



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB3231

Introduced 2/11/2014, by Sen. Ira I. Silverstein

SYNOPSIS AS INTRODUCED:

750 ILCS 5/504
750 ILCS 5/505

from Ch. 40, par. 504
from Ch. 40, par. 505

Amends provisions of the Illinois Marriage and Dissolution of Marriage Act concerning maintenance. Adds language providing that the court shall first determine whether a maintenance award is appropriate, using factors already in the statute. Provides that, if a court determines that a maintenance award is appropriate, the court shall order maintenance either: in accordance with guidelines involving the income of the parties and the length of the marriage; or after the court's consideration of relevant factors already in the statute. Provides that, in a case involving the issue of maintenance, the court shall make specific findings of fact stating the reasoning for awarding or not awarding maintenance, including references to factors already in the statute, and, if the court deviates from otherwise applicable guidelines, stating the amount of maintenance (if determinable) or duration that would have been required under the guidelines and the reasoning for any variance from the guidelines. Defines "gross income", for purposes of calculating maintenance obligations, as "all income from all sources", as that phrase is used in calculating net income for purposes of calculating child support. Provides that, unless the parties otherwise agree, the court may not order unallocated maintenance and child support in a dissolution judgment or a post-dissolution order, but the court may order unallocated maintenance and child support in a pre-dissolution temporary order. Adds headings to existing subsections. In provisions of the Act concerning the determination of child support, provides that obligations pursuant to a court order for maintenance in the pending proceeding actually paid or payable to the same party to whom child support is to be payable shall be deducted from net income.

LRB098 15294 HEP 52081 b

1 AN ACT concerning civil law.

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

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

7 (750 ILCS 5/504) (from Ch. 40, par. 504)

8 Sec. 504. Maintenance.

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

22 (1) the income and property of each party, including
23 marital property apportioned and non-marital property

1 assigned to the party seeking maintenance;

2 (2) the needs of each party;

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

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

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

16 (6) the standard of living established during the
17 marriage;

18 (7) the duration of the marriage;

19 (8) the age and the physical and emotional condition of
20 both parties;

21 (9) the tax consequences of the property division upon
22 the respective economic circumstances of the parties;

23 (10) contributions and services by the party seeking
24 maintenance to the education, training, career or career
25 potential, or license of the other spouse;

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

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

3 (b) (Blank).

4 (b-1) Amount and duration of maintenance. If the court
5 determines that a maintenance award is appropriate, the court
6 shall order maintenance in accordance with either paragraph (1)
7 or (2) of this subsection (b-1):

8 (1) Maintenance award in accordance with guidelines.
9 In situations when the combined gross income of the parties
10 is less than \$250,000 and no multiple family situation
11 exists, maintenance payable after the date the parties'
12 marriage is dissolved shall be in accordance with
13 subparagraphs (A) and (B) of this paragraph (1), unless the
14 court makes a finding that the application of the
15 guidelines would be inappropriate.

16 (A) The amount of maintenance under this paragraph
17 (1) shall be calculated by taking 30% of the payor's
18 gross income minus 20% of the payee's gross income. The
19 amount calculated as maintenance, however, when added
20 to the gross income of the payee, may not result in the
21 payee receiving an amount that is in excess of 40% of
22 the combined gross income of the parties.

23 (B) The duration of an award under this paragraph
24 (1) shall be calculated by multiplying the length of
25 the marriage by whichever of the following factors
26 applies: 0-5 years (.20); 5-10 years (.40); 10-15 years

1 (.60); or 15-20 years (.80). For a marriage of 20 or
2 more years, the court, in its discretion, shall order
3 either permanent maintenance or maintenance for a
4 period equal to the length of the marriage.

5 (2) Maintenance award not in accordance with
6 guidelines. Any non-guidelines award of maintenance shall
7 be made after the court's consideration of all relevant
8 factors set forth in subsection (a) of this Section.

9 (b-2) Findings. In each case involving the issue of
10 maintenance, the court shall make specific findings of fact, as
11 follows:

12 (1) the court shall state its reasoning for awarding or
13 not awarding maintenance and shall include references to
14 each relevant factor set forth in subsection (a) of this
15 Section; and

16 (2) if the court deviates from otherwise applicable
17 guidelines under paragraph (1) of subsection (b-1), it
18 shall state in its findings the amount of maintenance (if
19 determinable) or duration that would have been required
20 under the guidelines and the reasoning for any variance
21 from the guidelines.

22 (b-3) Gross income. For purposes of this Section, the term
23 "gross income" means all income from all sources, within the
24 scope of that phase in Section 505 of this Act.

25 (b-4) Unallocated maintenance. Unless the parties
26 otherwise agree, the court may not order unallocated

1 maintenance and child support in any dissolution judgment or in
2 any post-dissolution order. In its discretion, the court may
3 order unallocated maintenance and child support in any
4 pre-dissolution temporary order.

5 (b-4.5) Fixed-term maintenance in marriages of less than 10
6 years. If a court grants maintenance for a fixed period under
7 subsection (a) of this Section at the conclusion of a case
8 commenced before the tenth anniversary of the marriage, the
9 court may also designate the termination of the period during
10 which this maintenance is to be paid as a "permanent
11 termination". The effect of this designation is that
12 maintenance is barred after the ending date of the period
13 during which maintenance is to be paid.

14 (b-5) Interest on maintenance. Any maintenance obligation
15 including any unallocated maintenance and child support
16 obligation, or any portion of any support obligation, that
17 becomes due and remains unpaid shall accrue simple interest as
18 set forth in Section 505 of this Act.

