



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3076

by Rep. Monique D. Davis

SYNOPSIS AS INTRODUCED:

305 ILCS 5/10-14.5 new	
305 ILCS 5/10-27	
730 ILCS 5/3-2-2	from Ch. 38, par. 1003-2-2
730 ILCS 5/3-6-2	from Ch. 38, par. 1003-6-2
730 ILCS 5/3-9-1	from Ch. 38, par. 1003-9-1
730 ILCS 5/3-18-20	
730 ILCS 5/5-8-1.3	
750 ILCS 5/504	from Ch. 40, par. 504
750 ILCS 5/505	from Ch. 40, par. 505
750 ILCS 45/15.5 new	

Amends the Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, and the Illinois Parentage Act of 1984 to provide that the obligation to pay or the accrual of interest arising under an order for child support shall be stayed upon the incarceration or long-term unemployment of the obligor. Provides that an obligor is not required to make child support payments, nor shall interest accrue on any outstanding child support balance due, from the date the obligor is incarcerated or ceases employment until he or she is released or secures new employment. Amends the Unified Code of Corrections. Provides that the Department of Corrections has the power to exchange information with the Department of Healthcare and Family Services to ensure that the State Case Registry accurately reflects the committed status of an obligor. Provides that parenting skills programs offered by the Department of Corrections shall include instruction about meeting any applicable child support obligations.

LRB098 09085 HEP 39222 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning children.

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 10-27 and by adding Section 10-14.5 as
6 follows:

7 (305 ILCS 5/10-14.5 new)

8 Sec. 10-14.5. Stay of obligation during incarceration or
9 long-term unemployment.

10 (a) The obligation to pay or the accrual of interest
11 arising under an order for child support shall be stayed upon
12 the incarceration of the obligor. An obligor is not required to
13 make child support payments, nor shall interest accrue on any
14 outstanding child support balance due from the date the obligor
15 is taken into custody until his or her release.

16 (b) The obligation to pay or the accrual of interest
17 arising under an order for child support shall be stayed, upon
18 petition of the obligor, during long-term unemployment of the
19 obligor. An obligor is not required to make child support
20 payments, nor shall interest accrue on any outstanding child
21 support balance due from the date the obligor ceases employment
22 until he or she secures new employment.

1 (305 ILCS 5/10-27)

2 Sec. 10-27. State Case Registry.

3 (a) The Illinois Department shall establish an automated
4 State Case Registry to contain records concerning child support
5 orders for parties receiving child support enforcement
6 services under this Article X, and for all child support orders
7 entered or modified on or after October 1, 1998. The State Case
8 Registry shall include (i) the information filed with the
9 Illinois Department, or filed with the clerk of the circuit
10 court and provided to the Illinois Department, under the
11 provisions of Sections 10-10.5 and 10-11.2 of this Code,
12 Section 505.3 of the Illinois Marriage and Dissolution of
13 Marriage Act, Section 30 of the Non-Support Punishment Act, and
14 Section 14.1 of the Illinois Parentage Act of 1984; (ii)
15 information provided by the Department of Corrections under
16 subdivision (1)(p-5) of Section 3-2-2 of the Unified Code of
17 Corrections; and (iii), and (ii) any other information required
18 under Title IV, Part D of the Social Security Act or by the
19 federal Department of Health and Human Services.

20 (b) (Blank).

21 (c) The Illinois Department shall maintain the following
22 payment information on child support orders for parties
23 receiving child support enforcement services under this
24 Article X:

25 (1) the amount of monthly or other periodic support
26 owed under the order and other amounts, including

1 arrearages, interest or late payment penalties, and fees,
2 due or overdue under the order;

3 (2) any amounts described in subdivision (1) of
4 subsection (d) that have been collected;

5 (3) the distribution of the collected amounts; and

6 (4) the amount of any lien imposed with respect to the
7 order pursuant to Section 10-25 or Section 10-25.5 of this
8 Code.

9 (d) The Illinois Department shall establish, update,
10 maintain, and monitor case records in the Registry of parties
11 receiving child support enforcement services under this
12 Article X, on the bases of:

13 (1) information on administrative actions and
14 administrative and judicial proceedings and orders
15 relating to paternity and support;

16 (2) information obtained from comparison with federal,
17 State, and local sources of information;

18 (3) information on support collections and
19 distribution; and

20 (4) any other relevant information.

21 (e) The Illinois Department shall use the automated State
22 Case Registry to share and compare information with, and
23 receive information from, other data bases and information
24 comparison services in order to obtain (or provide) information
25 necessary to enable the Illinois Department (or the federal
26 Department of Health and Human Services or other State or

1 federal agencies) to carry out the requirements of the child
2 support enforcement program established under Title IV, Part D
3 of the Social Security Act. Such information comparison
4 activities shall include the following:

5 (1) Furnishing to the Federal Case Registry of Child
6 Support Orders (and updating as necessary, with
7 information including notice of expiration of orders) the
8 information specified by the federal Department of Health
9 and Human Services in regulations.

10 (2) Exchanging information with the Federal Parent
11 Locator Service for the purposes specified in Section 453
12 of the Social Security Act.

13 (3) Exchanging information with State agencies (of
14 this State and of other states) administering programs
15 funded under Title IV, Part A and Title XIX of the Social
16 Security Act and other programs designated by the federal
17 Department of Health and Human Services, as necessary to
18 perform responsibilities under Title IV, Part D of the
19 Social Security Act and under such other programs.

20 (4) Exchanging information with other agencies of this
21 State, agencies of other states, and interstate
22 information networks, as necessary and appropriate to
23 carry out (or assist other states to carry out) the
24 purposes of Title IV, Part D of the Social Security Act.

25 (5) Disclosing information to any other entities as
26 required under Title IV, Part D of the Social Security Act.

1 (f) The Illinois Department shall adopt rules establishing
2 safeguards, applicable to all confidential information
3 included in the State Case Registry, that are designed to
4 protect the privacy rights of persons concerning whom
5 information is on record in the State Case Registry. Such
6 safeguards shall include, but not be limited to the following:

7 (1) Prohibitions against the release of information on
8 the whereabouts of one party or the child to another party
9 against whom a protective order with respect to the former
10 party or the child has been entered.

11 (2) Prohibitions against the release of information on
12 the whereabouts of one party or the child to another party
13 if the Illinois Department has reasonable evidence of
14 domestic violence or child abuse (that is, allegations of
15 domestic violence or child abuse, unless the Illinois
16 Department has an independent, reasonable basis to find the
17 person making the allegation not credible) to the former
18 party or child by the party requesting information.

19 (3) Prohibitions against the release of information on
20 the whereabouts of one party or the child to another person
21 if the Illinois Department has reason to believe the
22 release of information to that person may result in
23 physical or emotional harm to the party or child.

24 (Source: P.A. 92-463, eff. 8-22-01.)

