

AN ACT concerning civil law.

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

Section 5. The Illinois Parentage Act of 2015 is amended by changing Sections 103, 201, 204, 205, 301, 302, 303, 304, 305, 307, 308, 309, 310, 311, 312, 313, 501, 502, 602, 604, 610, 611, 622, 802, 803, 805, 808, 809, 903, and 904 as follows:

(750 ILCS 46/103)

Sec. 103. Definitions. In this Act:

(a) "Acknowledged father" means a man who has established a father-child relationship under Article 3.

(b) "Adjudicated father" means a man who has been adjudicated by a court of competent jurisdiction, or as authorized under Article X of the Illinois Public Aid Code, to be the father of a child.

(c) "Alleged father" means a man who alleges himself to be, or is alleged to be, the biological father or a possible biological father of a child, but whose paternity has not been established. The term does not include:

- (1) a presumed parent or acknowledged father; or
- (2) a man whose parental rights have been terminated or declared not to exist.

(d) (Reserved).

(e) "Child" means an individual of any age whose parentage may be established under this Act.

(f) "Combined paternity index" means the likelihood of paternity calculated by computing the ratio between:

(1) the likelihood that the tested man is the father, based on the genetic markers of the tested man, mother, and child, conditioned on the hypothesis that the tested man is the father of the child; and

(2) the likelihood that the tested man is not the father, based on the genetic markers of the tested man, mother, and child, conditioned on the hypothesis that the tested man is not the father of the child and that the father is of the same ethnic or racial group as the tested man.

(g) "Commence" means to file the initial pleading seeking an adjudication of parentage in the circuit court of this State.

(h) "Determination of parentage" means the establishment of the parent-child relationship by the signing of a voluntary acknowledgment under Article 3 of this Act or adjudication by the court or as authorized under Article X of the Illinois Public Aid Code.

(i) (Reserved).

(j) "Ethnic or racial group" means, for purposes of genetic testing, a recognized group that an individual identifies as all or part of the individual's ancestry or that is so

identified by other information.

(k) "Gamete" means either a sperm or an egg.

(l) "Genetic testing" means an analysis of genetic markers to exclude or identify a man as the father or a woman as the mother of a child as provided in Article 4 of this Act.

(l-5) "Gestational surrogacy" means the process by which a woman attempts to carry and give birth to a child created through in vitro fertilization in which the gestational surrogate has made no genetic contribution to any resulting child.

(m) "Gestational surrogate mother" means a ~~an adult~~ woman who is not an intended parent and agrees to engage in a gestational surrogacy arrangement ~~gives birth to a child~~ pursuant to the terms of a valid gestational surrogacy arrangement under the Gestational Surrogacy Act ~~contract~~.

(m-5) "Intended parent" means a person who enters into an assisted reproductive technology arrangement, including a gestational surrogacy arrangement, under which he or she will be the legal parent of the resulting child.

(n) "Parent" means an individual who has established a parent-child relationship under Section 201 of this Act.

(o) "Parent-child relationship" means the legal relationship between a child and a parent of the child.

(p) "Presumed parent" means an individual who, by operation of law under Section 204 of this Act, is recognized as the parent of a child until that status is rebutted or confirmed in

a judicial or administrative proceeding.

(q) "Probability of paternity" means the measure, for the ethnic or racial group to which the alleged father belongs, of the probability that the man in question is the father of the child, compared with a random, unrelated man of the same ethnic or racial group, expressed as a percentage incorporating the combined paternity index and a prior probability.

(r) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(s) "Signatory" means an individual who authenticates a record and is bound by its terms.

(t) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(u) "Substantially similar legal relationship" means a relationship recognized in this State under Section 60 of the Illinois Religious Freedom Protection and Civil Union Act.

(v) "Support-enforcement agency" means a public official or agency authorized to seek:

- (1) enforcement of support orders or laws relating to the duty of support;
- (2) establishment or modification of child support;
- (3) determination of parentage; or
- (4) location of child-support obligors and their

income and assets.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/201)

Sec. 201. Establishment of parent-child relationship.

(a) The parent-child relationship is established between a woman and a child by:

(1) the woman having given birth to the child, except as otherwise provided in the Gestational Surrogacy Act ~~a valid gestational surrogacy contract~~;

(2) an adjudication of the woman's parentage;

(3) adoption of the child by the woman;

(4) a valid gestational surrogacy arrangement that complies with the contract ~~contract under the~~ Gestational Surrogacy Act or other law; or

(5) an unrebutted presumption of the woman's parentage of the child under Section 204 of this Act.

(b) The parent-child relationship is established between a man and a child by:

(1) an unrebutted presumption of the man's parentage of the child under Section 204 of this Act;

(2) an effective voluntary acknowledgment of paternity by the man under Article 3 of this Act, unless the acknowledgment has been rescinded or successfully challenged;

(3) an adjudication of the man's parentage;

(4) adoption of the child by the man; or

(5) a valid gestational surrogacy arrangement that complies with the ~~contract under the~~ Gestational Surrogacy Act or other law.

(c) Insofar as practicable, the provisions of this Act applicable to parent-child relationships shall apply equally to men and women as parents, including, but not limited to, the obligation to support.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/204)

Sec. 204. Presumption of parentage.

