



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB3549

Introduced 2/8/2012, by Sen. Kirk W. Dillard

SYNOPSIS AS INTRODUCED:

305 ILCS 5/10-10	from Ch. 23, par. 10-10
750 ILCS 5/505	from Ch. 40, par. 505
750 ILCS 16/20	
750 ILCS 45/15	from Ch. 40, par. 2515

Amends the Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, the Non-Support Punishment Act, and the Illinois Parentage Act. Provides that if a person who is found guilty of contempt for failure to pay support conducts a business or is self-employed, the court may in addition to other penalties provided by law order the person to do one or more of the following: (i) provide monthly financial statements from the business or the self-employment; (ii) seek employment and report to the court information about his or her employment search; or (iii) report to the Department of Employment Security for job search services to find employment that will be subject to child support withholding. Effective January 1, 2013.

LRB097 16867 AJO 62052 b

1 AN ACT concerning child support.

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 10-10 as follows:

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

7 Sec. 10-10. Court enforcement; applicability also to
8 persons who are not applicants or recipients. Except where the
9 Illinois Department, by agreement, acts for the local
10 governmental unit, as provided in Section 10-3.1, local
11 governmental units shall refer to the State's Attorney or to
12 the proper legal representative of the governmental unit, for
13 judicial enforcement as herein provided, instances of
14 non-support or insufficient support when the dependents are
15 applicants or recipients under Article VI. The Child and Spouse
16 Support Unit established by Section 10-3.1 may institute in
17 behalf of the Illinois Department any actions under this
18 Section for judicial enforcement of the support liability when
19 the dependents are (a) applicants or recipients under Articles
20 III, IV, V or VII; (b) applicants or recipients in a local
21 governmental unit when the Illinois Department, by agreement,
22 acts for the unit; or (c) non-applicants or non-recipients who
23 are receiving child support enforcement services under this

1 Article X, as provided in Section 10-1. Where the Child and
2 Spouse Support Unit has exercised its option and discretion not
3 to apply the provisions of Sections 10-3 through 10-8, the
4 failure by the Unit to apply such provisions shall not be a bar
5 to bringing an action under this Section.

6 Action shall be brought in the circuit court to obtain
7 support, or for the recovery of aid granted during the period
8 such support was not provided, or both for the obtainment of
9 support and the recovery of the aid provided. Actions for the
10 recovery of aid may be taken separately or they may be
11 consolidated with actions to obtain support. Such actions may
12 be brought in the name of the person or persons requiring
13 support, or may be brought in the name of the Illinois
14 Department or the local governmental unit, as the case
15 requires, in behalf of such persons.

16 The court may enter such orders for the payment of moneys
17 for the support of the person as may be just and equitable and
18 may direct payment thereof for such period or periods of time
19 as the circumstances require, including support for a period
20 before the date the order for support is entered. The order may
21 be entered against any or all of the defendant responsible
22 relatives and may be based upon the proportionate ability of
23 each to contribute to the person's support.

24 The Court shall determine the amount of child support
25 (including child support for a period before the date the order
26 for child support is entered) by using the guidelines and

1 standards set forth in subsection (a) of Section 505 and in
2 Section 505.2 of the Illinois Marriage and Dissolution of
3 Marriage Act. For purposes of determining the amount of child
4 support to be paid for a period before the date the order for
5 child support is entered, there is a rebuttable presumption
6 that the responsible relative's net income for that period was
7 the same as his or her net income at the time the order is
8 entered.

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

21 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 minor child, or both, would be seriously
13 endangered by disclosure of the party's address.

14 The Court shall determine the amount of maintenance using
15 the standards set forth in Section 504 of the Illinois Marriage
16 and Dissolution of Marriage Act.

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

1 termination only in accordance with Section 510 of the Illinois
2 Marriage and Dissolution of Marriage Act. Notwithstanding any
3 other State or local law to the contrary, a lien arises by
4 operation of law against the real and personal property of the
5 noncustodial parent for each installment of overdue support
6 owed by the noncustodial parent.

7 When an order is entered for the support of a minor, the
8 court may provide therein for reasonable visitation of the
9 minor by the person or persons who provided support pursuant to
10 the order. Whoever willfully refuses to comply with such
11 visitation order or willfully interferes with its enforcement
12 may be declared in contempt of court and punished therefor.

