

HB2542



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB2542

Introduced 2/4/2025, by Rep. Jed Davis

SYNOPSIS AS INTRODUCED:

750 ILCS 5/505

from Ch. 40, par. 505

Amends the Illinois Marriage and Dissolution of Marriage Act. Changes the child support formula for shared physical care. Provides that if each parent exercises 3,504 hours or more (now, 146 or more overnights) per year with the child, the basic child support obligation is multiplied by 1.5 to calculate the shared care child support obligation.

LRB104 09884 JRC 19953 b

A BILL FOR

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 Section 505 as follows:

6 (750 ILCS 5/505) (from Ch. 40, par. 505)

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

8 (a) In a proceeding for dissolution of marriage, legal
9 separation, declaration of invalidity of marriage, or
10 dissolution of a civil union, a proceeding for child support
11 following a legal separation or dissolution of the marriage or
12 civil union by a court that lacked personal jurisdiction over
13 the absent spouse, a proceeding for modification of a previous
14 order for child support under Section 510 of this Act, or any
15 proceeding authorized under Section 501 or 601 of this Act,
16 the court may order either or both parents owing a duty of
17 support to a child of the marriage or civil union to pay an
18 amount reasonable and necessary for support. The duty of
19 support owed to a child includes the obligation to provide for
20 the reasonable and necessary physical, mental and emotional
21 health needs of the child. For purposes of this Section, the
22 term "child" shall include any child under age 18 and any child
23 age 19 or younger who is still attending high school. For

1 purposes of this Section, the term "obligor" means the parent
2 obligated to pay support to the other parent.

3 (1) Child support guidelines. The Illinois Department
4 of Healthcare and Family Services shall adopt rules
5 establishing child support guidelines which include
6 worksheets to aid in the calculation of the child support
7 obligations and a schedule of basic child support
8 obligations that reflects the percentage of combined net
9 income that parents living in the same household in this
10 State ordinarily spend on their child. The child support
11 guidelines have the following purposes:

12 (A) to establish as State policy an adequate
13 standard of support for a child, subject to the
14 ability of parents to pay;

15 (B) to make child support obligations more
16 equitable by ensuring more consistent treatment of
17 parents in similar circumstances;

18 (C) to improve the efficiency of the court process
19 by promoting settlements and giving courts and the
20 parties guidance in establishing levels of child
21 support;

22 (D) to calculate child support based upon the
23 parents' combined net income estimated to have been
24 allocated for the support of the child if the parents
25 and child were living in an intact household;

26 (E) to adjust child support based upon the needs

1 of the child; and

2 (F) to allocate the amount of child support to be
3 paid by each parent based upon a parent's net income
4 and the child's physical care arrangements.

5 (1.5) Computation of basic child support obligation.
6 The court shall compute the basic child support obligation
7 by taking the following steps:

8 (A) determine each parent's monthly net income;

9 (B) add the parents' monthly net incomes together
10 to determine the combined monthly net income of the
11 parents;

12 (C) select the corresponding appropriate amount
13 from the schedule of basic child support obligations
14 based on the parties' combined monthly net income and
15 number of children of the parties; and

16 (D) calculate each parent's percentage share of
17 the basic child support obligation.

18 Although a monetary obligation is computed for each
19 parent as child support, the receiving parent's share is
20 not payable to the other parent and is presumed to be spent
21 directly on the child.

22 (2) Duty of support. The court shall determine child
23 support in each case by applying the child support
24 guidelines unless the court makes a finding that
25 application of the guidelines would be inappropriate,
26 after considering the best interests of the child and

1 evidence which shows relevant factors including, but not
2 limited to, one or more of the following:

3 (A) the financial resources and needs of the
4 child;

5 (B) the financial resources and needs of the
6 parents;

7 (C) the standard of living the child would have
8 enjoyed had the marriage or civil union not been
9 dissolved; and

10 (D) the physical and emotional condition of the
11 child and his or her educational needs.

12 (3) Income.

