



Sen. John G. Mulroe

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09700SB2569sam002

LRB097 13260 AJ0 66405 a

1 AMENDMENT TO SENATE BILL 2569

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2569 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Marriage and Dissolution of  
5 Marriage Act is amended by changing Sections 503 and 505 as  
6 follows:

7 (750 ILCS 5/503) (from Ch. 40, par. 503)

8 Sec. 503. Disposition of property.

9 (a) For purposes of this Act, "marital property" means all  
10 property acquired by either spouse subsequent to the marriage,  
11 except the following, which is known as "non-marital property":

12 (1) property acquired by gift, legacy or descent;

13 (2) property acquired in exchange for property  
14 acquired before the marriage or in exchange for property  
15 acquired by gift, legacy or descent;

16 (3) property acquired by a spouse after a judgment of

1 legal separation;

2 (4) property excluded by valid agreement of the  
3 parties;

4 (5) any judgment or property obtained by judgment  
5 awarded to a spouse from the other spouse;

6 (6) property acquired before the marriage;

7 (7) the increase in value of property acquired by a  
8 method listed in paragraphs (1) through (6) of this  
9 subsection, irrespective of whether the increase results  
10 from a contribution of marital property, non-marital  
11 property, the personal effort of a spouse, or otherwise,  
12 subject to the right of reimbursement provided in  
13 subsection (c) of this Section; and

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

17 (b) (1) For purposes of distribution of property pursuant to  
18 this Section, all property acquired by either spouse after the  
19 marriage and before a judgment of dissolution of marriage or  
20 declaration of invalidity of marriage, including non-marital  
21 property transferred into some form of co-ownership between the  
22 spouses, is presumed to be marital property, regardless of  
23 whether title is held individually or by the spouses in some  
24 form of co-ownership such as joint tenancy, tenancy in common,  
25 tenancy by the entirety, or community property. The presumption  
26 of marital property is overcome by a showing that the property

1 was acquired by a method listed in subsection (a) of this  
2 Section.

3 (2) For purposes of distribution of property pursuant to  
4 this Section, all pension benefits (including pension benefits  
5 under the Illinois Pension Code) acquired by either spouse  
6 after the marriage and before a judgment of dissolution of  
7 marriage or declaration of invalidity of the marriage are  
8 presumed to be marital property, regardless of which spouse  
9 participates in the pension plan. The presumption that these  
10 pension benefits are marital property is overcome by a showing  
11 that the pension benefits were acquired by a method listed in  
12 subsection (a) of this Section. The right to a division of  
13 pension benefits in just proportions under this Section is  
14 enforceable under Section 1-119 of the Illinois Pension Code.

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

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

25 (3) For purposes of distribution of property under this  
26 Section, all stock options granted to either spouse after the

1 marriage and before a judgment of dissolution of marriage or  
2 declaration of invalidity of marriage, whether vested or  
3 non-vested or whether their value is ascertainable, are  
4 presumed to be marital property. This presumption of marital  
5 property is overcome by a showing that the stock options were  
6 acquired by a method listed in subsection (a) of this Section.  
7 The court shall allocate stock options between the parties at  
8 the time of the judgment of dissolution of marriage or  
9 declaration of invalidity of marriage recognizing that the  
10 value of the stock options may not be then determinable and  
11 that the actual division of the options may not occur until a  
12 future date. In making the allocation between the parties, the  
13 court shall consider, in addition to the factors set forth in  
14 subsection (d) of this Section, the following:

15 (i) All circumstances underlying the grant of the stock  
16 option including but not limited to whether the grant was  
17 for past, present, or future efforts, or any combination  
18 thereof.

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

21 (b-5) As to any policy of life insurance insuring the life  
22 of either spouse, or any interest in such policy, that  
23 constitutes marital property, whether whole life, term life,  
24 group term life, universal life, or other form of life  
25 insurance policy, and whether or not the value is  
26 ascertainable, the court shall allocate ownership, death

1 benefits or the right to assign death benefits, and the  
2 obligation for premium payments, if any, equitably between the  
3 parties at the time of the judgment for dissolution or  
4 declaration of invalidity of marriage.

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

8 (1) When marital and non-marital property are  
9 commingled by contributing one estate of property into  
10 another resulting in a loss of identity of the contributed  
11 property, the classification of the contributed property  
12 is transmuted to the estate receiving the contribution,  
13 subject to the provisions of paragraph (2) of this  
14 subsection; provided that if marital and non-marital  
15 property are commingled into newly acquired property  
16 resulting in a loss of identity of the contributing  
17 estates, the commingled property shall be deemed  
18 transmuted to marital property, subject to the provisions  
19 of paragraph (2) of this subsection.