19 (b-7) Maintenance judgments. Any new or existing
20 maintenance order including any unallocated maintenance and
21 child support order entered by the court under this Section
22 shall be deemed to be a series of judgments against the person
23 obligated to pay support thereunder. Each such judgment to be
24 in the amount of each payment or installment of support and
25 each such judgment to be deemed entered as of the date the
26 corresponding payment or installment becomes due under the

1 terms of the support order, except no judgment shall arise as
2 to any installment coming due after the termination of
3 maintenance as provided by Section 510 of the Illinois Marriage
4 and Dissolution of Marriage Act or the provisions of any order
5 for maintenance. Each such judgment shall have the full force,
6 effect and attributes of any other judgment of this State,
7 including the ability to be enforced. Notwithstanding any other
8 State or local law to the contrary, a lien arises by operation
9 of law against the real and personal property of the obligor
10 for each installment of overdue support owed by the obligor.

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

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

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

1 order of the Clerk.

2 (f) Maintenance secured by life insurance. An award ordered
3 by a court upon entry of a dissolution judgment or upon entry
4 of an award of maintenance following a reservation of
5 maintenance in a dissolution judgment may be reasonably
6 secured, in whole or in part, by life insurance on the payor's
7 life on terms as to which the parties agree, or, if they do not
8 agree, on such terms determined by the court, subject to the
9 following:

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

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

20 (i) that the payor cooperate on all appropriate
21 steps for the payee to obtain such new life insurance;
22 and

23 (ii) that the payee, at his or her sole option and
24 expense, may obtain such new life insurance on the
25 payor's life up to a maximum level of death benefit
26 coverage, or descending death benefit coverage, as is

1 set by the court, such level not to exceed a reasonable
2 amount in light of the court's award, with the payee or
3 the payee's designee being the beneficiary of such life
4 insurance.

5 In determining the maximum level of death benefit coverage,
6 the court shall take into account all relevant facts and
7 circumstances, including the impact on access to life
8 insurance by the maintenance payor. If in resolving any
9 issues under paragraph (2) of this subsection (f) a court
10 reviews any submitted or proposed application for new
11 insurance on the life of a maintenance payor, the review
12 shall be in camera.

13 (3) A judgment shall expressly set forth that all death
14 benefits paid under life insurance on a payor's life
15 maintained or obtained pursuant to this subsection to
16 secure maintenance are designated as excludable from the
17 gross income of the maintenance payee under Section
18 71(b)(1)(B) of the Internal Revenue Code, unless an
19 agreement or stipulation of the parties otherwise
20 provides.

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

23 (750 ILCS 5/505) (from Ch. 40, par. 505)

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

25 (a) In a proceeding for dissolution of marriage, legal

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

16 (1) The Court shall determine the minimum amount of
 17 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%

26 (2) The above guidelines shall be applied in each case

1 unless the court finds that a deviation from the guidelines
2 is appropriate after considering the best interest of the
3 child in light of the evidence, including, but not limited
4 to, one or more of the following relevant factors:

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

6 (b) the financial resources and needs of the
7 custodial parent;

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

10 (d) the physical, mental, and emotional needs of
11 the child;

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

13 (e) the financial resources and needs of the
14 non-custodial parent.

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

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

26 (a) health needs not covered by insurance;

- 1 (b) child care;
2 (c) education; and
3 (d) extracurricular activities.

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

6 (a) Federal income tax (properly calculated
7 withholding or estimated payments);

8 (b) State income tax (properly calculated
9 withholding or estimated payments);

10 (c) Social Security (FICA payments);

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

13 (e) Union dues;

14 (f) Dependent and individual
15 health/hospitalization insurance premiums and premiums
16 for life insurance ordered by the court to reasonably
17 secure payment of ordered child support;

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

20 (g-5) Obligations pursuant to a court order for
21 maintenance in the pending proceeding actually paid or
22 payable under Section 504 to the same party to whom
23 child support is to be payable;

24 (h) Expenditures for repayment of debts that
25 represent reasonable and necessary expenses for the
26 production of income, medical expenditures necessary

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

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

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

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

1 income for the prior period was the same as his or her net
2 income at the time the order for current support is
3 entered.

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

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

1 without the need to establish any further foundation for
2 its admission.

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

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

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

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

23 (A) work; or

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

26 The Court may further order any part or all of the earnings

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

6 If a parent who is found guilty of contempt for failure to
7 comply with an order to pay support is a person who conducts a
8 business or who is self-employed, the court in addition to
9 other penalties provided by law may order that the parent do
10 one or more of the following: (i) provide to the court monthly
11 financial statements showing income and expenses from the
12 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 for child support.

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

1 any discovered assets toward payment on the judgment for
2 support:

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

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

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

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

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

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

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

25 A support obligation, or any portion of a support
26 obligation, which becomes due and remains unpaid as of the end

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

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

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

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

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

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

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

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

22 (g-5) If there is an unpaid arrearage or delinquency (as
23 those terms are defined in the Income Withholding for Support
24 Act) equal to at least one month's support obligation on the
25 termination date stated in the order for support or, if there
26 is no termination date stated in the order, on the date the

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

25 (h) An order entered under this Section shall include a
26 provision requiring the obligor to report to the obligee and to

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

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

23 (Source: P.A. 97-186, eff. 7-22-11; 97-608, eff. 1-1-12;
24 97-813, eff. 7-13-12; 97-878, eff. 8-2-12; 97-941, eff. 1-1-13;
25 97-1029, eff. 1-1-13; 98-463, eff. 8-16-13.)