(a) A person is presumed to be the parent of a child if:

(1) the person and the mother of the child have entered into a marriage, civil union, or substantially similar legal relationship, and the child is born to the mother during the marriage, civil union, or substantially similar legal relationship, except as provided in the Gestational Surrogacy Act ~~by a valid gestational surrogacy contract,~~ or other law;

(2) the person and the mother of the child were in a marriage, civil union, or substantially similar legal relationship and the child is born to the mother within 300 days after the marriage, civil union, or substantially similar legal relationship is terminated by death, declaration of invalidity of marriage, judgment for

dissolution of marriage, civil union, or substantially similar legal relationship, or after a judgment for legal separation, except as provided in the Gestational Surrogacy Act ~~by a valid gestational surrogacy contract,~~ or other law;

(3) before the birth of the child, the person and the mother of the child entered into a marriage, civil union, or substantially similar legal relationship in apparent compliance with law, even if the attempted marriage, civil union, or substantially similar legal relationship is or could be declared invalid, and the child is born during the invalid marriage, civil union, or substantially similar legal relationship or within 300 days after its termination by death, declaration of invalidity of marriage, judgment for dissolution of marriage, civil union, or substantially similar legal relationship, or after a judgment for legal separation, except as provided in the Gestational Surrogacy Act ~~by a valid gestational surrogacy contract,~~ or other law; or

(4) after the child's birth, the person and the child's mother have entered into a marriage, civil union, or substantially similar legal relationship, even if the marriage, civil union, or substantially similar legal relationship is or could be declared invalid, and the person is named, with the person's written consent, as the child's parent on the child's birth certificate.

(b) If 2 or more conflicting presumptions arise under this Section, the presumption which on the facts is founded on the weightier considerations of policy and logic, especially the policy of promoting the child's best interests, controls.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/205)

Sec. 205. Proceedings to declare the non-existence of the parent-child relationship.

(a) An action to declare the non-existence of the parent-child relationship may be brought by the child, the birth mother, or a person presumed to be a parent under Section 204 of this Act. Actions brought by the child, the birth mother, or a presumed parent shall be brought by verified complaint, which shall be designated a petition. After a presumption under Section 204 of this Act has been rebutted, parentage of the child by another man or woman may be established in the same action, if he or she has been made a party.

(b) An action to declare the non-existence of the parent-child relationship brought under subsection (a) of this Section shall be barred if brought later than 2 years after the petitioner knew or should have known of the relevant facts. The 2-year period for bringing an action to declare the non-existence of the parent-child relationship shall not extend beyond the date on which the child reaches the age of 18



years. Failure to bring an action within 2 years shall not bar any party from asserting a defense in any action to declare the existence of the parent-child relationship.

(c) An action to declare the non-existence of the parent-child relationship may be brought subsequent to an adjudication of parentage in any judgment by the man adjudicated to be the parent pursuant to a presumption in paragraphs (a) (1) through (a) (4) of Section 204 if, as a result of deoxyribonucleic acid (DNA) testing, it is discovered that the man adjudicated to be the parent is not the father of the child. Actions brought by the adjudicated father shall be brought by verified petition. If, as a result of the deoxyribonucleic acid (DNA) testing that is admissible under Section 614 of this Act, the petitioner is determined not to be the father of the child, the adjudication of paternity and any orders regarding the allocation of parental responsibilities ~~custody~~, parenting time, and future payments of support may be vacated.

(d) An action to declare the non-existence of the parent-child relationship brought under subsection (c) of this Section shall be barred if brought more than 2 years after the petitioner obtains actual knowledge of relevant facts. The 2-year period shall not apply to periods of time where the birth mother or the child refuses to submit to deoxyribonucleic acid (DNA) testing. The 2-year period for bringing an action to declare the non-existence of the parent-child relationship

shall not extend beyond the date on which the child reaches the age of 18 years.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/301)

Sec. 301. Voluntary acknowledgment. A parent-child relationship may be established voluntarily by the signing and witnessing of a voluntary acknowledgment in accordance with Section 12 of the Vital Records Act and Section 10-17.7 of the Illinois Public Aid Code. The voluntary acknowledgment shall contain ~~the last four digits of~~ the social security numbers or tax identification numbers of the persons signing the voluntary acknowledgment; however, failure to include the social security numbers of the persons signing a voluntary acknowledgment does not invalidate the voluntary acknowledgment.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/302)

Sec. 302. Execution of voluntary acknowledgment.

(a) A voluntary acknowledgment described in Section 301 of this Act must:

- (1) be in a record;
- (2) be signed, or otherwise authenticated, under penalty of perjury by the mother and by the man seeking to establish his parentage;

(3) state that the child whose parentage is being acknowledged:

(A) does not have a presumed parent, or has a presumed parent whose full name is stated; and

(B) does not have another acknowledged or adjudicated parent;

(4) be witnessed; and

(5) state that the signatories understand that the voluntary acknowledgment is the equivalent of a judicial adjudication of parentage of the child and that: (i) a challenge by a signatory to the voluntary acknowledgment may be permitted only upon a showing of fraud, duress, or material mistake of fact; and (ii) a challenge to the voluntary acknowledgment is barred after 2 years unless that period is tolled pursuant to the law ~~a challenge to the acknowledgment is permitted only under limited circumstances and is barred after 2 years.~~

(b) An acknowledgment is void if it:

(1) states that another person is a presumed parent, unless a denial signed or otherwise authenticated by the presumed parent is filed with the Department of Healthcare and Family Services, as provided by law;

(2) states that another person is an acknowledged or adjudicated parent; or

(3) falsely denies the existence of a presumed, acknowledged, or adjudicated parent of the child.