25 Section 10. The Unified Code of Corrections is amended by

1 changing Sections 3-2-2, 3-6-2, 3-9-1, 3-18-20, and 5-8-1.3 as
2 follows:

3 (730 ILCS 5/3-2-2) (from Ch. 38, par. 1003-2-2)
4 Sec. 3-2-2. Powers and Duties of the Department.

5 (1) In addition to the powers, duties and responsibilities
6 which are otherwise provided by law, the Department shall have
7 the following powers:

8 (a) To accept persons committed to it by the courts of
9 this State for care, custody, treatment and
10 rehabilitation, and to accept federal prisoners and aliens
11 over whom the Office of the Federal Detention Trustee is
12 authorized to exercise the federal detention function for
13 limited purposes and periods of time.

14 (b) To develop and maintain reception and evaluation
15 units for purposes of analyzing the custody and
16 rehabilitation needs of persons committed to it and to
17 assign such persons to institutions and programs under its
18 control or transfer them to other appropriate agencies. In
19 consultation with the Department of Alcoholism and
20 Substance Abuse (now the Department of Human Services), the
21 Department of Corrections shall develop a master plan for
22 the screening and evaluation of persons committed to its
23 custody who have alcohol or drug abuse problems, and for
24 making appropriate treatment available to such persons;
25 the Department shall report to the General Assembly on such

1 plan not later than April 1, 1987. The maintenance and
2 implementation of such plan shall be contingent upon the
3 availability of funds.

4 (b-1) To create and implement, on January 1, 2002, a
5 pilot program to establish the effectiveness of
6 pupillometer technology (the measurement of the pupil's
7 reaction to light) as an alternative to a urine test for
8 purposes of screening and evaluating persons committed to
9 its custody who have alcohol or drug problems. The pilot
10 program shall require the pupillometer technology to be
11 used in at least one Department of Corrections facility.
12 The Director may expand the pilot program to include an
13 additional facility or facilities as he or she deems
14 appropriate. A minimum of 4,000 tests shall be included in
15 the pilot program. The Department must report to the
16 General Assembly on the effectiveness of the program by
17 January 1, 2003.

18 (b-5) To develop, in consultation with the Department
19 of State Police, a program for tracking and evaluating each
20 inmate from commitment through release for recording his or
21 her gang affiliations, activities, or ranks.

22 (c) To maintain and administer all State correctional
23 institutions and facilities under its control and to
24 establish new ones as needed. Pursuant to its power to
25 establish new institutions and facilities, the Department
26 may, with the written approval of the Governor, authorize

1 the Department of Central Management Services to enter into
2 an agreement of the type described in subsection (d) of
3 Section 405-300 of the Department of Central Management
4 Services Law (20 ILCS 405/405-300). The Department shall
5 designate those institutions which shall constitute the
6 State Penitentiary System.

7 Pursuant to its power to establish new institutions and
8 facilities, the Department may authorize the Department of
9 Central Management Services to accept bids from counties
10 and municipalities for the construction, remodeling or
11 conversion of a structure to be leased to the Department of
12 Corrections for the purposes of its serving as a
13 correctional institution or facility. Such construction,
14 remodeling or conversion may be financed with revenue bonds
15 issued pursuant to the Industrial Building Revenue Bond Act
16 by the municipality or county. The lease specified in a bid
17 shall be for a term of not less than the time needed to
18 retire any revenue bonds used to finance the project, but
19 not to exceed 40 years. The lease may grant to the State
20 the option to purchase the structure outright.

21 Upon receipt of the bids, the Department may certify
22 one or more of the bids and shall submit any such bids to
23 the General Assembly for approval. Upon approval of a bid
24 by a constitutional majority of both houses of the General
25 Assembly, pursuant to joint resolution, the Department of
26 Central Management Services may enter into an agreement

1 with the county or municipality pursuant to such bid.

2 (c-5) To build and maintain regional juvenile
3 detention centers and to charge a per diem to the counties
4 as established by the Department to defray the costs of
5 housing each minor in a center. In this subsection (c-5),
6 "juvenile detention center" means a facility to house
7 minors during pendency of trial who have been transferred
8 from proceedings under the Juvenile Court Act of 1987 to
9 prosecutions under the criminal laws of this State in
10 accordance with Section 5-805 of the Juvenile Court Act of
11 1987, whether the transfer was by operation of law or
12 permissive under that Section. The Department shall
13 designate the counties to be served by each regional
14 juvenile detention center.

15 (d) To develop and maintain programs of control,
16 rehabilitation and employment of committed persons within
17 its institutions.

18 (d-5) To provide a pre-release job preparation program
19 for inmates at Illinois adult correctional centers.

20 (e) To establish a system of supervision and guidance
21 of committed persons in the community.

22 (f) To establish in cooperation with the Department of
23 Transportation to supply a sufficient number of prisoners
24 for use by the Department of Transportation to clean up the
25 trash and garbage along State, county, township, or
26 municipal highways as designated by the Department of

1 Transportation. The Department of Corrections, at the
2 request of the Department of Transportation, shall furnish
3 such prisoners at least annually for a period to be agreed
4 upon between the Director of Corrections and the Director
5 of Transportation. The prisoners used on this program shall
6 be selected by the Director of Corrections on whatever
7 basis he deems proper in consideration of their term,
8 behavior and earned eligibility to participate in such
9 program - where they will be outside of the prison facility
10 but still in the custody of the Department of Corrections.
11 Prisoners convicted of first degree murder, or a Class X
12 felony, or armed violence, or aggravated kidnapping, or
13 criminal sexual assault, aggravated criminal sexual abuse
14 or a subsequent conviction for criminal sexual abuse, or
15 forcible detention, or arson, or a prisoner adjudged a
16 Habitual Criminal shall not be eligible for selection to
17 participate in such program. The prisoners shall remain as
18 prisoners in the custody of the Department of Corrections
19 and such Department shall furnish whatever security is
20 necessary. The Department of Transportation shall furnish
21 trucks and equipment for the highway cleanup program and
22 personnel to supervise and direct the program. Neither the
23 Department of Corrections nor the Department of
24 Transportation shall replace any regular employee with a
25 prisoner.

26 (g) To maintain records of persons committed to it and

1 to establish programs of research, statistics and
2 planning.

3 (h) To investigate the grievances of any person
4 committed to the Department, to inquire into any alleged
5 misconduct by employees or committed persons, and to
6 investigate the assets of committed persons to implement
7 Section 3-7-6 of this Code; and for these purposes it may
8 issue subpoenas and compel the attendance of witnesses and
9 the production of writings and papers, and may examine
10 under oath any witnesses who may appear before it; to also
11 investigate alleged violations of a parolee's or
12 releasee's conditions of parole or release; and for this
13 purpose it may issue subpoenas and compel the attendance of
14 witnesses and the production of documents only if there is
15 reason to believe that such procedures would provide
16 evidence that such violations have occurred.

17 If any person fails to obey a subpoena issued under
18 this subsection, the Director may apply to any circuit
19 court to secure compliance with the subpoena. The failure
20 to comply with the order of the court issued in response
21 thereto shall be punishable as contempt of court.