20 (2) When one estate of property makes a contribution to  
21 another estate of property, or when a spouse contributes  
22 personal effort to non-marital property, the contributing  
23 estate shall be reimbursed from the estate receiving the  
24 contribution notwithstanding any transmutation; provided,  
25 that no such reimbursement shall be made with respect to a  
26 contribution which is not retraceable by clear and

1       convincing evidence, or was a gift, or, in the case of a  
2       contribution of personal effort of a spouse to non-marital  
3       property, unless the effort is significant and results in  
4       substantial appreciation of the non-marital property.  
5       Personal effort of a spouse shall be deemed a contribution  
6       by the marital estate. The court may provide for  
7       reimbursement out of the marital property to be divided or  
8       by imposing a lien against the non-marital property which  
9       received the contribution.

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

19               (1) the contribution of each party to the acquisition,  
20       preservation, or increase or decrease in value of the  
21       marital or non-marital property, including (i) any such  
22       decrease attributable to a payment deemed to have been an  
23       advance from the parties' marital estate under subsection  
24       (c-1)(2) of Section 501 and (ii) the contribution of a  
25       spouse as a homemaker or to the family unit;

26               (2) the dissipation by each party of the marital or

1 non-marital property, provided that a party's claim of  
2 dissipation is subject to the following conditions:

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

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

12 (iii) the notice of intent to claim dissipation  
13 shall be filed with the clerk of the court and be  
14 served pursuant to applicable rules;

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

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

21 (4) the duration of the marriage;

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

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

3           (7) any antenuptial agreement of the parties;

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

7           (9) the custodial provisions for any children;

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

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

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

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

22           (f) In a proceeding for dissolution of marriage or  
23 declaration of invalidity of marriage or in a proceeding for  
24 disposition of property following dissolution of marriage by a  
25 court that lacked personal jurisdiction over the absent spouse  
26 or lacked jurisdiction to dispose of the property, the court,



1 in determining the value of the marital and non-marital  
2 property for purposes of dividing the property, shall value the  
3 property as of the date of trial or some other date as close to  
4 the date of trial as is practicable.

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

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

26 (i) The court may make such judgments affecting the marital

1 property as may be just and may enforce such judgments by  
2 ordering a sale of marital property, with proceeds therefrom to  
3 be applied as determined by the court.

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

10 (1) A petition for contribution, if not filed before  
11 the final hearing on other issues between the parties,  
12 shall be filed no later than 30 days after the closing of  
13 proofs in the final hearing or within such other period as  
14 the court orders.

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

20 (3) The filing of a petition for contribution shall not  
21 be deemed to constitute a waiver of the attorney-client  
22 privilege between the petitioning party and current or  
23 former counsel; and such a waiver shall not constitute a  
24 prerequisite to a hearing for contribution. If either  
25 party's presentation on contribution, however, includes  
26 evidence within the scope of the attorney-client

1 privilege, the disclosure or disclosures shall be narrowly  
2 construed and shall not be deemed by the court to  
3 constitute a general waiver of the privilege as to matters  
4 beyond the scope of the presentation.

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

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

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

22 The changes made to this Section by this amendatory Act of  
23 the 97th General Assembly apply only to petitions for  
24 dissolution of marriage filed on or after the effective date of  
25 this amendatory Act of the 97th General Assembly.

26 (Source: P.A. 95-374, eff. 1-1-08; 96-583, eff. 1-1-10;

1 96-1551, Article 1, Section 985, eff. 7-1-11; 96-1551, Article  
2 2, Section 1100, eff. 7-1-11; 97-608, eff. 1-1-12; revised  
3 9-26-11.)

4 (750 ILCS 5/505) (from Ch. 40, par. 505)

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

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

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

24 Number of Children	Percent of Supporting Party's
	25 Net Income

1	1	20%
2	2	28%
3	3	32%
4	4	40%
5	5	45%
6	6 or more	50%

7 (2) The above guidelines shall be applied in each case  
8 unless the court finds that a deviation from the guidelines  
9 is appropriate after considering the best interest of the  
10 child in light of the evidence, including, but not limited  
11 to, makes a finding that application of the guidelines  
12 would be inappropriate, after considering the best  
13 interests of the child in light of evidence including but  
14 not limited to one or more of the following relevant  
15 factors:

16 (a) the financial resources and needs of the child;  
17 (b) the financial resources and needs of the  
18 custodial parent;

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

21 (d) the physical, mental, and emotional needs  
22 ~~condition~~ of the child, ~~and his educational needs; and~~

23 (d-5) the educational needs of the child; and

24 (e) the financial resources and needs of the  
25 non-custodial parent.

26 If the court deviates from the guidelines, the court's

1 finding shall state the amount of support that would have  
2 been required under the guidelines, if determinable. The  
3 court shall include the reason or reasons for the variance  
4 from the guidelines.

5 (2.5) The court, in its discretion, in addition to  
6 setting child support pursuant to the guidelines and  
7 factors, may order either or both parents owing a duty of  
8 support to a child of the marriage to contribute to the  
9 following expenses, if determined by the court to be  
10 reasonable:

11 (a) health needs not covered by insurance;

12 (b) child care;

13 (c) education; and

14 (d) extracurricular activities.