13 (A) As used in this Section, "gross income" means
14 the total of all income from all sources, except
15 "gross income" does not include (i) benefits received
16 by the parent from means-tested public assistance
17 programs, including, but not limited to, Temporary
18 Assistance for Needy Families, Supplemental Security
19 Income, and the Supplemental Nutrition Assistance
20 Program or (ii) benefits and income received by the
21 parent for other children in the household, including,
22 but not limited to, child support, survivor benefits,
23 and foster care payments. Social security disability
24 and retirement benefits paid for the benefit of the
25 subject child must be included in the disabled or
26 retired parent's gross income for purposes of

1 calculating the parent's child support obligation, but
2 the parent is entitled to a child support credit for
3 the amount of benefits paid to the other party for the
4 child. "Gross income" includes maintenance treated as
5 taxable income for federal income tax purposes to the
6 payee and received pursuant to a court order in the
7 pending proceedings or any other proceedings and shall
8 be included in the payee's gross income for purposes
9 of calculating the parent's child support obligation.

10 (B) As used in this Section, "net income" means
11 gross income minus either the standardized tax amount
12 calculated pursuant to subparagraph (C) of this
13 paragraph (3) or the individualized tax amount
14 calculated pursuant to subparagraph (D) of this
15 paragraph (3), and minus any adjustments pursuant to
16 subparagraph (F) of this paragraph (3). The
17 standardized tax amount shall be used unless the
18 requirements for an individualized tax amount set
19 forth in subparagraph (E) of this paragraph (3) are
20 met. "Net income" includes maintenance not includable
21 in the gross taxable income of the payee for federal
22 income tax purposes under a court order in the pending
23 proceedings or any other proceedings and shall be
24 included in the payee's net income for purposes of
25 calculating the parent's child support obligation.

26 (C) As used in this Section, "standardized tax

1 amount" means the total of federal and state income
2 taxes for a single person claiming the standard tax
3 deduction, one personal exemption, and the applicable
4 number of dependency exemptions for the minor child or
5 children of the parties, and Social Security and
6 Medicare tax calculated at the Federal Insurance
7 Contributions Act rate.

8 (I) Unless a court has determined otherwise or
9 the parties otherwise agree, the party with the
10 majority of parenting time shall be deemed
11 entitled to claim the dependency exemption for the
12 parties' minor child.

13 (II) The Illinois Department of Healthcare and
14 Family Services shall promulgate a standardized
15 net income conversion table that computes net
16 income by deducting the standardized tax amount
17 from gross income.

18 (D) As used in this Section, "individualized tax
19 amount" means the aggregate of the following taxes:

20 (I) federal income tax (properly calculated
21 withholding or estimated payments);

22 (II) State income tax (properly calculated
23 withholding or estimated payments); and

24 (III) Social Security or self-employment tax,
25 if applicable (or, if none, mandatory retirement
26 contributions required by law or as a condition of

1 employment) and Medicare tax calculated at the
2 Federal Insurance Contributions Act rate.

3 (E) In lieu of a standardized tax amount, a
4 determination of an individualized tax amount may be
5 made under items (I), (II), or (III) below. If an
6 individualized tax amount determination is made under
7 this subparagraph (E), all relevant tax attributes
8 (including filing status, allocation of dependency
9 exemptions, and whether a party is to claim the use of
10 the standard deduction or itemized deductions for
11 federal income tax purposes) shall be as the parties
12 agree or as the court determines. To determine a
13 party's reported income, the court may order the party
14 to complete an Internal Revenue Service Form 4506-T,
15 Request for Tax Transcript.

16 (I) Agreement. Irrespective of whether the
17 parties agree on any other issue before the court,
18 if they jointly stipulate for the record their
19 concurrence on a computation method for the
20 individualized tax amount that is different from
21 the method set forth under subparagraph (D), the
22 stipulated method shall be used by the court
23 unless the court rejects the proposed stipulated
24 method for good cause.

25 (II) Summary hearing. If the court determines
26 child support in a summary hearing under Section

1 501 and an eligible party opts in to the
2 individualized tax amount method under this item
3 (II), the individualized tax amount shall be
4 determined by the court on the basis of
5 information contained in one or both parties'
6 Supreme Court approved Financial Affidavit (Family
7 & Divorce Cases) and relevant supporting documents
8 under applicable court rules. No party, however,
9 is eligible to opt in unless the party, under
10 applicable court rules, has served the other party
11 with the required Supreme Court approved Financial
12 Affidavit (Family & Divorce Cases) and has
13 substantially produced supporting documents
14 required by the applicable court rules.