13 Except where the local governmental unit has entered into
14 an agreement with the Illinois Department for the Child and
15 Spouse Support Unit to act for it, as provided in Section
16 10-3.1, support orders entered by the court in cases involving
17 applicants or recipients under Article VI shall provide that
18 payments thereunder be made directly to the local governmental
19 unit. Orders for the support of all other applicants or
20 recipients shall provide that payments thereunder be made
21 directly to the Illinois Department. In accordance with federal
22 law and regulations, the Illinois Department may continue to
23 collect current maintenance payments or child support
24 payments, or both, after those persons cease to receive public
25 assistance and until termination of services under Article X.
26 The Illinois Department shall pay the net amount collected to

1 those persons after deducting any costs incurred in making the
2 collection or any collection fee from the amount of any
3 recovery made. In both cases the order shall permit the local
4 governmental unit or the Illinois Department, as the case may
5 be, to direct the responsible relative or relatives to make
6 support payments directly to the needy person, or to some
7 person or agency in his behalf, upon removal of the person from
8 the public aid rolls or upon termination of services under
9 Article X.

10 If the notice of support due issued pursuant to Section
11 10-7 directs that support payments be made directly to the
12 needy person, or to some person or agency in his behalf, and
13 the recipient is removed from the public aid rolls, court
14 action may be taken against the responsible relative hereunder
15 if he fails to furnish support in accordance with the terms of
16 such notice.

17 Actions may also be brought under this Section in behalf of
18 any person who is in need of support from responsible
19 relatives, as defined in Section 2-11 of Article II who is not
20 an applicant for or recipient of financial aid under this Code.
21 In such instances, the State's Attorney of the county in which
22 such person resides shall bring action against the responsible
23 relatives hereunder. If the Illinois Department, as authorized
24 by Section 10-1, extends the child support enforcement services
25 provided by this Article to spouses and dependent children who
26 are not applicants or recipients under this Code, the Child and

1 Spouse Support Unit established by Section 10-3.1 shall bring
2 action against the responsible relatives hereunder and any
3 support orders entered by the court in such cases shall provide
4 that payments thereunder be made directly to the Illinois
5 Department.

6 Whenever it is determined in a proceeding to establish or
7 enforce a child support or maintenance obligation that the
8 person owing a duty of support is unemployed, the court may
9 order the person to seek employment and report periodically to
10 the court with a diary, listing or other memorandum of his or
11 her efforts in accordance with such order. Additionally, the
12 court may order the unemployed person to report to the
13 Department of Employment Security for job search services or to
14 make application with the local Job Training Partnership Act
15 provider for participation in job search, training or work
16 programs and where the duty of support is owed to a child
17 receiving child support enforcement services under this
18 Article X, the court may order the unemployed person to report
19 to the Illinois Department for participation in job search,
20 training or work programs established under Section 9-6 and
21 Article IXA of this Code.

22 Whenever it is determined that a person owes past-due
23 support for a child receiving assistance under this Code, the
24 court shall order at the request of the Illinois Department:

25 (1) that the person pay the past-due support in
26 accordance with a plan approved by the court; or

1 (2) if the person owing past-due support is unemployed,
2 is subject to such a plan, and is not incapacitated, that
3 the person participate in such job search, training, or
4 work programs established under Section 9-6 and Article IXA
5 of this Code as the court deems appropriate.

6 A determination under this Section shall not be
7 administratively reviewable by the procedures specified in
8 Sections 10-12, and 10-13 to 10-13.10. Any determination under
9 these Sections, if made the basis of court action under this
10 Section, shall not affect the de novo judicial determination
11 required under this Section.

12 If a person who is found guilty of contempt for failure to
13 comply with an order to pay support is a person who conducts a
14 business or who is self-employed, the court in addition to
15 other penalties provided by law may order that the person do
16 one or more of the following: (i) provide to the court monthly
17 financial statements showing income and expenses from the
18 business or the self-employment; (ii) seek employment and
19 report periodically to the court with a diary, listing, or
20 other memorandum of his or her employment search efforts; or
21 (iii) report to the Department of Employment Security for job
22 search services to find employment that will be subject to
23 withholding of child support.