(c) A presumed father may sign or otherwise authenticate a voluntary ~~an~~ acknowledgment.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/303)

Sec. 303. Denial of parentage. A presumed parent may sign a denial of parentage. The denial is valid only if:

(a) a voluntary acknowledgment described in Section 301 of this Act signed, or otherwise authenticated, by a man is filed pursuant to Section 305 of this Act;

(b) the denial is in a record, and is signed, or otherwise authenticated, under penalty of perjury; and

(c) the presumed parent has not previously:

(1) acknowledged his parentage, unless the previous voluntary acknowledgment has been rescinded under Section 307 of this Act or successfully challenged under Section 308 of this Act; or

(2) been adjudicated to be the parent of the child.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/304)

Sec. 304. Rules for voluntary acknowledgment and denial of parentage.

(a) A voluntary ~~An~~ acknowledgment as described in Section 301 of this Act and a denial of parentage may be contained in a single document or may be signed in counterparts, and may be

filed separately or simultaneously. If the voluntary acknowledgment and denial are both necessary, neither is valid until both are filed.

(b) A voluntary ~~An~~ acknowledgment or a denial may be signed before the birth of the child.

(c) Subject to subsection (a), an acknowledgment or denial takes effect on ~~the birth of the child or~~ the filing of the document with the Department of Healthcare and Family Services, as provided by law, ~~whichever occurs later.~~

(d) A voluntary ~~An~~ acknowledgment or denial signed by a minor is valid if it is otherwise in compliance with this Act.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/305)

Sec. 305. Effect of voluntary acknowledgment or denial of parentage.

(a) Except as otherwise provided in Sections 307 and 308 of this Act, a valid voluntary acknowledgment filed with the Department of Healthcare and Family Services, as provided by law, is equivalent to an adjudication of the parentage of a child and confers upon the acknowledged father all of the rights and duties of a parent.

(b) Notwithstanding any other provision of this Act, parentage established in accordance with Section 301 of this Act has the full force and effect of a judgment entered under this Act and serves as a basis for seeking a child support

order without any further proceedings to establish parentage.

(c) Except as otherwise provided in Sections 307 and 308 of this Act, a valid denial by a presumed parent filed with the Department of Healthcare and Family Services, as provided by law, in conjunction with a voluntary acknowledgment, is equivalent to an adjudication of the nonparentage of the presumed parent and discharges the presumed parent from all rights and duties of a parent.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/307)

Sec. 307. Proceeding for rescission. A signatory may rescind a voluntary acknowledgment or denial by filing a signed and witnessed rescission with the Department of Healthcare and Family Services as provided in Section 12 of the Vital Records Act, before the earlier of:

(a) 60 days after the effective date of the voluntary acknowledgment or denial, as provided in Section 304 of this Act; or

(b) the date of a judicial or administrative proceeding relating to the child (including a proceeding to establish a support order) in which the signatory is a party.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/308)

Sec. 308. Challenge after expiration of period for

rescission. After the period for rescission under Section 307 of this Act has expired, a signatory of a voluntary acknowledgment or denial may commence a proceeding to challenge the voluntary acknowledgment or denial only as provided in Section 309 of this Act.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/309)

Sec. 309. Procedure for challenge.

(a) A voluntary acknowledgment and any related denial may be challenged only on the basis of fraud, duress, or material mistake of fact by filing a verified petition under this Section within 2 years after the effective date of the voluntary acknowledgment or denial, as provided in Section 304 of this Act. Time during which the person challenging the voluntary acknowledgment or denial is under legal disability or duress or the ground for relief is fraudulently concealed shall be excluded in computing the period of 2 years.

(b) The verified complaint, which shall be designated a petition, shall be filed in the county where a proceeding relating to the child was brought, such as a support proceeding or, if none exists, in the county where the child resides. Every signatory to the voluntary acknowledgment and any related denial must be made a party to a proceeding to challenge the voluntary acknowledgment or denial. The party challenging the voluntary acknowledgment or denial shall have the burden of

proof. The burden of proof to challenge a voluntary acknowledgment is clear and convincing evidence.

(c) For the purpose of a challenge to a voluntary ~~an~~ acknowledgment or denial, a signatory submits to personal jurisdiction of this State by signing the voluntary acknowledgment and any related denial, effective upon the filing of the voluntary acknowledgment and any related denial with the Department of Healthcare and Family Services, as provided in Section 12 of the Vital Records Act.

(d) Except for good cause shown, during the pendency of a proceeding to challenge a voluntary ~~an~~ acknowledgment or denial, the court may not suspend the legal responsibilities of a signatory arising from the voluntary acknowledgment, including the duty to pay child support.

(e) At the conclusion of a proceeding to challenge a voluntary ~~an~~ acknowledgment or denial, the court shall order the Department of Public Health to amend the birth record of the child, if appropriate. A copy of an order entered at the conclusion of a proceeding to challenge shall be provided to the Department of Healthcare and Family Services.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/310)

Sec. 310. Ratification barred. A court or administrative agency conducting a judicial or administrative proceeding is not required or permitted to ratify an unchallenged voluntary



acknowledgment described in Section 301 of this Act.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/311)

Sec. 311. Full faith and credit. A court of this State shall give full faith and credit to a valid voluntary acknowledgment or denial of parentage effective in another state if the voluntary acknowledgment or denial has been signed and is otherwise in compliance with the law of the other state.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/312)

Sec. 312. Forms for voluntary acknowledgment and denial of parentage.

(a) To facilitate compliance with this Article, the Department of Healthcare and Family Services shall prescribe forms for the voluntary acknowledgment and ~~the~~ denial of parentage and for the rescission of the voluntary acknowledgment or denial of parentage consistent with Section 307 of this Act.