22 (i) To appoint and remove the chief administrative
23 officers, and administer programs of training and
24 development of personnel of the Department. Personnel
25 assigned by the Department to be responsible for the
26 custody and control of committed persons or to investigate

1 the alleged misconduct of committed persons or employees or
2 alleged violations of a parolee's or releasee's conditions
3 of parole shall be conservators of the peace for those
4 purposes, and shall have the full power of peace officers
5 outside of the facilities of the Department in the
6 protection, arrest, retaking and reconfining of committed
7 persons or where the exercise of such power is necessary to
8 the investigation of such misconduct or violations.

9 (j) To cooperate with other departments and agencies
10 and with local communities for the development of standards
11 and programs for better correctional services in this
12 State.

13 (k) To administer all moneys and properties of the
14 Department.

15 (l) To report annually to the Governor on the committed
16 persons, institutions and programs of the Department.

17 (l-5) (Blank).

18 (m) To make all rules and regulations and exercise all
19 powers and duties vested by law in the Department.

20 (n) To establish rules and regulations for
21 administering a system of sentence credits, established in
22 accordance with Section 3-6-3, subject to review by the
23 Prisoner Review Board.

24 (o) To administer the distribution of funds from the
25 State Treasury to reimburse counties where State penal
26 institutions are located for the payment of assistant

1 state's attorneys' salaries under Section 4-2001 of the
2 Counties Code.

3 (p) To exchange information with the Department of
4 Human Services and the Department of Healthcare and Family
5 Services for the purpose of verifying living arrangements
6 and for other purposes directly connected with the
7 administration of this Code and the Illinois Public Aid
8 Code.

9 (p-5) To exchange information with the Department of
10 Healthcare and Family Services to ensure that the State
11 Case Registry established under Section 10-27 of the
12 Illinois Public Aid Code accurately reflects the committed
13 status of an obligor.

14 (q) To establish a diversion program.

15 The program shall provide a structured environment for
16 selected technical parole or mandatory supervised release
17 violators and committed persons who have violated the rules
18 governing their conduct while in work release. This program
19 shall not apply to those persons who have committed a new
20 offense while serving on parole or mandatory supervised
21 release or while committed to work release.

22 Elements of the program shall include, but shall not be
23 limited to, the following:

24 (1) The staff of a diversion facility shall provide
25 supervision in accordance with required objectives set
26 by the facility.

1 (2) Participants shall be required to maintain
2 employment.

3 (3) Each participant shall pay for room and board
4 at the facility on a sliding-scale basis according to
5 the participant's income.

6 (4) Each participant shall:

7 (A) provide restitution to victims in
8 accordance with any court order;

9 (B) provide financial support to his
10 dependents; and

11 (C) make appropriate payments toward any other
12 court-ordered obligations.

13 (5) Each participant shall complete community
14 service in addition to employment.

15 (6) Participants shall take part in such
16 counseling, educational and other programs as the
17 Department may deem appropriate.

18 (7) Participants shall submit to drug and alcohol
19 screening.

20 (8) The Department shall promulgate rules
21 governing the administration of the program.

22 (r) To enter into intergovernmental cooperation
23 agreements under which persons in the custody of the
24 Department may participate in a county impact
25 incarceration program established under Section 3-6038 or
26 3-15003.5 of the Counties Code.

1 (r-5) (Blank).

2 (r-10) To systematically and routinely identify with
3 respect to each streetgang active within the correctional
4 system: (1) each active gang; (2) every existing inter-gang
5 affiliation or alliance; and (3) the current leaders in
6 each gang. The Department shall promptly segregate leaders
7 from inmates who belong to their gangs and allied gangs.
8 "Segregate" means no physical contact and, to the extent
9 possible under the conditions and space available at the
10 correctional facility, prohibition of visual and sound
11 communication. For the purposes of this paragraph (r-10),
12 "leaders" means persons who:

13 (i) are members of a criminal streetgang;

14 (ii) with respect to other individuals within the
15 streetgang, occupy a position of organizer,
16 supervisor, or other position of management or
17 leadership; and

18 (iii) are actively and personally engaged in
19 directing, ordering, authorizing, or requesting
20 commission of criminal acts by others, which are
21 punishable as a felony, in furtherance of streetgang
22 related activity both within and outside of the
23 Department of Corrections.

24 "Streetgang", "gang", and "streetgang related" have the
25 meanings ascribed to them in Section 10 of the Illinois
26 Streetgang Terrorism Omnibus Prevention Act.

1 (s) To operate a super-maximum security institution,
2 in order to manage and supervise inmates who are disruptive
3 or dangerous and provide for the safety and security of the
4 staff and the other inmates.

5 (t) To monitor any unprivileged conversation or any
6 unprivileged communication, whether in person or by mail,
7 telephone, or other means, between an inmate who, before
8 commitment to the Department, was a member of an organized
9 gang and any other person without the need to show cause or
10 satisfy any other requirement of law before beginning the
11 monitoring, except as constitutionally required. The
12 monitoring may be by video, voice, or other method of
13 recording or by any other means. As used in this
14 subdivision (1)(t), "organized gang" has the meaning
15 ascribed to it in Section 10 of the Illinois Streetgang
16 Terrorism Omnibus Prevention Act.

17 As used in this subdivision (1)(t), "unprivileged
18 conversation" or "unprivileged communication" means a
19 conversation or communication that is not protected by any
20 privilege recognized by law or by decision, rule, or order
21 of the Illinois Supreme Court.

22 (u) To establish a Women's and Children's Pre-release
23 Community Supervision Program for the purpose of providing
24 housing and services to eligible female inmates, as
25 determined by the Department, and their newborn and young
26 children.

1 (u-5) To issue an order, whenever a person committed to
2 the Department absconds or absents himself or herself,
3 without authority to do so, from any facility or program to
4 which he or she is assigned. The order shall be certified
5 by the Director, the Supervisor of the Apprehension Unit,
6 or any person duly designated by the Director, with the
7 seal of the Department affixed. The order shall be directed
8 to all sheriffs, coroners, and police officers, or to any
9 particular person named in the order. Any order issued
10 pursuant to this subdivision (1) (u-5) shall be sufficient
11 warrant for the officer or person named in the order to
12 arrest and deliver the committed person to the proper
13 correctional officials and shall be executed the same as
14 criminal process.

15 (v) To do all other acts necessary to carry out the
16 provisions of this Chapter.

17 (2) The Department of Corrections shall by January 1, 1998,
18 consider building and operating a correctional facility within
19 100 miles of a county of over 2,000,000 inhabitants, especially
20 a facility designed to house juvenile participants in the
21 impact incarceration program.

22 (3) When the Department lets bids for contracts for medical
23 services to be provided to persons committed to Department
24 facilities by a health maintenance organization, medical
25 service corporation, or other health care provider, the bid may
26 only be let to a health care provider that has obtained an

1 irrevocable letter of credit or performance bond issued by a
2 company whose bonds have an investment grade or higher rating
3 by a bond rating organization.