24 A one-time charge of 20% is imposable upon the amount of
25 past-due child support owed on July 1, 1988 which has accrued
26 under a support order entered by the court. The charge shall be

1 imposed in accordance with the provisions of Section 10-21 of
2 this Code and shall be enforced by the court upon petition.

3 All orders for support, when entered or modified, shall
4 include a provision requiring the non-custodial parent to
5 notify the court and, in cases in which a party is receiving
6 child support enforcement services under this Article X, the
7 Illinois Department, within 7 days, (i) of the name, address,
8 and telephone number of any new employer of the non-custodial
9 parent, (ii) whether the non-custodial parent has access to
10 health insurance coverage through the employer or other group
11 coverage and, if so, the policy name and number and the names
12 of persons covered under the policy, and (iii) of any new
13 residential or mailing address or telephone number of the
14 non-custodial parent. In any subsequent action to enforce a
15 support order, upon a sufficient showing that a diligent effort
16 has been made to ascertain the location of the non-custodial
17 parent, service of process or provision of notice necessary in
18 the case may be made at the last known address of the
19 non-custodial parent in any manner expressly provided by the
20 Code of Civil Procedure or this Code, which service shall be
21 sufficient for purposes of due process.

22 An order for support shall include a date on which the
23 current support obligation terminates. The termination date
24 shall be no earlier than the date on which the child covered by
25 the order will attain the age of 18. However, if the child will
26 not graduate from high school until after attaining the age of

1 18, then the termination date shall be no earlier than the
2 earlier of the date on which the child's high school graduation
3 will occur or the date on which the child will attain the age
4 of 19. The order for support shall state that the termination
5 date does not apply to any arrearage that may remain unpaid on
6 that date. Nothing in this paragraph shall be construed to
7 prevent the court from modifying the order or terminating the
8 order in the event the child is otherwise emancipated.

9 If there is an unpaid arrearage or delinquency (as those
10 terms are defined in the Income Withholding for Support Act)
11 equal to at least one month's support obligation on the
12 termination date stated in the order for support or, if there
13 is no termination date stated in the order, on the date the
14 child attains the age of majority or is otherwise emancipated,
15 then the periodic amount required to be paid for current
16 support of that child immediately prior to that date shall
17 automatically continue to be an obligation, not as current
18 support but as periodic payment toward satisfaction of the
19 unpaid arrearage or delinquency. That periodic payment shall be
20 in addition to any periodic payment previously required for
21 satisfaction of the arrearage or delinquency. The total
22 periodic amount to be paid toward satisfaction of the arrearage
23 or delinquency may be enforced and collected by any method
24 provided by law for the enforcement and collection of child
25 support, including but not limited to income withholding under
26 the Income Withholding for Support Act. Each order for support

1 entered or modified on or after the effective date of this
2 amendatory Act of the 93rd General Assembly must contain a
3 statement notifying the parties of the requirements of this
4 paragraph. Failure to include the statement in the order for
5 support does not affect the validity of the order or the
6 operation of the provisions of this paragraph with regard to
7 the order. This paragraph shall not be construed to prevent or
8 affect the establishment or modification of an order for the
9 support of a minor child or the establishment or modification
10 of an order for the support of a non-minor child or educational
11 expenses under Section 513 of the Illinois Marriage and
12 Dissolution of Marriage Act.

13 Payments under this Section to the Illinois Department
14 pursuant to the Child Support Enforcement Program established
15 by Title IV-D of the Social Security Act shall be paid into the
16 Child Support Enforcement Trust Fund. All payments under this
17 Section to the Illinois Department of Human Services shall be
18 deposited in the DHS Recoveries Trust Fund. Disbursements from
19 these funds shall be as provided in Sections 12-9.1 and 12-10.2
20 of this Code. Payments received by a local governmental unit
21 shall be deposited in that unit's General Assistance Fund.

22 To the extent the provisions of this Section are
23 inconsistent with the requirements pertaining to the State
24 Disbursement Unit under Sections 10-10.4 and 10-26 of this
25 Code, the requirements pertaining to the State Disbursement
26 Unit shall apply.

