendant:

2 (1) at any time before the trial, upon motion of the
3 State's Attorney, or of the Attorney General if the action
4 has been instituted by his office, and upon notice to the
5 defendant, or at the time of arraignment or as a condition
6 of postponement of arraignment, the court may enter such
7 temporary order for support as may seem just, providing for
8 the support or maintenance of the spouse or child or
9 children of the defendant, or both, pendente lite; or

10 (2) before trial with the consent of the defendant, or
11 at the trial on entry of a plea of guilty, or after
12 conviction, instead of imposing the penalty provided in
13 this Act, or in addition thereto, the court may enter an
14 order for support, subject to modification by the court
15 from time to time as circumstances may require, directing
16 the defendant to pay a certain sum for maintenance of the
17 spouse, or for support of the child or children, or both.

18 (b) The court shall determine the amount of child support
19 by using the guidelines and standards set forth in subsection
20 (a) of Section 505 and in Section 505.2 of the Illinois
21 Marriage and Dissolution of Marriage Act.

22 If (i) the non-custodial parent was properly served with a
23 request for discovery of financial information relating to the
24 non-custodial parent's ability to provide child support, (ii)
25 the non-custodial parent failed to comply with the request,
26 despite having been ordered to do so by the court, and (iii)

1 the non-custodial parent is not present at the hearing to
2 determine support despite having received proper notice, then
3 any relevant financial information concerning the
4 non-custodial parent's ability to provide support that was
5 obtained pursuant to subpoena and proper notice shall be
6 admitted into evidence without the need to establish any
7 further foundation for its admission.

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

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

16 (e) Any order for support entered by the court under this
17 Section shall be deemed to be a series of judgments against the
18 person obligated to pay support under the judgments, each such
19 judgment to be in the amount of each payment or installment of
20 support and each judgment to be deemed entered as of the date
21 the corresponding payment or installment becomes due under the
22 terms of the support order. Each judgment shall have the full
23 force, effect, and attributes of any other judgment of this
24 State, including the ability to be enforced. Each judgment is
25 subject to modification or termination only in accordance with
26 Section 510 of the Illinois Marriage and Dissolution of

1 Marriage Act. Notwithstanding any other State or local law to
2 the contrary, a lien arises by operation of law against the
3 real and personal property of the noncustodial parent for each
4 installment of overdue support owed by the noncustodial parent.

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

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

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

25 (g) An order for support entered or modified in a case in
26 which a party is receiving child support enforcement services

1 under Article X of the Illinois Public Aid Code shall include a
2 provision requiring the noncustodial parent to notify the
3 Department of Healthcare and Family Services, within 7 days, of
4 the name and address of any new employer of the noncustodial
5 parent, whether the noncustodial parent has access to health
6 insurance coverage through the employer or other group coverage
7 and, if so, the policy name and number and the names of persons
8 covered under the policy.

9 (h) In any subsequent action to enforce an order for
10 support entered under this Act, upon sufficient showing that
11 diligent effort has been made to ascertain the location of the
12 noncustodial parent, service of process or provision of notice
13 necessary in that action may be made at the last known address
14 of the noncustodial parent, in any manner expressly provided by
15 the Code of Civil Procedure or in this Act, which service shall
16 be sufficient for purposes of due process.

17 (i) An order for support shall include a date on which the
18 current support obligation terminates. The termination date
19 shall be no earlier than the date on which the child covered by
20 the order will attain the age of 18. However, if the child will
21 not graduate from high school until after attaining the age of
22 18, then the termination date shall be no earlier than the
23 earlier of the date on which the child's high school graduation
24 will occur or the date on which the child will attain the age
25 of 19. The order for support shall state that the termination
26 date does not apply to any arrearage that may remain unpaid on

1 that date. Nothing in this subsection shall be construed to
2 prevent the court from modifying the order or terminating the
3 order in the event the child is otherwise emancipated.