4 (4) When the Department lets bids for contracts for food or
5 commissary services to be provided to Department facilities,
6 the bid may only be let to a food or commissary services
7 provider that has obtained an irrevocable letter of credit or
8 performance bond issued by a company whose bonds have an
9 investment grade or higher rating by a bond rating
10 organization.

11 (Source: P.A. 96-1265, eff. 7-26-10; 97-697, eff. 6-22-12;
12 97-800, eff. 7-13-12; 97-802, eff. 7-13-12; revised 7-23-12.)

13 (730 ILCS 5/3-6-2) (from Ch. 38, par. 1003-6-2)

14 Sec. 3-6-2. Institutions and Facility Administration.

15 (a) Each institution and facility of the Department shall
16 be administered by a chief administrative officer appointed by
17 the Director. A chief administrative officer shall be
18 responsible for all persons assigned to the institution or
19 facility. The chief administrative officer shall administer
20 the programs of the Department for the custody and treatment of
21 such persons.

22 (b) The chief administrative officer shall have such
23 assistants as the Department may assign.

24 (c) The Director or Assistant Director shall have the
25 emergency powers to temporarily transfer individuals without

1 formal procedures to any State, county, municipal or regional
2 correctional or detention institution or facility in the State,
3 subject to the acceptance of such receiving institution or
4 facility, or to designate any reasonably secure place in the
5 State as such an institution or facility and to make transfers
6 thereto. However, transfers made under emergency powers shall
7 be reviewed as soon as practicable under Article 8, and shall
8 be subject to Section 5-905 of the Juvenile Court Act of 1987.
9 This Section shall not apply to transfers to the Department of
10 Human Services which are provided for under Section 3-8-5 or
11 Section 3-10-5.

12 (d) The Department shall provide educational programs for
13 all committed persons so that all persons have an opportunity
14 to attain the achievement level equivalent to the completion of
15 the twelfth grade in the public school system in this State.
16 Other higher levels of attainment shall be encouraged and
17 professional instruction shall be maintained wherever
18 possible. The Department may establish programs of mandatory
19 education and may establish rules and regulations for the
20 administration of such programs. A person committed to the
21 Department who, during the period of his or her incarceration,
22 participates in an educational program provided by or through
23 the Department and through that program is awarded or earns the
24 number of hours of credit required for the award of an
25 associate, baccalaureate, or higher degree from a community
26 college, college, or university located in Illinois shall

1 reimburse the State, through the Department, for the costs
2 incurred by the State in providing that person during his or
3 her incarceration with the education that qualifies him or her
4 for the award of that degree. The costs for which reimbursement
5 is required under this subsection shall be determined and
6 computed by the Department under rules and regulations that it
7 shall establish for that purpose. However, interest at the rate
8 of 6% per annum shall be charged on the balance of those costs
9 from time to time remaining unpaid, from the date of the
10 person's parole, mandatory supervised release, or release
11 constituting a final termination of his or her commitment to
12 the Department until paid.

13 (d-5) A person committed to the Department is entitled to
14 confidential testing for infection with human immunodeficiency
15 virus (HIV) and to counseling in connection with such testing,
16 with no copay to the committed person. A person committed to
17 the Department who has tested positive for infection with HIV
18 is entitled to medical care while incarcerated, counseling, and
19 referrals to support services, in connection with that positive
20 test result. Implementation of this subsection (d-5) is subject
21 to appropriation.

22 (e) A person committed to the Department who becomes in
23 need of medical or surgical treatment but is incapable of
24 giving consent thereto shall receive such medical or surgical
25 treatment by the chief administrative officer consenting on the
26 person's behalf. Before the chief administrative officer

1 consents, he or she shall obtain the advice of one or more
2 physicians licensed to practice medicine in all its branches in
3 this State. If such physician or physicians advise:

4 (1) that immediate medical or surgical treatment is
5 required relative to a condition threatening to cause
6 death, damage or impairment to bodily functions, or
7 disfigurement; and

8 (2) that the person is not capable of giving consent to
9 such treatment; the chief administrative officer may give
10 consent for such medical or surgical treatment, and such
11 consent shall be deemed to be the consent of the person for
12 all purposes, including, but not limited to, the authority
13 of a physician to give such treatment.

14 (e-5) If a physician providing medical care to a committed
15 person on behalf of the Department advises the chief
16 administrative officer that the committed person's mental or
17 physical health has deteriorated as a result of the cessation
18 of ingestion of food or liquid to the point where medical or
19 surgical treatment is required to prevent death, damage, or
20 impairment to bodily functions, the chief administrative
21 officer may authorize such medical or surgical treatment.

22 (f) In the event that the person requires medical care and
23 treatment at a place other than the institution or facility,
24 the person may be removed therefrom under conditions prescribed
25 by the Department. The Department shall require the committed
26 person receiving medical or dental services on a non-emergency

1 basis to pay a \$5 co-payment to the Department for each visit
2 for medical or dental services. The amount of each co-payment
3 shall be deducted from the committed person's individual
4 account. A committed person who has a chronic illness, as
5 defined by Department rules and regulations, shall be exempt
6 from the \$5 co-payment for treatment of the chronic illness. A
7 committed person shall not be subject to a \$5 co-payment for
8 follow-up visits ordered by a physician, who is employed by, or
9 contracts with, the Department. A committed person who is
10 indigent is exempt from the \$5 co-payment and is entitled to
11 receive medical or dental services on the same basis as a
12 committed person who is financially able to afford the
13 co-payment. For purposes of this Section only, "indigent" means
14 a committed person who has \$20 or less in his or her Inmate
15 Trust Fund at the time of such services and for the 30 days
16 prior to such services. Notwithstanding any other provision in
17 this subsection (f) to the contrary, any person committed to
18 any facility operated by the Department of Juvenile Justice, as
19 set forth in Section 3-2.5-15 of this Code, is exempt from the
20 co-payment requirement for the duration of confinement in those
21 facilities.

22 (g) Any person having sole custody of a child at the time
23 of commitment or any woman giving birth to a child after her
24 commitment, may arrange through the Department of Children and
25 Family Services for suitable placement of the child outside of
26 the Department of Corrections. The Director of the Department

1 of Corrections may determine that there are special reasons why
2 the child should continue in the custody of the mother until
3 the child is 6 years old.

4 (h) The Department may provide Family Responsibility
5 Services which may consist of, but not be limited to the
6 following:

7 (1) family advocacy counseling;

8 (2) parent self-help group;

9 (3) parenting skills training, which shall include
10 instruction about meeting any applicable child support
11 obligations;

12 (4) parent and child overnight program;

13 (5) parent and child reunification counseling, either
14 separately or together, preceding the inmate's release;
15 and

16 (6) a prerelease reunification staffing involving the
17 family advocate, the inmate and the child's counselor, or
18 both and the inmate.