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

2 Section 10. The Illinois Marriage and Dissolution of
3 Marriage Act is amended by changing Section 505 as follows:

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

	Net Income
1	
2	1 20%
3	2 28%
4	3 32%
5	4 40%
6	5 45%
7	6 or more 50%

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

14 (a) the financial resources and needs of the child;

15 (b) the financial resources and needs of the
16 custodial parent;

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

19 (d) the physical and emotional condition of the
20 child, and his educational needs; and

21 (e) the financial resources and needs of the
22 non-custodial parent.

23 If the court deviates from the guidelines, the court's
24 finding shall state the amount of support that would have
25 been required under the guidelines, if determinable. The
26 court shall include the reason or reasons for the variance

1 from the guidelines.

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

4 (a) Federal income tax (properly calculated
5 withholding or estimated payments);

6 (b) State income tax (properly calculated
7 withholding or estimated payments);

8 (c) Social Security (FICA payments);

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

11 (e) Union dues;

12 (f) Dependent and individual
13 health/hospitalization insurance premiums and life
14 insurance premiums for life insurance ordered by the
15 court to reasonably secure child support or support
16 ordered pursuant to Section 513, any such order to
17 entail provisions on which the parties agree or,
18 otherwise, in accordance with the limitations set
19 forth in subsection 504(f) (1) and (2);

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

22 (h) Expenditures for repayment of debts that
23 represent reasonable and necessary expenses for the
24 production of income, medical expenditures necessary
25 to preserve life or health, reasonable expenditures
26 for the benefit of the child and the other parent,

1 exclusive of gifts. The court shall reduce net income
2 in determining the minimum amount of support to be
3 ordered only for the period that such payments are due
4 and shall enter an order containing provisions for its
5 self-executing modification upon termination of such
6 payment period;

7 (i) Foster care payments paid by the Department of
8 Children and Family Services for providing licensed
9 foster care to a foster child.

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

19 (4.5) In a proceeding for child support following
20 dissolution of the marriage by a court that lacked personal
21 jurisdiction over the absent spouse, and in which the court
22 is requiring payment of support for the period before the
23 date an order for current support is entered, there is a
24 rebuttable presumption that the supporting party's net
25 income for the prior period was the same as his or her net
26 income at the time the order for current support is

1 entered.

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

14 (6) If (i) the non-custodial parent was properly served
15 with a request for discovery of financial information
16 relating to the non-custodial parent's ability to provide
17 child support, (ii) the non-custodial parent failed to
18 comply with the request, despite having been ordered to do
19 so by the court, and (iii) the non-custodial parent is not
20 present at the hearing to determine support despite having
21 received proper notice, then any relevant financial
22 information concerning the non-custodial parent's ability
23 to provide child support that was obtained pursuant to
24 subpoena and proper notice shall be admitted into evidence
25 without the need to establish any further foundation for
26 its admission.

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

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

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

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

21 (A) work; or

22 (B) conduct a business or other self-employed
23 occupation.

24 The Court may further order any part or all of the earnings
25 of a parent during a sentence of periodic imprisonment paid to
26 the Clerk of the Circuit Court or to the parent having custody

1 or to the guardian having custody of the children of the
2 sentenced parent for the support of said children until further
3 order of the Court.

4 If a parent who is found guilty of contempt for failure to
5 comply with an order to pay support is a person who conducts a
6 business or who is self-employed, the court in addition to
7 other penalties provided by law may order that the parent do
8 one or more of the following: (i) provide to the court monthly
9 financial statements showing income and expenses from the
10 business or the self-employment; (ii) seek employment and
11 report periodically to the court with a diary, listing, or
12 other memorandum of his or her employment search efforts; or
13 (iii) report to the Department of Employment Security for job
14 search services to find employment that will be subject to
15 withholding for child support.