(b) A voluntary acknowledgment, ~~or denial,~~ or rescission of voluntary acknowledgment or denial of parentage, regardless of which version of the prescribed form is used, is not affected by a later modification of the prescribed form.

(c) Any voluntary acknowledgment, denial, or rescission of voluntary acknowledgement or denial of parentage that was

completed before January 1, 2016 is valid if it met all criteria for validity at the time it was signed.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/313)

Sec. 313. Release of information. The Department of Healthcare and Family Services may release information relating to the voluntary acknowledgment described in Section 301 of this Act, or the related denial, to a signatory of the voluntary acknowledgment or denial; to the child's guardian, the emancipated child, or the legal representatives of those individuals; to appropriate federal agencies; and to courts and appropriate agencies of this State or another state.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/501)

Sec. 501. Temporary orders.

(a) On a motion by a party and a showing of clear and convincing evidence of parentage, the court shall issue a temporary order for support of a child, including a non-minor child with a disability, if the order is appropriate and the individual ordered to pay support is:

- (1) a presumed parent of the child;
- (2) petitioning to have parentage adjudicated;
- (3) identified as the father through genetic testing under Article 4 of this Act;

(4) an alleged father who has declined to submit to genetic testing;

(5) shown by clear and convincing evidence to be the child's father;

(6) the mother of the child; or

(7) anyone else determined to be the child's parent.

In determining the amount of a temporary child support award, the court shall use the guidelines and standards set forth in Sections 505, ~~and 505.2,~~ and 513.5 of the Illinois Marriage and Dissolution of Marriage Act.

(b) A temporary order may include provisions for the allocation of parental responsibilities ~~custody~~ and parenting time as provided by the Illinois Marriage and Dissolution of Marriage Act. A temporary order may, in accordance with the provisions of subsection (a) of Section 508 of the Illinois Marriage and Dissolution of Marriage Act that relate to proceedings other than pre-judgment dissolution proceedings, include an award for interim attorney's fees and costs.

(c) Temporary orders issued under this Section shall not have prejudicial effect with respect to final child support, the allocation of parental responsibilities ~~custody~~, or parenting time orders.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/502)

Sec. 502. Injunctive relief.

(a) In any action brought under this Act for the initial determination of parentage, the allocation of parental responsibilities ~~custody~~ or parenting time ~~of a child~~, or for modification of a prior allocation order or judgment ~~custody~~ or parenting time order, the court, upon application of a party, may enjoin a party having physical possession or an allocation order or judgment ~~custody of a child~~ from temporarily relocating ~~removing~~ the child from this State pending the adjudication of the issues of parentage, the allocation of parental responsibilities ~~custody~~, and parenting time. When deciding whether to enjoin relocation ~~removal~~ of a child, or to order a party to return the child to this State, the court shall consider factors including, but not limited to:

(1) the extent of previous involvement with the child by the party seeking to enjoin relocation ~~removal~~ or to have the absent party return the child to this State;

(2) the likelihood that parentage will be established;  
and

(3) the impact on the financial, physical, and emotional health of the party being enjoined from relocating ~~removing~~ the child or the party being ordered to return the child to this State.

(b) A temporary restraining order or preliminary injunction under this Act shall be governed by the relevant provisions of Part 1 of Article XI of the Code of Civil Procedure.

(c) Notwithstanding the provisions of subsection (a) of this Section, the court may decline to enjoin a domestic violence victim having physical possession or an allocation order or judgment ~~custody of a child~~ from temporarily or permanently relocating ~~removing~~ the child from this State pending an allocation of parental responsibilities ~~the adjudication of issues of custody~~ or an adjudication of parenting time. In determining whether a person is a domestic violence victim, the court shall consider the following factors:

(1) a sworn statement by the person that the person has good reason to believe that he or she is the victim of domestic violence or stalking;

(2) a sworn statement that the person fears for his or her safety or the safety of his or her children;

(3) evidence from police, court, or other government agency records or files;

(4) documentation from a domestic violence program if the person is alleged to be a victim of domestic violence;

(5) documentation from a legal, clerical, medical, or other professional from whom the person has sought assistance in dealing with the alleged domestic violence; and

(6) any other evidence that supports the sworn statements, such as a statement from any other individual with knowledge of the circumstances that provides the basis

for the claim, or physical evidence of the domestic violence.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/602)

Sec. 602. Standing. A complaint to adjudicate parentage shall be verified, shall be designated a petition, and shall name the person or persons alleged to be the parent of the child. Subject to Article 3 and Sections 607, 608, and 609 of this Act, a proceeding to adjudicate parentage may be maintained by:

- (a) the child;
- (b) the mother of the child;
- (c) a pregnant woman;
- (d) a man presumed or alleging himself to be the parent of the child;
- (e) a woman presumed or alleging herself to be the parent of the child;
- (f) the support-enforcement agency or other governmental agency authorized by other law;
- (g) any person or public agency that has physical possession of or has custody of or has been allocated parental responsibilities for ~~custody of~~, is providing financial support to, or has provided financial support to the child;
- (h) the Department of Healthcare and Family Services if

it is providing, or has provided, financial support to the child or if it is assisting with child support collections services;

(i) an authorized adoption agency or licensed child-placing agency;

(j) a representative authorized by law to act for an individual who would otherwise be entitled to maintain a proceeding but who is deceased, incapacitated, or a minor; or

(k) an intended parent ~~pursuant to the terms of a valid gestational surrogacy contract.~~

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/604)

Sec. 604. Venue.

(a) Venue for a proceeding to adjudicate parentage is any county of this State in which a party resides, or if the presumed or alleged father is deceased, in which a proceeding for probate or administration of the presumed or alleged father's estate has been commenced, or could be commenced.