19 (i) (Blank).

20 (j) Any person convicted of a sex offense as defined in the
21 Sex Offender Management Board Act shall be required to receive
22 a sex offender evaluation prior to release into the community
23 from the Department of Corrections. The sex offender evaluation
24 shall be conducted in conformance with the standards and
25 guidelines developed under the Sex Offender Management Board
26 Act and by an evaluator approved by the Board.

1 (k) Any minor committed to the Department of Juvenile
2 Justice for a sex offense as defined by the Sex Offender
3 Management Board Act shall be required to undergo sex offender
4 treatment by a treatment provider approved by the Board and
5 conducted in conformance with the Sex Offender Management Board
6 Act.

7 (l) Prior to the release of any inmate committed to a
8 facility of the Department or the Department of Juvenile
9 Justice, the Department must provide the inmate with
10 appropriate information verbally, in writing, by video, or
11 other electronic means, concerning HIV and AIDS. The Department
12 shall develop the informational materials in consultation with
13 the Department of Public Health. At the same time, the
14 Department must also offer the committed person the option of
15 testing for infection with human immunodeficiency virus (HIV),
16 with no copayment for the test. Pre-test information shall be
17 provided to the committed person and informed consent obtained
18 as required in subsection (d) of Section 3 and Section 5 of the
19 AIDS Confidentiality Act. The Department may conduct opt-out
20 HIV testing as defined in Section 4 of the AIDS Confidentiality
21 Act. If the Department conducts opt-out HIV testing, the
22 Department shall place signs in English, Spanish and other
23 languages as needed in multiple, highly visible locations in
24 the area where HIV testing is conducted informing inmates that
25 they will be tested for HIV unless they refuse, and refusal or
26 acceptance of testing shall be documented in the inmate's

1 medical record. The Department shall follow procedures
2 established by the Department of Public Health to conduct HIV
3 testing and testing to confirm positive HIV test results. All
4 testing must be conducted by medical personnel, but pre-test
5 and other information may be provided by committed persons who
6 have received appropriate training. The Department, in
7 conjunction with the Department of Public Health, shall develop
8 a plan that complies with the AIDS Confidentiality Act to
9 deliver confidentially all positive or negative HIV test
10 results to inmates or former inmates. Nothing in this Section
11 shall require the Department to offer HIV testing to an inmate
12 who is known to be infected with HIV, or who has been tested
13 for HIV within the previous 180 days and whose documented HIV
14 test result is available to the Department electronically. The
15 testing provided under this subsection (1) shall consist of a
16 test approved by the Illinois Department of Public Health to
17 determine the presence of HIV infection, based upon
18 recommendations of the United States Centers for Disease
19 Control and Prevention. If the test result is positive, a
20 reliable supplemental test based upon recommendations of the
21 United States Centers for Disease Control and Prevention shall
22 be administered.

23 Prior to the release of an inmate who the Department knows
24 has tested positive for infection with HIV, the Department in a
25 timely manner shall offer the inmate transitional case
26 management, including referrals to other support services.

1 (m) The chief administrative officer of each institution or
2 facility of the Department shall make a room in the institution
3 or facility available for addiction recovery services to be
4 provided to committed persons on a voluntary basis. The
5 services shall be provided for one hour once a week at a time
6 specified by the chief administrative officer of the
7 institution or facility if the following conditions are met:

8 (1) the addiction recovery service contacts the chief
9 administrative officer to arrange the meeting;

10 (2) the committed person may attend the meeting for
11 addiction recovery services only if the committed person
12 uses pre-existing free time already available to the
13 committed person;

14 (3) all disciplinary and other rules of the institution
15 or facility remain in effect;

16 (4) the committed person is not given any additional
17 privileges to attend addiction recovery services;

18 (5) if the addiction recovery service does not arrange
19 for scheduling a meeting for that week, no addiction
20 recovery services shall be provided to the committed person
21 in the institution or facility for that week;

22 (6) the number of committed persons who may attend an
23 addiction recovery meeting shall not exceed 40 during any
24 session held at the correctional institution or facility;

25 (7) a volunteer seeking to provide addiction recovery
26 services under this subsection (m) must submit an

1 application to the Department of Corrections under
2 existing Department rules and the Department must review
3 the application within 60 days after submission of the
4 application to the Department; and

5 (8) each institution and facility of the Department
6 shall manage the addiction recovery services program
7 according to its own processes and procedures.

8 For the purposes of this subsection (m), "addiction
9 recovery services" means recovery services for alcoholics and
10 addicts provided by volunteers of recovery support services
11 recognized by the Department of Human Services.

12 (Source: P.A. 96-284, eff. 1-1-10; 97-244, eff. 8-4-11; 97-323,
13 eff. 8-12-11; 97-562, eff. 1-1-12; 97-802, eff. 7-13-12;
14 97-813, eff. 7-13-12.)

15 (730 ILCS 5/3-9-1) (from Ch. 38, par. 1003-9-1)

16 Sec. 3-9-1. Educational Programs.

17 (a) The Department of Juvenile Justice, subject to
18 appropriation and with the cooperation of other State agencies
19 that work with children, shall establish programming, the
20 components of which shall include, but are not limited to:

21 (1) Case management services.

22 (2) Treatment modalities, including substance abuse
23 treatment services, mental health services, and
24 developmental disability services.

25 (3) Prevocational education and career education

1 services.

2 (4) Diagnostic evaluation services/Medical screening.

3 (5) Educational services.

4 (6) Self-sufficiency planning.

5 (7) Independent living skills.

6 (8) Parenting skills, which shall include instruction
7 about meeting any applicable child support obligations.

8 (9) Recreational and leisure time activities.

9 (10) Program evaluation.

10 (11) Medical services.

11 (b) All institutions or facilities housing persons of such
12 age as to be subject to compulsory school attendance shall
13 establish an educational program to provide such persons the
14 opportunity to attain an elementary and secondary school
15 education equivalent to the completion of the twelfth grade in
16 the public school systems of this State; and, in furtherance
17 thereof, shall utilize assistance from local public school
18 districts and State agencies in established curricula and
19 staffing such program.

20 (c) All institutions or facilities housing persons not
21 subject to compulsory school attendance shall make available
22 programs and training to provide such persons an opportunity to
23 attain an elementary and secondary school education equivalent
24 to the completion of the twelfth grade in the public school
25 systems of this State; and, in furtherance thereof, such
26 institutions or facilities may utilize assistance from local

1 public school districts and State agencies in creating
2 curricula and staffing the program.

3 (d) The Department of Juvenile Justice shall develop and
4 establish a suicide reduction program in all institutions or
5 facilities housing persons committed to the Department of
6 Juvenile Justice. The program shall be designed to increase the
7 life coping skills and self esteem of juvenile offenders and to
8 decrease their propensity to commit self destructive acts.

9 (Source: P.A. 94-696, eff. 6-1-06.)