15 (III) Evidentiary hearing. If the court
16 determines child support in an evidentiary
17 hearing, whether for purposes of a temporary order
18 or at the conclusion of a proceeding, item (II) of
19 this subparagraph (E) does not apply. In each such
20 case (unless item (I) governs), the individualized
21 tax amount shall be as determined by the court on
22 the basis of the record established.

23 (F) Adjustments to income.

24 (I) Multi-family adjustment. If a parent is
25 also legally responsible for support of a child
26 not shared with the other parent and not subject

1 to the present proceeding, there shall be an
2 adjustment to net income as follows:

3 (i) Multi-family adjustment with court
4 order. The court shall deduct from the
5 parent's net income the amount of child
6 support actually paid by the parent pursuant
7 to a support order unless the court makes a
8 finding that it would cause economic hardship
9 to the child.

10 (ii) Multi-family adjustment without court
11 order. Upon the request or application of a
12 parent actually supporting a presumed,
13 acknowledged, or adjudicated child living in
14 or outside of that parent's household, there
15 shall be an adjustment to child support. The
16 court shall deduct from the parent's net
17 income the amount of financial support
18 actually paid by the parent for the child or
19 75% of the support the parent should pay under
20 the child support guidelines (before this
21 adjustment), whichever is less, unless the
22 court makes a finding that it would cause
23 economic hardship to the child. The adjustment
24 shall be calculated using that parent's income
25 alone.

26 (II) Spousal Maintenance adjustment.

1 Obligations pursuant to a court order for spousal
2 maintenance in the pending proceeding actually
3 paid or payable to the same party to whom child
4 support is to be payable or actually paid to a
5 former spouse pursuant to a court order shall be
6 deducted from the parent's after-tax income,
7 unless the maintenance obligation is tax
8 deductible to the payor for federal income tax
9 purposes, in which case it shall be deducted from
10 the payor's gross income for purposes of
11 calculating the parent's child support obligation.

12 (3.1) Business income. For purposes of calculating
13 child support, net business income from the operation of a
14 business means gross receipts minus ordinary and necessary
15 expenses required to carry on the trade or business. As
16 used in this paragraph, "business" includes, but is not
17 limited to, sole proprietorships, closely held
18 corporations, partnerships, other flow-through business
19 entities, and self-employment. The court shall apply the
20 following:

21 (A) The accelerated component of depreciation and
22 any business expenses determined either judicially or
23 administratively to be inappropriate or excessive
24 shall be excluded from the total of ordinary and
25 necessary business expenses to be deducted in the
26 determination of net business income from gross

1 business income.

2 (B) Any item of reimbursement or in-kind payment
3 received by a parent from a business, including, but
4 not limited to, a company car, reimbursed meals, free
5 housing, or a housing allowance, shall be counted as
6 income if not otherwise included in the recipient's
7 gross income, if the item is significant in amount and
8 reduces personal expenses.

9 (3.2a) Unemployment or underemployment. If a parent is
10 voluntarily unemployed or underemployed, child support
11 shall be calculated based on a determination of potential
12 income. In determining potential income, the court shall
13 consider the specific circumstances of a party, to the
14 extent known, including, but not limited to, the parent's:

15 (1) assets;

16 (2) ownership of a substantial non-income
17 producing asset;

18 (3) residence;

19 (4) employment and earning history;

20 (5) job skills;

21 (6) educational attainment;

22 (7) literacy;

23 (8) age;

24 (9) health;

25 (10) criminal records and other employment
26 barriers; and

1 (11) record of seeking work.

2 The court shall also consider the local job market,
3 availability of local employers willing to hire the
4 parent, prevailing earning levels in the local community,
5 and other relevant background factors in the case. If
6 there is insufficient work history to determine employment
7 potential and probable earnings level, there shall be a
8 rebuttable presumption that the parent's potential income
9 is 75% of the most recent United States Department of
10 Health and Human Services Federal Poverty Guidelines for a
11 family of one person. Incarceration shall not be
12 considered voluntary unemployment for child support
13 purposes in establishing or modifying child support.