(b) A ~~child custody~~ proceeding for the allocation of parental responsibilities is commenced in the county where the child resides.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/610)

Sec. 610. Authority to deny motion for genetic testing.

(a) In a proceeding in which ~~to adjudicate~~ the parentage of a child having a presumed, acknowledged, or adjudicated parent is at issue, the court may deny a motion by a parent, presumed parent, acknowledged parent, adjudicated parent, ~~or~~ alleged parent, or the child seeking an order for genetic testing of the parents and child if the court determines that:

(1) the conduct of the parent, acknowledged parent, adjudicated parent, or the presumed parent estops that party from denying parentage;

(2) it would be inequitable to disprove the parent-child relationship between the child and the presumed, acknowledged, or adjudicated parent; and

(3) it is in the child's best interests to deny genetic testing, taking into account the following factors:

(A) the length of time between the current proceeding to adjudicate parentage and the time that the presumed, acknowledged, or adjudicated parent was placed on notice that he or she might not be the biological parent;

(B) the length of time during which the presumed, acknowledged, or adjudicated parent has assumed the role of parent of the child;

(C) the facts surrounding the presumed, acknowledged, or adjudicated parent's discovery of his or her possible nonparentage;



(D) the nature of the relationship between the child and the presumed, acknowledged, or adjudicated parent;

(E) the age of the child;

(F) the harm that may result to the child if the presumed, acknowledged, or adjudicated parentage is successfully disproved;

(G) the nature of the relationship between the child and any alleged parent;

(H) the extent to which the passage of time reduces the chances of establishing the parentage of another person and a child support obligation in favor of the child;

(I) other factors that may affect the equities arising from the disruption of the parent-child relationship between the child and the presumed, acknowledged, or adjudicated parent or the chance of other harm to the child; and

(J) any other factors the court determines to be equitable.

(b) In a proceeding involving the application of this Section, a minor or incapacitated child must be represented by a guardian ad litem, child's representative, or attorney for the child. It shall be presumed to be equitable and in the best interests of the child to grant a motion by the child seeking an order for genetic testing. The presumption may be overcome

by clear and convincing evidence that extraordinary circumstances exist making the genetic testing contrary to the child's best interests. The court's order denying a child's request for genetic testing must state the basis upon which the presumption was overcome. The court's order granting a child's request for genetic testing must specify the ways in which the testing results may be used for purposes of protecting the child's best interests.

(c) If the court denies a motion seeking an order for genetic testing, it shall issue an order adjudicating the presumed parent to be the parent of the child.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/611)

Sec. 611. Joinder of proceedings.

(a) Except as otherwise provided in subsection (b), a proceeding to adjudicate parentage may be joined with a proceeding for adoption, termination of parental rights, the allocation of parental responsibilities ~~child custody~~ or parenting time, child support, dissolution of marriage or civil union, declaration of invalidity of marriage or civil union, legal separation, probate or administration of an estate, or other appropriate proceeding.

(b) A respondent may not join a proceeding described in subsection (a) with a proceeding to adjudicate parentage brought under the Uniform Interstate Family Support Act.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/622)

Sec. 622. Allocation of parental responsibilities or parenting time ~~Custody or visitation~~ prohibited to men who father through sexual assault or sexual abuse.

(a) This Section applies to a person who has been found to be the father of a child under this Act and who:

(1) has been convicted of or who has pled guilty or nolo contendere to a violation of Section 11-1.20 (criminal sexual assault), Section 11-1.30 (aggravated criminal sexual assault), Section 11-1.40 (predatory criminal sexual assault of a child), Section 11-1.50 (criminal sexual abuse), Section 11-1.60 (aggravated criminal sexual abuse), Section 11-11 (sexual relations within families), Section 12-13 (criminal sexual assault), Section 12-14 (aggravated criminal sexual assault), Section 12-14.1 (predatory criminal sexual assault of a child), Section 12-15 (criminal sexual abuse), or Section 12-16 (aggravated criminal sexual abuse) of the Criminal Code of 1961 or the Criminal Code of 2012, or a similar statute in another jurisdiction, for his conduct in fathering that child; or

(2) at a fact-finding hearing, is found by clear and convincing evidence to have committed an act of non-consensual sexual penetration for his conduct in

fathering that child.

(b) A person described in subsection (a) shall not be entitled to an allocation of any parental responsibilities ~~custody of~~ or parenting time ~~visitation~~ with that child without the consent of the child's mother or guardian. If the person described in subsection (a) is also the guardian of the child, he does not have the authority to consent to parenting time ~~visitation~~ or the allocation of parental responsibilities ~~custody~~ under this Section. If the mother of the child is a minor, and the person described in subsection (a) is also the father or guardian of the mother, then he does not have the authority to consent to the allocation of parental responsibilities or parenting time ~~custody or visits~~.

(c) Notwithstanding any other provision of this Act, nothing in this Section shall be construed to relieve the father described in subsection (a) of any support and maintenance obligations to the child under this Act. The child's mother or guardian may decline support and maintenance obligations from the father.

(d) Notwithstanding any other provision of law, the father described in subsection (a) of this Section is not entitled to any inheritance or other rights from the child without the consent of the child's mother or guardian.

(e) Notwithstanding any provision of the Illinois Marriage and Dissolution of Marriage Act, the parent, grandparent, great-grandparent, or sibling of the person described in

subsection (a) of this Section does not have standing to bring an action requesting the allocation of parental responsibilities ~~custody~~ or parenting time ~~visitation~~ with the child without the consent of the child's mother or guardian.