10 (730 ILCS 5/3-18-20)

11 Sec. 3-18-20. Director to contract for certain services for
12 offenders in program.

13 (a) The Director may enter into one or more contracts with
14 one or more public or private entities to provide any of the
15 following services, as necessary and appropriate, to offenders
16 participating in a program:

17 (1) transitional housing;

18 (2) treatment pertaining to substance abuse or mental
19 health;

20 (3) training in life skills;

21 (4) vocational rehabilitation and job skills training;

22 and

23 (5) any other services required by offenders who are
24 participating in a program.

25 (b) The Director shall, as necessary and appropriate,

1 provide referrals and information regarding:

2 (1) any of the services provided pursuant to subsection

3 (a);

4 (2) access and availability of any appropriate
5 self-help groups;

6 (3) social services for families and children; and

7 (4) permanent housing.

8 (c) The Director may apply for and accept any gift,
9 donation, bequest, grant, or other source of money to carry out
10 the provisions of this Section.

11 (d) As used in this Section, training in life skills
12 includes, without limitation, training in the areas of: (1)
13 parenting, which shall include instruction about meeting any
14 applicable child support obligations; (2) improving human
15 relationships; (3) preventing domestic violence; (4)
16 maintaining emotional and physical health; (5) preventing
17 abuse of alcohol and drugs; (6) preparing for and obtaining
18 employment; and (7) budgeting, consumerism, and personal
19 finances.

20 (Source: P.A. 94-383, eff. 1-1-06; 95-331, eff. 8-21-07.)

21 (730 ILCS 5/5-8-1.3)

22 Sec. 5-8-1.3. Pilot residential and transition treatment
23 program for women.

24 (a) The General Assembly recognizes:

25 (1) that drug-offending women with children who have

1 been in and out of the criminal justice system for years
2 are a serious problem;

3 (2) that the intergenerational cycle of women
4 continuously being part of the criminal justice system
5 needs to be broken;

6 (3) that the effects of drug offending women with
7 children disrupts family harmony and creates an atmosphere
8 that is not conducive to healthy childhood development;

9 (4) that there is a need for an effective residential
10 community supervision model to provide help to women to
11 become drug free, recover from trauma, focus on healthy
12 mother-child relationships, and establish economic
13 independence and long-term support;

14 (5) that certain non-violent women offenders with
15 children eligible for sentences of incarceration, may
16 benefit from the rehabilitative aspects of gender
17 responsive treatment programs and services. This Section
18 shall not be construed to allow violent offenders to
19 participate in a treatment program.

20 (b) Under the direction of the sheriff and with the
21 approval of the county board of commissioners, the sheriff, in
22 any county with more than 3,000,000 inhabitants, may operate a
23 residential and transition treatment program for women
24 established by the Illinois Department of Corrections if
25 funding has been provided by federal, local or private
26 entities. If the court finds during the sentencing hearing

1 conducted under Section 5-4-1 that a woman convicted of a
2 felony meets the eligibility requirements of the sheriff's
3 residential and transition treatment program for women, the
4 court may refer the offender to the sheriff's residential and
5 transition treatment program for women for consideration as a
6 participant as an alternative to incarceration in the
7 penitentiary. The sheriff shall be responsible for supervising
8 all women who are placed in the residential and transition
9 treatment program for women for the 12-month period. In the
10 event that the woman is not accepted for placement in the
11 sheriff's residential and transition treatment program for
12 women, the court shall proceed to sentence the woman to any
13 other disposition authorized by this Code. If the woman does
14 not successfully complete the residential and transition
15 treatment program for women, the woman's failure to do so shall
16 constitute a violation of the sentence to the residential and
17 transition treatment program for women.

18 (c) In order to be eligible to be a participant in the
19 pilot residential and transition treatment program for women,
20 the participant shall meet all of the following conditions:

21 (1) The woman has not been convicted of a violent crime
22 as defined in subsection (c) of Section 3 of the Rights of
23 Crime Victims and Witnesses Act, a Class X felony, first or
24 second degree murder, armed violence, aggravated
25 kidnapping, criminal sexual assault, aggravated criminal
26 sexual abuse or a subsequent conviction for criminal sexual

1 abuse, forcible detention, or arson and has not been
2 previously convicted of any of those offenses.

3 (2) The woman must undergo an initial assessment
4 evaluation to determine the treatment and program plan.

5 (3) The woman was recommended and accepted for
6 placement in the pilot residential and transition
7 treatment program for women by the Department of
8 Corrections and has consented in writing to participation
9 in the program under the terms and conditions of the
10 program. The Department of Corrections may consider
11 whether space is available.

12 (d) The program may include a substance abuse treatment
13 program designed for women offenders, mental health, trauma,
14 and medical treatment; parenting skills, which shall include
15 instruction about meeting any applicable child support
16 obligations and family relationship counseling, preparation
17 for a GED or vocational certificate; life skills program; job
18 readiness and job skill training, and a community transition
19 development plan.

20 (e) With the approval of the Department of Corrections, the
21 sheriff shall issue requirements for the program and inform the
22 participants who shall sign an agreement to adhere to all rules
23 and all requirements for the pilot residential and transition
24 treatment program.

25 (f) Participation in the pilot residential and transition
26 treatment program for women shall be for a period not to exceed

1 12 months. The period may not be reduced by accumulation of
2 good time.

3 (g) If the woman successfully completes the pilot
4 residential and transition treatment program for women, the
5 sheriff shall notify the Department of Corrections, the court,
6 and the State's Attorney of the county of the woman's
7 successful completion.

8 (h) A woman may be removed from the pilot residential and
9 transition treatment program for women for violation of the
10 terms and conditions of the program or in the event she is
11 unable to participate. The failure to complete the program
12 shall be deemed a violation of the conditions of the program.
13 The sheriff shall give notice to the Department of Corrections,
14 the court, and the State's Attorney of the woman's failure to
15 complete the program. The Department of Corrections or its
16 designee shall file a petition alleging that the woman has
17 violated the conditions of the program with the court. The
18 State's Attorney may proceed on the petition under Section
19 5-4-1 of this Code.

20 (i) The conditions of the pilot residential and transition
21 treatment program for women shall include that the woman while
22 in the program:

23 (1) not violate any criminal statute of any
24 jurisdiction;

25 (2) report or appear in person before any person or
26 agency as directed by the court, the sheriff, or Department

1 of Corrections;

2 (3) refrain from possessing a firearm or other
3 dangerous weapon;

4 (4) consent to drug testing;

5 (5) not leave the State without the consent of the
6 court or, in circumstances in which reason for the absence
7 is of such an emergency nature that prior consent by the
8 court is not possible, without prior notification and
9 approval of the Department of Corrections;

10 (6) upon placement in the program, must agree to follow
11 all requirements of the program.

12 (j) The Department of Corrections or the sheriff may
13 terminate the program at any time by mutual agreement or with
14 30 days prior written notice by either the Department of
15 Corrections or the sheriff.