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

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

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

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

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

17 The court may also order in cases where the parent is 90
18 days or more delinquent in payment of support or has been
19 adjudicated in arrears in an amount equal to 90 days obligation
20 or more, that the parent's Illinois driving privileges be
21 suspended until the court determines that the parent is in
22 compliance with the order of support. The court may also order
23 that the parent be issued a family financial responsibility
24 driving permit that would allow limited driving privileges for
25 employment and medical purposes in accordance with Section
26 7-702.1 of the Illinois Vehicle Code. The clerk of the circuit

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

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

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

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

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

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

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

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

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

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

20 (g-5) If there is an unpaid arrearage or delinquency (as
21 those terms are defined in the Income Withholding for Support
22 Act) equal to at least one month's support obligation on the
23 termination date stated in the order for support or, if there
24 is no termination date stated in the order, on the date the
25 child attains the age of majority or is otherwise emancipated,
26 the periodic amount required to be paid for current support of

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

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

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

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

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

23 Section 15. The Non-Support Punishment Act is amended by
24 changing Section 20 as follows:

1 (750 ILCS 16/20)

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

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

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

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

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

25 If (i) the non-custodial parent was properly served with a
26 request for discovery of financial information relating to the

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

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

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

19 (d-5) If a person who is found guilty of contempt for
20 failure to comply with an order to pay support is a person who
21 conducts a business or who is self-employed, the court may
22 order in addition to other penalties provided by law that the
23 person do one or more of the following: (i) provide to the
24 court monthly financial statements showing income and expenses
25 from the business or the self-employment; (ii) seek employment
26 and report periodically to the court with a diary, listing, or

1 other memorandum of his or her employment search efforts; or
2 (iii) report to the Department of Employment Security for job
3 search services to find employment that will be subject to
4 withholding of child support.

5 (e) Any order for support entered by the court under this
6 Section shall be deemed to be a series of judgments against the
7 person obligated to pay support under the judgments, each such
8 judgment to be in the amount of each payment or installment of
9 support and each judgment to be deemed entered as of the date
10 the corresponding payment or installment becomes due under the
11 terms of the support order. Each judgment shall have the full
12 force, effect, and attributes of any other judgment of this
13 State, including the ability to be enforced. Each judgment is
14 subject to modification or termination only in accordance with
15 Section 510 of the Illinois Marriage and Dissolution of
16 Marriage Act. Notwithstanding any other State or local law to
17 the contrary, a lien arises by operation of law against the
18 real and personal property of the noncustodial parent for each
19 installment of overdue support owed by the noncustodial parent.

20 (f) An order for support entered under this Section shall
21 include a provision requiring the obligor to report to the
22 obligee and to the clerk of the court within 10 days each time
23 the obligor obtains new employment, and each time the obligor's
24 employment is terminated for any reason. The report shall be in
25 writing and shall, in the case of new employment, include the
26 name and address of the new employer.

1 Failure to report new employment or the termination of
2 current employment, if coupled with nonpayment of support for a
3 period in excess of 60 days, is indirect criminal contempt. For
4 any obligor arrested for failure to report new employment, bond
5 shall be set in the amount of the child support that should
6 have been paid during the period of unreported employment.

7 An order for support entered under this Section shall also
8 include a provision requiring the obligor and obligee parents
9 to advise each other of a change in residence within 5 days of
10 the change except when the court finds that the physical,
11 mental, or emotional health of a party or of a minor child, or
12 both, would be seriously endangered by disclosure of the
13 party's address.

14 (g) An order for support entered or modified in a case in
15 which a party is receiving child support enforcement services
16 under Article X of the Illinois Public Aid Code shall include a
17 provision requiring the noncustodial parent to notify the
18 Department of Healthcare and Family Services, within 7 days, of
19 the name and address of any new employer of the noncustodial
20 parent, whether the noncustodial parent has access to health
21 insurance coverage through the employer or other group coverage
22 and, if so, the policy name and number and the names of persons
23 covered under the policy.

24 (h) In any subsequent action to enforce an order for
25 support entered under this Act, upon sufficient showing that
26 diligent effort has been made to ascertain the location of the

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

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

19 (i-5) If there is an unpaid arrearage or delinquency (as
20 those terms are defined in the Income Withholding for Support
21 Act) equal to at least one month's support obligation on the
22 termination date stated in the order for support or, if there
23 is no termination date stated in the order, on the date the
24 child attains the age of majority or is otherwise emancipated,
25 the periodic amount required to be paid for current support of
26 that child immediately prior to that date shall automatically

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

22 (j) A support obligation, or any portion of a support
23 obligation, which becomes due and remains unpaid as of the end
24 of each month, excluding the child support that was due for
25 that month to the extent that it was not paid in that month,
26 shall accrue simple interest as set forth in Section 12-109 of