(f) A petition under this Section may be filed by the child's mother or guardian either as an affirmative petition in circuit court or as an affirmative defense in any proceeding filed by the person described in subsection (a) of this Section regarding the child.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/802)

Sec. 802. Judgment.

(a) The court shall issue an order adjudicating whether a person alleged or claiming to be the parent is the parent of the child. An order adjudicating parentage must identify the child by name ~~initials~~ and date ~~year~~ of birth.

The court may assess filing fees, reasonable attorney's fees, fees for genetic testing, other costs, necessary travel expenses, and other reasonable expenses incurred in a proceeding under this Act. The court may award attorney's fees, which may be paid directly to the attorney, who may enforce the order in the attorney's own name. The court may not assess fees, costs, or expenses against the support-enforcement agency of this State or another state, except as provided by other law.

The judgment shall contain or explicitly reserve provisions concerning any duty and amount of child support and may contain provisions concerning the allocation of parental responsibilities or ~~custody~~ and guardianship of the child, parenting time privileges with the child, and the furnishing of bond or other security for the payment of the judgment, which the court shall determine in accordance with the relevant factors set forth in the Illinois Marriage and Dissolution of Marriage Act and any other applicable law of this State, to guide the court in a finding in the best interests of the child. In determining the allocation of parental responsibilities, relocation ~~custody, joint custody, removal,~~ parenting time, parenting time interference, support for a non-minor disabled child, educational expenses for a non-minor child, and related post-judgment issues, the court shall apply the relevant standards of the Illinois Marriage and Dissolution of Marriage Act. Specifically, in determining the amount of a child support award, the court shall use the guidelines and standards set forth in subsection (a) of Section 505 and in Section 505.2 of the Illinois Marriage and Dissolution of Marriage Act. The court shall order all child support payments, determined in accordance with such guidelines, to commence with the date summons is served. The level of current periodic support payments shall not be reduced because of payments set for the period prior to the date of entry of the support order.

(b) In an action brought within 2 years after a child's

birth, the judgment or order may direct either parent to pay the reasonable expenses incurred by either parent or the Department of Healthcare and Family Services related to the mother's pregnancy and the delivery of the child.

(c) In the absence of an explicit order or judgment for the allocation of parental responsibilities ~~If a judgment of parentage contains no explicit award of custody,~~ the establishment of a child support obligation or the allocation of parenting time to ~~rights in~~ one parent shall be construed as an order or judgment allocating all parental responsibilities ~~considered a judgment granting custody~~ to the other parent. If the parentage order or judgment contains no such provisions, all parental responsibilities ~~custody~~ shall be presumed to be allocated to ~~with~~ the mother; however, the presumption shall not apply if the child has resided primarily with the other parent ~~father has had physical custody~~ for at least 6 months prior to the date that the mother seeks to enforce the order or judgment of parentage ~~custodial rights~~.

(d) The court, if necessary to protect and promote the best interests of the child, may set aside a portion of the separately held estates of the parties in a separate fund or trust for the support, education, physical and mental health, and general welfare of a minor or mentally or physically disabled child of the parties.

(e) The court may order child support payments to be made for a period prior to the commencement of the action. In

determining whether and to what extent the payments shall be made for the prior period, the court shall consider all relevant facts, including but not limited to:

(1) The factors for determining the amount of support specified in the Illinois Marriage and Dissolution of Marriage Act.

(2) The ~~father's~~ prior knowledge of the person obligated to pay support of the fact and circumstances of the child's birth.

(3) The father's prior willingness or refusal to help raise or support the child.

(4) The extent to which the mother or the public agency bringing the action previously informed the person obligated to pay support ~~father~~ of the child's needs or attempted to seek or require the his help of the person obligated to pay support in raising or supporting the child.

(5) The reasons the mother or the public agency did not file the action earlier.

(6) The extent to which the person obligated to pay support ~~father~~ would be prejudiced by the delay in bringing the action.

For purposes of determining the amount of child support to be paid for the period before the date the order for current child support is entered, there is a rebuttable presumption that the ~~father's~~ net income of the person obligated to pay



support for the prior period was the same as the ~~his~~ net income of the person obligated to pay support at the time the order for current child support is entered.

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

(f) A new or existing support order entered by the court under this Section shall be deemed to be a series of judgments against the person obligated to pay support thereunder, each judgment to be in the amount of each payment or installment of support and each judgment to be deemed entered as of the date the corresponding payment or installment becomes due under the terms of the support order. Each judgment shall have the full force, effect, and attributes of any other judgment of this

State, including the ability to be enforced. A judgment under this Section is subject to modification or termination only in accordance with Section 510 of the Illinois Marriage and Dissolution of Marriage Act. Notwithstanding any State or local law to the contrary, a lien arises by operation of law against the real and personal property of the noncustodial parent for each installment of overdue support owed by the noncustodial parent.

(g) If the judgment or order of the court is at variance with the child's birth certificate, the court shall order that a new birth certificate be issued under the Vital Records Act.

(h) On the request of both parents, the court shall order a change in the child's name.

(i) After hearing evidence, the court may stay payment of support during the period of the father's minority or period of disability.

(j) If, upon a showing of proper service, the father fails to appear in court or otherwise appear as provided by law, the court may proceed to hear the cause upon testimony of the mother or other parties taken in open court and shall enter a judgment by default. The court may reserve any order as to the amount of child support until the father has received notice, by regular mail, of a hearing on the matter.