14 (3.2b) The court may impute income to a party only
15 upon conducting an evidentiary hearing or by agreement of
16 the parties. Imputation of income shall be accompanied by
17 specific written findings identifying the basis or bases
18 for imputation using these factors.

19 (3.3) Rebuttable presumption in favor of guidelines.
20 There is a rebuttable presumption in any judicial or
21 administrative proceeding for child support that the
22 amount of the child support obligation that would result
23 from the application of the child support guidelines is
24 the correct amount of child support.

25 (3.3a) Minimum child support obligation. There is a
26 rebuttable presumption that a minimum child support

1 obligation of \$40 per month, per child, will be entered
2 for an obligor who has actual or imputed gross income at or
3 less than 75% of the most recent United States Department
4 of Health and Human Services Federal Poverty Guidelines
5 for a family of one person, with a maximum total child
6 support obligation for that obligor of \$120 per month to
7 be divided equally among all of the obligor's children.

8 (3.3b) Zero dollar child support order. For parents
9 with no gross income, who receive only means-tested
10 assistance, or who cannot work due to a medically proven
11 disability, incarceration, or institutionalization, there
12 is a rebuttable presumption that the \$40 per month minimum
13 support order is inapplicable and a zero dollar order
14 shall be entered.

15 (3.4) Deviation factors. In any action to establish or
16 modify child support, whether pursuant to a temporary or
17 final administrative or court order, the child support
18 guidelines shall be used as a rebuttable presumption for
19 the establishment or modification of the amount of child
20 support. The court may deviate from the child support
21 guidelines if the application would be inequitable,
22 unjust, or inappropriate. Any deviation from the
23 guidelines shall be accompanied by written findings by the
24 court specifying the reasons for the deviation and the
25 presumed amount under the child support guidelines without
26 a deviation. These reasons may include:

1 (A) extraordinary medical expenditures necessary
2 to preserve the life or health of a party or a child of
3 either or both of the parties;

4 (B) additional expenses incurred for a child
5 subject to the child support order who has special
6 medical, physical, or developmental needs; and

7 (C) any other factor the court determines should
8 be applied upon a finding that the application of the
9 child support guidelines would be inappropriate, after
10 considering the best interest of the child.

11 (3.5) Income in excess of the schedule of basic child
12 support obligation. A court may use its discretion to
13 determine child support if the combined adjusted net
14 income of the parties exceeds the highest level of the
15 schedule of basic child support obligation, except that
16 the basic child support obligation shall not be less than
17 the highest level of combined net income set forth in the
18 schedule of basic child support obligation.

19 (3.6) Extracurricular activities and school expenses.
20 The court, in its discretion, in addition to the basic
21 child support obligation, may order either or both parents
22 owing a duty of support to the child to contribute to the
23 reasonable school and extracurricular activity expenses
24 incurred which are intended to enhance the educational,
25 athletic, social, or cultural development of the child.

26 (3.7) Child care expenses. The court, in its

1 discretion, in addition to the basic child support
2 obligation, may order either or both parents owing a duty
3 of support to the child to contribute to the reasonable
4 child care expenses of the child. The child care expenses
5 shall be made payable directly to a party or directly to
6 the child care provider at the time of child care
7 services.

8 (A) "Child care expenses" means actual expenses
9 reasonably necessary to enable a parent or non-parent
10 custodian to be employed, to attend educational or
11 vocational training programs to improve employment
12 opportunities, or to search for employment. "Child
13 care expenses" also includes deposits for securing
14 placement in a child care program, the cost of before
15 and after school care, and camps when school is not in
16 session. A child's special needs shall be a
17 consideration in determining reasonable child care
18 expenses.

19 (B) Child care expenses shall be prorated in
20 proportion to each parent's percentage share of
21 combined net income, and may be added to the basic
22 child support obligation if not paid directly by each
23 parent to the provider of child care services. The
24 obligor's and obligee's portion of actual child care
25 expenses shall appear in the support order. If
26 allowed, the value of the federal income tax credit

1 for child care shall be subtracted from the actual
2 cost to determine the net child care costs.

3 (C) The amount of child care expenses shall be
4 adequate to obtain reasonable and necessary child
5 care. The actual child care expenses shall be used to
6 calculate the child care expenses, if available. When
7 actual child care expenses vary, the actual child care
8 expenses may be averaged over the most recent 12-month
9 period. When a parent is temporarily unemployed or
10 temporarily not attending educational or vocational
11 training programs, future child care expenses shall be
12 based upon prospective expenses to be incurred upon
13 return to employment or educational or vocational
14 training programs.