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

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

13 Section 20. The Illinois Parentage Act of 1984 is amended
14 by changing Section 15 as follows:

15 (750 ILCS 45/15) (from Ch. 40, par. 2515)

16 Sec. 15. Enforcement of Judgment or Order.

17 (a) If existence of the parent and child relationship is
18 declared, or paternity or duty of support has been established
19 under this Act or under prior law or under the law of any other
20 jurisdiction, the judgment rendered thereunder may be enforced
21 in the same or other proceedings by any party or any person or
22 agency that has furnished or may furnish financial assistance
23 or services to the child. The Income Withholding for Support
24 Act and Sections 14 and 16 of this Act shall also be applicable

1 with respect to entry, modification and enforcement of any
2 support judgment entered under provisions of the "Paternity
3 Act", approved July 5, 1957, as amended, repealed July 1, 1985.

4 (b) Failure to comply with any order of the court shall be
5 punishable as contempt as in other cases of failure to comply
6 under the "Illinois Marriage and Dissolution of Marriage Act",
7 as now or hereafter amended. In addition to other penalties
8 provided by law, the court may, after finding the party guilty
9 of contempt, order that the party be:

10 (1) Placed on probation with such conditions of
11 probation as the court deems advisable;

12 (2) Sentenced to periodic imprisonment for a period not
13 to exceed 6 months. However, the court may permit the party
14 to be released for periods of time during the day or night
15 to work or conduct business or other self-employed
16 occupation. The court may further order any part of all the
17 earnings of a party during a sentence of periodic
18 imprisonment to be paid to the Clerk of the Circuit Court
19 or to the person or parent having custody of the minor
20 child for the support of said child until further order of
21 the court.

22 (2.5) The court may also pierce the ownership veil of a
23 person, persons, or business entity to discover assets of a
24 non-custodial parent held in the name of that person, those
25 persons, or that business entity if there is a unity of
26 interest and ownership sufficient to render no financial

1 separation between the non-custodial parent and that
2 person, those persons, or the business entity. The
3 following circumstances are sufficient for a court to order
4 discovery of the assets of a person, persons, or business
5 entity and to compel the application of any discovered
6 assets toward payment on the judgment for support:

7 (A) the non-custodial parent and the person,
8 persons, or business entity maintain records together.

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

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

16 With respect to assets which are real property, no
17 order entered under this subdivision (2.5) shall affect the
18 rights of bona fide purchasers, mortgagees, judgment
19 creditors, or other lien holders who acquire their
20 interests in the property prior to the time a notice of lis
21 pendens pursuant to the Code of Civil Procedure or a copy
22 of the order is placed of record in the office of the
23 recorder of deeds for the county in which the real property
24 is located.

25 (3) The court may also order that in cases where the
26 party is 90 days or more delinquent in payment of support

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

20 In addition to the penalties or punishment that may be
21 imposed under this Section, any person whose conduct
22 constitutes a violation of Section 15 of the Non-Support
23 Punishment Act may be prosecuted under that Act, and a person
24 convicted under that Act may be sentenced in accordance with
25 that Act. The sentence may include but need not be limited to a
26 requirement that the person perform community service under

1 Section 50 of that Act or participate in a work alternative
2 program under Section 50 of that Act. A person may not be
3 required to participate in a work alternative program under
4 Section 50 of that Act if the person is currently participating
5 in a work program pursuant to Section 15.1 of this Act.

6 (b-5) If a party who is found guilty of contempt for a
7 failure to comply with an order to pay support is a person who
8 conducts a business or who is self-employed, the court may in
9 addition to other penalties provided by law order that the
10 party do one or more of the following: (i) provide to the court
11 monthly financial statements showing income and expenses from
12 the business or the self-employment; (ii) seek employment and
13 report periodically to the court with a diary, listing, or
14 other memorandum of his or her employment search efforts; or
15 (iii) report to the Department of Employment Security for job
16 search services to find employment that will be subject to
17 withholding of child support.

18 (c) In any post-judgment proceeding to enforce or modify
19 the judgment the parties shall continue to be designated as in
20 the original proceeding.

21 (Source: P.A. 91-357, eff. 7-29-99; 92-16, eff. 6-28-01.)

22 Section 99. Effective date. This Act takes effect January
23 1, 2013.