4 (i-5) If there is an unpaid arrearage or delinquency (as
5 those terms are defined in the Income Withholding for Support
6 Act) equal to at least one month's support obligation on the
7 termination date stated in the order for support or, if there
8 is no termination date stated in the order, on the date the
9 child attains the age of majority or is otherwise emancipated,
10 the periodic amount required to be paid for current support of
11 that child immediately prior to that date shall automatically
12 continue to be an obligation, not as current support but as
13 periodic payment toward satisfaction of the unpaid arrearage or
14 delinquency. That periodic payment shall be in addition to any
15 periodic payment previously required for satisfaction of the
16 arrearage or delinquency. The total periodic amount to be paid
17 toward satisfaction of the arrearage or delinquency may be
18 enforced and collected by any method provided by law for
19 enforcement and collection of child support, including but not
20 limited to income withholding under the Income Withholding for
21 Support Act. Each order for support entered or modified on or
22 after the effective date of this amendatory Act of the 93rd
23 General Assembly must contain a statement notifying the parties
24 of the requirements of this subsection. Failure to include the
25 statement in the order for support does not affect the validity
26 of the order or the operation of the provisions of this

1 subsection with regard to the order. This subsection shall not
2 be construed to prevent or affect the establishment or
3 modification of an order for support of a minor child or the
4 establishment or modification of an order for support of a
5 non-minor child or educational expenses under Section 513 of
6 the Illinois Marriage and Dissolution of Marriage Act.

7 (j) A support obligation, or any portion of a support
8 obligation, which becomes due and remains unpaid as of the end
9 of each month, excluding the child support that was due for
10 that month to the extent that it was not paid in that month,
11 shall accrue simple interest as set forth in Section 12-109 of
12 the Code of Civil Procedure until the effective date of this
13 amendatory Act of the 97th General Assembly. An order for
14 support entered or modified on or after January 1, 2006 shall
15 contain a statement that a support obligation required under
16 the order, or any portion of a support obligation required
17 under the order, that becomes due and remains unpaid as of the
18 end of each month, excluding the child support that was due for
19 that month to the extent that it was not paid in that month,
20 shall accrue simple interest as set forth in Section 12-109 of
21 the Code of Civil Procedure. Failure to include the statement
22 in the order for support does not affect the validity of the
23 order or the accrual of interest as provided in this Section.

24 (Source: P.A. 97-186, eff. 7-22-11.)

1 Sec. 23. Interest on support obligations. A support
2 obligation, or any portion of a support obligation, which
3 becomes due and remains unpaid as of the end of each month,
4 excluding the child support that was due for that month to the
5 extent that it was not paid in that month, shall accrue
6 interest as set forth in Section 12-109 of the Code of Civil
7 Procedure until the effective date of this amendatory Act of
8 the 97th General Assembly.

9 (Source: P.A. 94-90, eff. 1-1-06.)

10 Section 25. The Illinois Parentage Act of 1984 if amended
11 by changing Section 20.7 as follows:

12 (750 ILCS 45/20.7)

13 Sec. 20.7. Interest on support obligations. A support
14 obligation, or any portion of a support obligation, which
15 becomes due and remains unpaid as of the end of each month,
16 excluding the child support that was due for that month to the
17 extent that it was not paid in that month, shall accrue simple
18 interest as set forth in Section 12-109 of the Code of Civil
19 Procedure. An order for support entered or modified on or after
20 January 1, 2006 shall contain a statement that a support
21 obligation required under the order, or any portion of a
22 support obligation required under the order, that becomes due
23 and remains unpaid as of the end of each month, excluding the
24 child support that was due for that month to the extent that it

1 was not paid in that month, shall accrue simple interest as set
2 forth in Section 12-109 of the Code of Civil Procedure until
3 the effective date of this amendatory Act of the 97th General
4 Assembly. Failure to include the statement in the order for
5 support does not affect the validity of the order or the
6 accrual of interest as provided in this Section.
7 (Source: P.A. 94-90, eff. 1-1-06.)