(k) An order for support, when entered or modified, shall include a provision requiring the non-custodial parent to notify the court and, in cases in which a party is receiving

child support enforcement services under Article X of the Illinois Public Aid Code, the Department of Healthcare and Family Services, within 7 days: (i) of the name and address of any new employer of the non-custodial parent; (ii) whether the non-custodial parent has access to health insurance coverage through the employer or other group coverage and, if so, of the policy name and number and the names of adults and initials of minors covered under the policy; and (iii) of any new residential or mailing address or telephone number of the non-custodial parent. In a subsequent action to enforce a support order, upon a sufficient showing that a diligent effort has been made to ascertain the location of the non-custodial parent, service of process or provision of notice necessary in the case may be made at the last known address of the non-custodial parent in any manner expressly provided by this Act or the Code of Civil Procedure, and shall be sufficient for purposes of due process.

(1) An order for support shall include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of 18. However, if the child will not graduate from high school until after attaining the age of 18, then the termination date shall be no earlier than the earlier of the date on which the child's high school graduation will occur or the date on which the child will attain the age of 19. The order for support shall state that the termination

date does not apply to any arrearage that may remain unpaid on that date. Nothing in this subsection shall be construed to prevent the court from modifying the order or terminating the order in the event the child is otherwise emancipated.

(m) If there is an unpaid arrearage or delinquency (as those terms are defined in the Income Withholding for Support Act) equal to at least one month's support obligation on the termination date stated in the order for support or, if there is no termination date stated in the order, on the date the child attains the age of majority or is otherwise emancipated, the periodic amount required to be paid for current support of that child immediately prior to that date shall automatically continue to be an obligation, not as current support but as periodic payment toward satisfaction of the unpaid arrearage or delinquency. The periodic payment shall be in addition to any periodic payment previously required for satisfaction of the arrearage or delinquency. The total periodic amount to be paid toward satisfaction of the arrearage or delinquency may be enforced and collected by any method provided by law for enforcement and collection of child support, including but not limited to income withholding under the Income Withholding for Support Act. Each order for support entered or modified must contain a statement notifying the parties of the requirements of this subsection. Failure to include the statement in the order for support does not affect the validity of the order or the operation of the provisions of this subsection with regard

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

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

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/803)

Sec. 803. Information to State Case Registry.

(a) In this Section:

"Order for support", "obligor", "obligee", and "business day" are defined as set forth in the Income Withholding for Support Act.

"State Case Registry" means the State Case Registry established under Section 10-27 of the Illinois Public Aid Code.

(b) Each order for support entered or modified by the circuit court under this Act shall require that the obligor and obligee file with the clerk of the circuit court (i) the information required by this Section (and any other information required under Title IV, Part D of the Social Security Act or by the federal Department of Health and Human Services) at the time of entry or modification of the order for support; and (ii) updated information within 5 business days of any change. Failure of the obligor or obligee to file or update the required information shall be punishable as in cases of contempt. The failure shall not prevent the court from entering or modifying the order for support, however.

(c) The obligor shall file the following information: the obligor's name, date ~~year~~ of birth, mailing address, and ~~the last 4 digits of~~ the obligor's social security number or tax identification number. If either the obligor or the obligee

receives child support enforcement services from the Department of Healthcare and Family Services under Article X of the Illinois Public Aid Code, the obligor shall also file the following information: the obligor's telephone number, ~~the last 4 digits of the obligor's~~ driver's license number, residential address (if different from the obligor's mailing address), and the name, address, and telephone number of the obligor's employer or employers.

(d) The obligee shall file the following information:

(1) The name of the obligee and the name ~~initials~~ of the child or children covered by the order for support.

(2) The dates ~~years~~ of birth of the obligee and the child or children covered by the order for support.

(3) The ~~last 4 digits of the~~ social security numbers or tax identification numbers of the obligee and the child or children covered by the order for support.

(4) The obligee's mailing address.

(e) In cases in which the obligee receives child support enforcement services from the Department of Healthcare and Family Services under Article X of the Illinois Public Aid Code, the order for support shall (i) require that the obligee file the information required under subsection (d) with the Department of Healthcare and Family Services for inclusion in the State Case Registry, rather than file the information with the clerk, and (ii) require that the obligee include the following additional information:

(1) The obligee's telephone and ~~the last 4 digits of the obligee's~~ driver's license number.

(2) The obligee's residential address, if different from the obligee's mailing address.

(3) The name, address, and telephone number of the obligee's employer or employers.

The order for support shall also require that the obligee update the information filed with the Department of Healthcare and Family Services within 5 business days of any change.

(f) The clerk of the circuit court shall provide the information filed under this Section, together with the court docket number and county in which the order for support was entered, to the State Case Registry within 5 business days after receipt of the information.

(g) In a case in which a party is receiving child support enforcement services under Article X of the Illinois Public Aid Code, the clerk of the circuit court shall provide the following additional information to the State Case Registry within 5 business days after entry or modification of an order for support or request from the Department of Healthcare and Family Services:

(1) the amount of monthly or other periodic support owed under the order for support and other amounts, including arrearage, interest, or late payment penalties and fees, due or overdue under the order; and

(2) any amounts that have been received by the clerk,



and the distribution of those amounts by the clerk.

(h) Information filed by the obligor and obligee under this Section that is not specifically required to be included in the body of an order for support under other laws is not a public record and shall be treated as confidential and subject to disclosure only in accordance with the provisions of this Section, Section 10-27 of the Illinois Public Aid Code, and Title IV, Part D of the Social Security Act.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/805)

Sec. 805. Enforcement of judgment or order.