16 (k) The Department of Corrections may enter into a joint
17 contract with a county with more than 3,000,000 inhabitants to
18 establish and operate a pilot residential and treatment program
19 for women.

20 (l) The Director of the Department of Corrections shall
21 have the authority to develop rules to establish and operate a
22 pilot residential and treatment program for women that shall
23 include criteria for selection of the participants of the
24 program in conjunction and approval by the sentencing court.
25 Violent crime offenders are not eligible to participate in the
26 program.

1 (m) The Department shall report to the Governor and the
2 General Assembly before September 30th of each year on the
3 pilot residential and treatment program for women, including
4 the composition of the program by offenders, sentence, age,
5 offense, and race. Reporting is only required if the pilot
6 residential and treatment program for women is operational.

7 (n) The Department of Corrections or the sheriff may
8 terminate the program with 30 days prior written notice.

9 (o) A county with more than 3,000,000 inhabitants is
10 authorized to apply for funding from federal, local or private
11 entities to create a Residential and Treatment Program for
12 Women. This sentencing option may not go into effect until the
13 funding is secured for the program and the program has been
14 established.

15 (Source: P.A. 97-800, eff. 7-13-12.)

16 Section 15. The Illinois Marriage and Dissolution of
17 Marriage Act is amended by changing Sections 504 and 505 as
18 follows:

19 (750 ILCS 5/504) (from Ch. 40, par. 504)

20 Sec. 504. Maintenance.

21 (a) In a proceeding for dissolution of marriage or legal
22 separation or declaration of invalidity of marriage, or a
23 proceeding for maintenance following dissolution of the
24 marriage by a court which lacked personal jurisdiction over the

1 absent spouse, the court may grant a temporary or permanent
2 maintenance award for either spouse in amounts and for periods
3 of time as the court deems just, without regard to marital
4 misconduct, in gross or for fixed or indefinite periods of
5 time, and the maintenance may be paid from the income or
6 property of the other spouse after consideration of all
7 relevant factors, including:

8 (1) the income and property of each party, including
9 marital property apportioned and non-marital property
10 assigned to the party seeking maintenance;

11 (2) the needs of each party;

12 (3) the present and future earning capacity of each
13 party;

14 (4) any impairment of the present and future earning
15 capacity of the party seeking maintenance due to that party
16 devoting time to domestic duties or having forgone or
17 delayed education, training, employment, or career
18 opportunities due to the marriage;

19 (5) the time necessary to enable the party seeking
20 maintenance to acquire appropriate education, training,
21 and employment, and whether that party is able to support
22 himself or herself through appropriate employment or is the
23 custodian of a child making it appropriate that the
24 custodian not seek employment;

25 (6) the standard of living established during the
26 marriage;

- 1 (7) the duration of the marriage;
- 2 (8) the age and the physical and emotional condition of
- 3 both parties;
- 4 (9) the tax consequences of the property division upon
- 5 the respective economic circumstances of the parties;
- 6 (10) contributions and services by the party seeking
- 7 maintenance to the education, training, career or career
- 8 potential, or license of the other spouse;
- 9 (11) any valid agreement of the parties; and
- 10 (12) any other factor that the court expressly finds to
- 11 be just and equitable.

12 (b) (Blank).

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

14 maintenance and child support obligation, or any portion of any

15 support obligation, that becomes due and remains unpaid shall

16 accrue simple interest as set forth in Section 505 of this Act.

17 (b-7) Any new or existing maintenance order including any

18 unallocated maintenance and child support order entered by the

19 court under this Section shall be deemed to be a series of

20 judgments against the person obligated to pay support

21 thereunder. Each such judgment to be in the amount of each

22 payment or installment of support and each such judgment to be

23 deemed entered as of the date the corresponding payment or

24 installment becomes due under the terms of the support order,

25 except no judgment shall arise as to any installment coming due

26 after the termination of maintenance as provided by Section 510

1 of the Illinois Marriage and Dissolution of Marriage Act or the
2 provisions of any order for maintenance. Each such judgment
3 shall have the full force, effect and attributes of any other
4 judgment of this State, including the ability to be enforced.
5 Notwithstanding any other State or local law to the contrary, a
6 lien arises by operation of law against the real and personal
7 property of the obligor for each installment of overdue support
8 owed by the obligor.

9 (c) The court may grant and enforce the payment of
10 maintenance during the pendency of an appeal as the court shall
11 deem reasonable and proper.

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

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

24 (f) An award ordered by a court upon entry of a dissolution
25 judgment or upon entry of an award of maintenance following a
26 reservation of maintenance in a dissolution judgment may be

1 reasonably secured, in whole or in part, by life insurance on
2 the payor's life on terms as to which the parties agree, or, if
3 they do not agree, on such terms determined by the court,
4 subject to the following:

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

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

15 (i) that the payor cooperate on all appropriate
16 steps for the payee to obtain such new life insurance;
17 and

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

26 In determining the maximum level of death benefit coverage,

1 the court shall take into account all relevant facts and
2 circumstances, including the impact on access to life
3 insurance by the maintenance payor. If in resolving any
4 issues under paragraph (2) of this subsection (f) a court
5 reviews any submitted or proposed application for new
6 insurance on the life of a maintenance payor, the review
7 shall be in camera.

8 (3) A judgment shall expressly set forth that all death
9 benefits paid under life insurance on a payor's life
10 maintained or obtained pursuant to this subsection to
11 secure maintenance are designated as excludable from the
12 gross income of the maintenance payee under Section
13 71(b)(1)(B) of the Internal Revenue Code, unless an
14 agreement or stipulation of the parties otherwise
15 provides.

16 (g) The payment of any child support under an order entered
17 by the court under this Section is subject to subsections (d-5)
18 and (d-10) of Section 505 of this Act.

19 (Source: P.A. 97-186, eff. 7-22-11; 97-608, eff. 1-1-12;
20 97-813, eff. 7-13-12.)

21 (750 ILCS 5/505) (from Ch. 40, par. 505)

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

23 (a) In a proceeding for dissolution of marriage, legal
24 separation, declaration of invalidity of marriage, a
25 proceeding for child support following dissolution of the

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

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

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

24 (2) The above guidelines shall be applied in each case
 25 unless the court finds that a deviation from the guidelines
 26 is appropriate after considering the best interest of the

1 child in light of the evidence, including, but not limited
2 to, one or more of the following relevant factors:

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

4 (b) the financial resources and needs of the
5 custodial parent;

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

8 (d) the physical, mental, and emotional needs of
9 the child;

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

11 (e) the financial resources and needs of the
12 non-custodial parent.

13 If the court deviates from the guidelines, the court's
14 finding shall state the amount of support that would have
15 been required under the guidelines, if determinable. The
16 court shall include the reason or reasons for the variance
17 from the guidelines.