15 (D) An order for child care expenses may be
16 modified upon a showing of a substantial change in
17 circumstances. The party incurring child care expenses
18 shall notify the other party within 14 days of any
19 change in the amount of child care expenses that would
20 affect the annualized child care amount as determined
21 in the support order.

22 (3.8) Shared physical care. If each parent exercises
23 3,504 hours or more ~~146 or more overnights~~ per year with
24 the child, the basic child support obligation is
25 multiplied by 1.5 to calculate the shared care child
26 support obligation. The court shall determine each

1 parent's share of the shared care child support obligation
2 based on the parent's percentage share of combined net
3 income. The child support obligation is then computed for
4 each parent by multiplying that parent's portion of the
5 shared care support obligation by the percentage of time
6 the child spends with the other parent. The respective
7 child support obligations are then offset, with the parent
8 owing more child support paying the difference between the
9 child support amounts. The Illinois Department of
10 Healthcare and Family Services shall promulgate a
11 worksheet to calculate child support in cases in which the
12 parents have shared physical care and use the standardized
13 tax amount to determine net income.

14 (3.9) Split physical care. When there is more than one
15 child and each parent has physical care of at least one but
16 not all of the children, the support is calculated by
17 using 2 child support worksheets to determine the support
18 each parent owes the other. The support shall be
19 calculated as follows:

20 (A) compute the support the first parent would owe
21 to other parent as if the child in his or her care was
22 the only child of the parties; then

23 (B) compute the support the other parent would owe
24 to the first parent as if the child in his or her care
25 were the only child of the parties; then

26 (C) subtract the lesser support obligation from

1 the greater.

2 The parent who owes the greater obligation shall be
3 ordered to pay the difference in support to the other
4 parent, unless the court determines, pursuant to other
5 provisions of this Section, that it should deviate from
6 the guidelines.

7 (4) Health care to be addressed by the court.

8 (A) A portion of the basic child support
9 obligation is intended to cover basic ordinary
10 out-of-pocket medical expenses. The court, in its
11 discretion, in addition to the basic child support
12 obligation, shall also provide for the child's current
13 and future medical needs by ordering either or both
14 parents to initiate health insurance coverage for the
15 child through currently effective health insurance
16 policies held by the parent or parents, purchase one
17 or more or all health, dental, or vision insurance
18 policies for the child, or provide for the child's
19 current and future medical needs through some other
20 manner.

21 (B) The court, in its discretion, may order either
22 or both parents to contribute to the reasonable health
23 care needs of the child not covered by insurance,
24 including, but not limited to, unreimbursed medical,
25 dental, orthodontic, or vision expenses and any
26 prescription medication for the child not covered

1 under the child's health insurance.

2 (C) If neither parent has access to appropriate
3 private health insurance coverage, the court may
4 order:

5 (I) one or both parents to provide health
6 insurance coverage at any time it becomes
7 available at a reasonable cost; or

8 (II) the parent or non-parent custodian with
9 primary physical responsibility for the child to
10 apply for public health insurance coverage for the
11 child and require either or both parents to pay a
12 reasonable amount of the cost of health insurance
13 for the child.

14 The order may also provide that any time private
15 health insurance coverage is available at a reasonable
16 cost to that party it will be provided instead of cash
17 medical support. As used in this Section, "cash
18 medical support" means an amount ordered to be paid
19 toward the cost of health insurance provided by a
20 public entity or by another person through employment
21 or otherwise or for other medical costs not covered by
22 insurance.

23 (D) The amount to be added to the basic child
24 support obligation shall be the actual amount of the
25 total health insurance premium that is attributable to
26 the child who is the subject of the order. If this

1 amount is not available or cannot be verified, the
2 total cost of the health insurance premium shall be
3 divided by the total number of persons covered by the
4 policy. The cost per person derived from this
5 calculation shall be multiplied by the number of
6 children who are the subject of the order and who are
7 covered under the health insurance policy. This amount
8 shall be added to the basic child support obligation
9 and shall be allocated between the parents in
10 proportion to their respective net incomes.