(a) If the existence of the parent-child relationship is declared, or if parentage or a duty of support has been established under this Act or under prior law or under the law of any other jurisdiction, the judgment rendered thereunder may be enforced in the same or in other proceedings by any party or any person or agency that has furnished or may furnish financial assistance or services to the child. The Income Withholding for Support Act and Sections 802 and 808 of this Act shall also be applicable with respect to the entry, modification, and enforcement of a support judgment entered under the Paternity Act, approved July 5, 1957 and repealed July 1, 1985.

(b) Failure to comply with an order of the court shall be punishable as contempt as in other cases of failure to comply

under the Illinois Marriage and Dissolution of Marriage Act. In addition to other penalties provided by law, the court may, after finding the party guilty of contempt, take the following action:

(1) Order that the party be placed on probation with such conditions of probation as the court deems advisable.

(2) Order that the party be sentenced to periodic imprisonment for a period not to exceed 6 months. However, the court may permit the party to be released for periods of time during the day or night to work, conduct business, or engage in other self-employed occupation. The court may further order any part of all the earnings of a party during a sentence of periodic imprisonment to be paid to the clerk of the circuit court or to the person or parent having custody of or having been allocated parental responsibilities for ~~custody of~~ the minor child for the support of the child until further order of the court.

(3) Pierce the ownership veil of a person, persons, or business entity to discover assets of a non-custodial parent held in the name of that person, those persons, or that business entity, if there is a unity of interest and ownership sufficient to render no financial separation between the non-custodial parent and that person, those persons, or the business entity. The following circumstances are sufficient for a court to order discovery of the assets of a person, persons, or business entity and

to compel the application of any discovered assets toward payment of the judgment for support:

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

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

(C) the non-custodial parent transfers assets to the person, persons, or business entity with the intent to perpetrate a fraud on the custodial parent. With respect to assets which are real property, no order entered under this subdivision (3) shall affect the rights of bona fide purchasers, mortgagees, judgment creditors, or other lien holders who acquire their interests in the property prior to the time a notice of lis pendens under the Code of Civil Procedure or a copy of the order is placed of record in the office of the recorder of deeds for the county in which the real property is located.

(4) Order that, in cases where the party is 90 days or more delinquent in payment of support or has been adjudicated in arrears in an amount equal to 90 days obligation or more, the party's Illinois driving privileges be suspended until the court determines that the party is in compliance with the judgment or duty of

support. The court may also order that the parent be issued a family financial responsibility driving permit that would allow limited driving privileges for employment and medical purposes in accordance with Section 7-702.1 of the Illinois Vehicle Code. The clerk of the circuit court shall certify the order suspending the driving privileges of the parent or granting the issuance of a family financial responsibility driving permit to the Secretary of State on forms prescribed by the Secretary. Upon receipt of the authenticated documents, the Secretary of State shall suspend the party's driving privileges until further order of the court and shall, if ordered by the court and subject to the provisions of Section 7-702.1 of the Illinois Vehicle Code, issue a family financial responsibility driving permit to the parent.

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

work program under Section 806 of this Act.

(c) In a post-judgment proceeding to enforce or modify the judgment, the parties shall continue to be designated as in the original proceeding.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/808)

Sec. 808. Modification of judgment. The court has continuing jurisdiction to modify an order for child support, allocation of parental responsibilities ~~custody~~, parenting time, or relocation ~~removal~~ included in a judgment entered under this Act. Any allocation of parental responsibilities ~~custody~~, parenting time, or relocation ~~removal~~ judgment modification shall be in accordance with the relevant factors specified in the Illinois Marriage and Dissolution of Marriage Act. Any support judgment is subject to modification or termination only in accordance with Section 510 of the Illinois Marriage and Dissolution of Marriage Act.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/809)

Sec. 809. Right to counsel.

(a) Any party may be represented by counsel at all proceedings under this Act. Except as otherwise provided in this Act, the court may order, in accordance with the relevant factors specified in Section 508 of the Illinois Marriage and

Dissolution of Marriage Act, reasonable fees of counsel, experts, and other costs of the action, pre-trial proceedings, post-judgment proceedings to enforce or modify the judgment, and the appeal or the defense of an appeal of the judgment to be paid by the parties. The court may not order payment by the Department of Healthcare and Family Services in cases in which the Department is providing child support enforcement services under Article X of the Illinois Public Aid Code.

(b) In any proceedings involving the support, allocation of parental responsibilities ~~custody~~, parenting time, education, parentage, property interest, relocation, or general welfare of a minor or dependent child, the court may, on its own motion or that of any party, appoint an attorney to serve in one of the capacities specified in Section 506 of the Illinois Marriage and Dissolution of Marriage Act.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/903)

Sec. 903. Transitional provision. A proceeding to adjudicate parentage which was commenced before the effective date of this Act is governed by the law in effect at the time the proceeding was commenced, except that this Act applies to all pending actions and proceedings commenced before January 1, 2016 with respect to issues on which a judgment has not been entered.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/904)

Sec. 904. Savings provision. The repeal of the Illinois Parentage Act of 1984 ~~and the Illinois Parentage Act~~ shall not affect rights or liabilities under that Act ~~those Acts~~ which have been determined, settled, or adjudicated prior to the effective date of this Act ~~or which are the subject of proceedings pending on the effective date of this Act~~. This Act shall not be construed to bar an action which would have been barred because the action had not been filed within a time limitation under the Illinois Parentage Act of 1984 ~~and the Illinois Parentage Act~~, or which could not have been maintained under that Act ~~those Acts~~, as long as the action is not barred by a limitations period set forth in this Act.

(Source: P.A. 99-85, eff. 1-1-16.)