18 (2.5) The court, in its discretion, in addition to
19 setting child support pursuant to the guidelines and
20 factors, may order either or both parents owing a duty of
21 support to a child of the marriage to contribute to the
22 following expenses, if determined by the court to be
23 reasonable:

24 (a) health needs not covered by insurance;

25 (b) child care;

26 (c) education; and

1 (d) extracurricular activities.

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 premiums
14 for life insurance ordered by the court to reasonably
15 secure payment of ordered child support;

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

18 (h) Expenditures for repayment of debts that
19 represent reasonable and necessary expenses for the
20 production of income, medical expenditures necessary
21 to preserve life or health, reasonable expenditures
22 for the benefit of the child and the other parent,
23 exclusive of gifts. The court shall reduce net income
24 in determining the minimum amount of support to be
25 ordered only for the period that such payments are due
26 and shall enter an order containing provisions for its

1 self-executing modification upon termination of such
2 payment period;

3 (i) Foster care payments paid by the Department of
4 Children and Family Services for providing licensed
5 foster care to a foster child.

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

15 (4.5) In a proceeding for child support following
16 dissolution of the marriage by a court that lacked personal
17 jurisdiction over the absent spouse, and in which the court
18 is requiring payment of support for the period before the
19 date an order for current support is entered, there is a
20 rebuttable presumption that the supporting party's net
21 income for the prior period was the same as his or her net
22 income at the time the order for current support is
23 entered.

24 (5) If the net income cannot be determined because of
25 default or any other reason, the court shall order support
26 in an amount considered reasonable in the particular case.

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

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

23 (a-5) In an action to enforce an order for support based on
24 the respondent's failure to make support payments as required
25 by the order, notice of proceedings to hold the respondent in
26 contempt for that failure may be served on the respondent by

1 personal service or by regular mail addressed to the
2 respondent's last known address. The respondent's last known
3 address may be determined from records of the clerk of the
4 court, from the Federal Case Registry of Child Support Orders,
5 or by any other reasonable means.

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

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

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

17 (A) work; or

18 (B) conduct a business or other self-employed
19 occupation.

20 The Court may further order any part or all of the earnings
21 of a parent during a sentence of periodic imprisonment paid to
22 the Clerk of the Circuit Court or to the parent having custody
23 or to the guardian having custody of the children of the
24 sentenced parent for the support of said children until further
25 order of the Court.

26 If a parent who is found guilty of contempt for failure to

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

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

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

25 (2) the non-custodial parent and the person, persons,
26 or business entity fail to maintain an arm's length

1 relationship between themselves with regard to any assets.

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

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

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

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

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

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

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

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

15 (d) Any new or existing support order entered by the court
16 under this Section shall be deemed to be a series of judgments
17 against the person obligated to pay support thereunder, each
18 such judgment to be in the amount of each payment or
19 installment of support and each such judgment to be deemed
20 entered as of the date the corresponding payment or installment
21 becomes due under the terms of the support order. Each such
22 judgment shall have the full force, effect and attributes of
23 any other judgment of this State, including the ability to be
24 enforced. Notwithstanding any other State or local law to the
25 contrary, a lien arises by operation of law against the real
26 and personal property of the noncustodial parent for each

1 installment of overdue support owed by the noncustodial parent.

2 (d-5) The obligation to pay or the accrual of interest
3 arising under an order for child support shall be stayed upon
4 the incarceration of the obligor. An obligor is not required to
5 make child support payments, nor shall interest accrue on any
6 outstanding child support balance due from the date the obligor
7 is taken into custody until his or her release.

8 (d-10) The obligation to pay or the accrual of interest
9 arising under an order for child support shall be stayed, upon
10 the petition of the obligor, during long-term unemployment of
11 the obligor. An obligor is not required to make child support
12 payments, nor shall interest accrue on any outstanding child
13 support balance due from the date the obligor ceases employment
14 until he or she secures new employment.

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

24 (f) All orders for support, when entered or modified, shall
25 include a provision requiring the obligor to notify the court
26 and, in cases in which a party is receiving child and spouse

1 services under Article X of the Illinois Public Aid Code, the
2 Department of Healthcare and Family Services, within 7 days,
3 (i) of the name and address of any new employer of the obligor,
4 (ii) whether the obligor has access to health insurance
5 coverage through the employer or other group coverage and, if
6 so, the policy name and number and the names of persons covered
7 under the policy, and (iii) of any new residential or mailing
8 address or telephone number of the non-custodial parent. In any
9 subsequent action to enforce a support order, upon a sufficient
10 showing that a diligent effort has been made to ascertain the
11 location of the non-custodial parent, service of process or
12 provision of notice necessary in the case may be made at the
13 last known address of the non-custodial parent in any manner
14 expressly provided by the Code of Civil Procedure or this Act,
15 which service shall be sufficient for purposes of due process.

16 (g) An order for support shall include a date on which the
17 current support obligation terminates. The termination date
18 shall be no earlier than the date on which the child covered by
19 the order will attain the age of 18. However, if the child will
20 not graduate from high school until after attaining the age of
21 18, then the termination date shall be no earlier than the
22 earlier of the date on which the child's high school graduation
23 will occur or the date on which the child will attain the age
24 of 19. The order for support shall state that the termination
25 date does not apply to any arrearage that may remain unpaid on
26 that date. Nothing in this subsection shall be construed to

1 prevent the court from modifying the order or terminating the
2 order in the event the child is otherwise emancipated.

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

1 be construed to prevent or affect the establishment or
2 modification of an order for support of a minor child or the
3 establishment or modification of an order for support of a
4 non-minor child or educational expenses under Section 513 of
5 this Act.

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

25 (i) The court does not lose the powers of contempt,
26 driver's license suspension, or other child support

1 enforcement mechanisms, including, but not limited to,
2 criminal prosecution as set forth in this Act, upon the
3 emancipation of the minor child or children.

4 (Source: P.A. 96-1134, eff. 7-21-10; 97-186, eff. 7-22-11;
5 97-608, eff. 1-1-12; 97-813, eff. 7-13-12; 97-878, eff. 8-2-12;
6 97-941, eff. 1-1-13; 97-1029, eff. 1-1-13; revised 8-23-12.)

7 Section 20. The Illinois Parentage Act of 1984 is amended
8 by adding Section 15.5 as follows:

9 (750 ILCS 45/15.5 new)

10 Sec. 15.5. Stay of obligation during incarceration or
11 long-term unemployment.

12 (a) The obligation to pay or the accrual of interest
13 arising under an order for child support shall be stayed upon
14 the incarceration of the obligor. An obligor is not required to
15 make child support payments, nor shall interest accrue on any
16 outstanding child support balance due from the date the obligor
17 is taken into custody until his or her release.

18 (b) The obligation to pay or the accrual of interest
19 arising under an order for child support shall be stayed, upon
20 petition of the obligor, during long-term unemployment of the
21 obligor. An obligor is not required to make child support
22 payments, nor shall interest accrue on any outstanding child
23 support balance due from the date the obligor ceases employment
24 until he or she secures new employment.