11 (E) After the health insurance premium for the
12 child is added to the basic child support obligation
13 and allocated between the parents in proportion to
14 their respective incomes for child support purposes,
15 if the obligor is paying the premium, the amount
16 calculated for the obligee's share of the health
17 insurance premium for the child shall be deducted from
18 the obligor's share of the total child support
19 obligation. If the obligee is paying for private
20 health insurance for the child, the child support
21 obligation shall be increased by the obligor's share
22 of the premium payment. The obligor's and obligee's
23 portion of health insurance costs shall appear in the
24 support order.

25 (F) Prior to allowing the health insurance
26 adjustment, the parent requesting the adjustment must

1 submit proof that the child has been enrolled in a
2 health insurance plan and must submit proof of the
3 cost of the premium. The court shall require the
4 parent receiving the adjustment to annually submit
5 proof of continued coverage of the child to the other
6 parent, or as designated by the court.

7 (G) A reasonable cost for providing health
8 insurance coverage for the child may not exceed 5% of
9 the providing parent's gross income. Parents with a
10 net income below 133% of the most recent United States
11 Department of Health and Human Services Federal
12 Poverty Guidelines or whose child is covered by
13 Medicaid based on that parent's income may not be
14 ordered to contribute toward or provide private
15 coverage, unless private coverage is obtainable
16 without any financial contribution by that parent.

17 (H) If dental or vision insurance is included as
18 part of the employer's medical plan, the coverage
19 shall be maintained for the child. If not included in
20 the employer's medical plan, adding the dental or
21 vision insurance for the child is at the discretion of
22 the court.

23 (I) If a parent has been directed to provide
24 health insurance pursuant to this paragraph and that
25 parent's spouse or legally recognized partner provides
26 the insurance for the benefit of the child either

1 directly or through employment, a credit on the child
2 support worksheet shall be given to that parent in the
3 same manner as if the premium were paid by that parent.

4 (4.5) In a proceeding for child support following
5 dissolution of the marriage or civil union by a court that
6 lacked personal jurisdiction over the absent spouse, and
7 in which the court is requiring payment of support for the
8 period before the date an order for current support is
9 entered, there is a rebuttable presumption that the
10 obligor's net income for the prior period was the same as
11 his or her net income at the time the order for current
12 support is entered.

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

25 (6) If (i) the obligor was properly served with a
26 request for discovery of financial information relating to

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

11 (a-3) Life insurance to secure support. At the discretion
12 of the court, a child support obligation pursuant to this
13 Section and Sections 510, 513, and 513.5 of this Act may be
14 secured, in whole or in part, by reasonably affordable life
15 insurance on the life of one or both parents on such terms as
16 the parties agree or as the court orders. The court may require
17 such insurance remain in full force and effect until the
18 termination of all obligations of support, subject to the
19 following:

20 (1) Existing life insurance. The court shall be
21 apprised through evidence, stipulation, or otherwise as to
22 the level, ownership, and type of existing life insurance
23 death benefit coverage available to one or both parents,
24 the cost of the premiums, cost ratings, and escalations
25 and assignment of the policy, if applicable, and all other
26 relevant circumstances. The court shall make findings

1 relative thereto.

2 (2) New life insurance. The court shall be apprised
3 through evidence, stipulation, or otherwise as to the
4 availability of obtaining reasonably affordable new life
5 insurance. To the extent the court determines that the
6 support obligations should be secured, in whole or in
7 part, by new life insurance on the life of one or both
8 parents, the court may order that one or both parents
9 comply with all requirements to obtain such new life
10 insurance through employment, trade union, fraternal
11 organizations, associations, or individual means.

12 In determining the level and type of death benefits
13 coverage to be obtained by a parent, the court shall
14 consider access and availability of life insurance to that
15 parent, the cost of the premium, cost ratings, and
16 escalations, if applicable, and all other relevant
17 circumstances.

18 (3) Other security. If life insurance is unavailable
19 to a parent, the court, in its discretion, or as agreed to
20 by the parties, may order other equitable and reasonable
21 means to secure a child support obligation.