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

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

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

21 (c) Social Security (FICA payments);

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

24 (e) Union dues;

25 (f) Dependent and individual  
26 health/hospitalization insurance premiums and life

1 insurance premiums for life insurance ordered by the  
2 court to reasonably secure child support or support  
3 ordered pursuant to Section 513, any such order to  
4 entail provisions on which the parties agree or,  
5 otherwise, in accordance with the limitations set  
6 forth in subsection 504(f) (1) and (2);

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

9 (h) Expenditures for repayment of debts that  
10 represent reasonable and necessary expenses for the  
11 production of income, medical expenditures necessary  
12 to preserve life or health, reasonable expenditures  
13 for the benefit of the child and the other parent,  
14 exclusive of gifts. The court shall reduce net income  
15 in determining the minimum amount of support to be  
16 ordered only for the period that such payments are due  
17 and shall enter an order containing provisions for its  
18 self-executing modification upon termination of such  
19 payment period;

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

23 (4) In cases where the court order provides for  
24 health/hospitalization insurance coverage pursuant to  
25 Section 505.2 of this Act, the premiums for that insurance,  
26 or that portion of the premiums for which the supporting

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

6 (4.5) In a proceeding for child support following  
7 dissolution of the marriage by a court that lacked personal  
8 jurisdiction over the absent spouse, and in which the court  
9 is requiring payment of support for the period before the  
10 date an order for current support is entered, there is a  
11 rebuttable presumption that the supporting party's net  
12 income for the prior period was the same as his or her net  
13 income at the time the order for current support is  
14 entered.

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



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

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

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

1 parent be:

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

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

8 (A) work; or

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

11 The Court may further order any part or all of the earnings  
12 of a parent during a sentence of periodic imprisonment paid to  
13 the Clerk of the Circuit Court or to the parent having custody  
14 or to the guardian having custody of the children of the  
15 sentenced parent for the support of said children until further  
16 order of the Court.

17 If there is a unity of interest and ownership sufficient to  
18 render no financial separation between a non-custodial parent  
19 and another person or persons or business entity, the court may  
20 pierce the ownership veil of the person, persons, or business  
21 entity to discover assets of the non-custodial parent held in  
22 the name of that person, those persons, or that business  
23 entity. The following circumstances are sufficient to  
24 authorize a court to order discovery of the assets of a person,  
25 persons, or business entity and to compel the application of  
26 any discovered assets toward payment on the judgment for

1 support:

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

4 (2) the non-custodial parent and the person, persons,  
5 or business entity fail to maintain an arm's ~~arms~~ length  
6 relationship between themselves with regard to any assets.

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

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

18 The court may also order in cases where the parent is 90  
19 days or more delinquent in payment of support or has been  
20 adjudicated in arrears in an amount equal to 90 days obligation  
21 or more, that the parent's Illinois driving privileges be  
22 suspended until the court determines that the parent is in  
23 compliance with the order of support. The court may also order  
24 that the parent be issued a family financial responsibility  
25 driving permit that would allow limited driving privileges for  
26 employment and medical purposes in accordance with Section

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

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

24 A support obligation, or any portion of a support  
25 obligation, which becomes due and remains unpaid as of the end  
26 of each month, excluding the child support that was due for

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

14 (c) A one-time charge of 20% is imposable upon the amount  
15 of past-due child support owed on July 1, 1988 which has  
16 accrued under a support order entered by the court. The charge  
17 shall be imposed in accordance with the provisions of Section  
18 10-21 of the Illinois Public Aid Code and shall be enforced by  
19 the court upon petition.

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

1 judgment shall have the full force, effect and attributes of  
2 any other judgment of this State, including the ability to be  
3 enforced. Notwithstanding any other State or local law to the  
4 contrary, a lien arises by operation of law against the real  
5 and personal property of the noncustodial parent for each  
6 installment of overdue support owed by the noncustodial parent.

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

16 (f) All orders for support, when entered or modified, shall  
17 include a provision requiring the obligor to notify the court  
18 and, in cases in which a party is receiving child and spouse  
19 services under Article X of the Illinois Public Aid Code, the  
20 Department of Healthcare and Family Services, within 7 days,  
21 (i) of the name and address of any new employer of the obligor,  
22 (ii) whether the obligor has access to health insurance  
23 coverage through the employer or other group coverage and, if  
24 so, the policy name and number and the names of persons covered  
25 under the policy, and (iii) of any new residential or mailing  
26 address 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 (g-5) If there is an unpaid arrearage or delinquency (as  
22 those terms are defined in the Income Withholding for Support  
23 Act) equal to at least one month's support obligation on the  
24 termination date stated in the order for support or, if there  
25 is no termination date stated in the order, on the date the  
26 child attains the age of majority or is otherwise emancipated,

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

24 (h) An order entered under this Section shall include a  
25 provision requiring the obligor to report to the obligee and to  
26 the clerk of court within 10 days each time the obligor obtains



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

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

22 (Source: P.A. 96-1134, eff. 7-21-10; 97-186, eff. 7-22-11;  
23 97-608, eff. 1-1-12; revised 10-4-11.)".