22 (a-5) In an action to enforce an order for child support
23 based on the obligor's failure to make support payments as
24 required by the order, notice of proceedings to hold the
25 obligor in contempt for that failure may be served on the
26 obligor by personal service or by regular mail addressed to

1 the last known address of the obligor. The last known address
2 of the obligor may be determined from records of the clerk of
3 the court, from the Federal Case Registry of Child Support
4 Orders, or by any other reasonable means.

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

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

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

16 (A) work; or

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

19 The court may further order any part or all of the earnings
20 of a parent during a sentence of periodic imprisonment paid to
21 the Clerk of the Circuit Court or to the parent having physical
22 possession of the child or to the non-parent custodian having
23 custody of the child of the sentenced parent for the support of
24 the child until further order of the court.

25 If a parent who is found guilty of contempt for failure to
26 comply with an order to pay support is a person who conducts a

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

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

21 (1) the obligor and the person, persons, or business
22 entity maintain records together.

23 (2) the obligor and the person, persons, or business
24 entity fail to maintain an arm's length relationship
25 between themselves with regard to any assets.

26 (3) the obligor transfers assets to the person,

1 persons, or business entity with the intent to perpetrate
2 a fraud on the obligee.

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

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

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

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

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

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

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

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

1 (e) When child support is to be paid through the Clerk of
2 the Court in a county of 500,000 inhabitants or less, the order
3 shall direct the obligor to pay to the Clerk, in addition to
4 the child support payments, all fees imposed by the county
5 board under paragraph (2) of subsection (j-5) of Section 27.1b
6 of the Clerks of Courts Act. When child support is to be paid
7 through the clerk of the court in a county of more than 500,000
8 but less than 3,000,000 inhabitants, the order shall direct
9 the obligor to pay to the clerk, in addition to the child
10 support payments, all fees imposed by the county board under
11 paragraph (4) of subsection (bb) of Section 27.2 of the Clerks
12 of Courts Act. Unless paid pursuant to an Income Withholding
13 Order/Notice for Support, the payment of the fee shall be by
14 payment acceptable to the clerk and shall be made to the order
15 of the Clerk.

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

1 residential or mailing address or telephone number of the
2 obligor. In any subsequent action to enforce a support order,
3 upon a sufficient showing that a diligent effort has been made
4 to ascertain the location of the obligor, service of process
5 or provision of notice necessary in the case may be made at the
6 last known address of the obligor in any manner expressly
7 provided by the Code of Civil Procedure or this Act, which
8 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
16 graduation will occur or the date on which the child will
17 attain the age of 19. The order for support shall state that
18 the termination date does not apply to any arrearage that may
19 remain unpaid on that date. Nothing in this subsection shall
20 be construed to prevent the court from modifying the order or
21 terminating the order in the event the child is otherwise
22 emancipated.

23 (g-5) If there is an unpaid arrearage or delinquency (as
24 those terms are defined in the Income Withholding for Support
25 Act) equal to at least one month's support obligation on the
26 termination date stated in the order for support or, if there

1 is no termination date stated in the order, on the date the
2 child attains the age of majority or is otherwise emancipated,
3 the periodic amount required to be paid for current support of
4 that child immediately prior to that date shall automatically
5 continue to be an obligation, not as current support but as
6 periodic payment toward satisfaction of the unpaid arrearage
7 or delinquency. That periodic payment shall be in addition to
8 any periodic payment previously required for satisfaction of
9 the arrearage or delinquency. The total periodic amount to be
10 paid toward satisfaction of the arrearage or delinquency may
11 be enforced and collected by any method provided by law for
12 enforcement and collection of child support, including but not
13 limited to income withholding under the Income Withholding for
14 Support Act. Each order for support entered or modified on or
15 after January 1, 2005 (the effective date of Public Act
16 93-1061) must contain a statement notifying the parties of the
17 requirements of this subsection. Failure to include the
18 statement in the order for support does not affect the
19 validity of the order or the operation of the provisions of
20 this subsection with regard to the order. This subsection
21 shall not be construed to prevent or affect the establishment
22 or modification of an order for support of a minor child or the
23 establishment or modification of an order for support of a
24 non-minor child or educational expenses under Section 513 of
25 this Act.

26 (h) An order entered under this Section shall include a

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

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

25 (Source: P.A. 102-823, eff. 5-13-22; 103-967, eff. 1-1-25.)