

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 Public Aid Code is amended by  
5 changing Sections 10-1 and 10-16.5 as follows:

6 (305 ILCS 5/10-1) (from Ch. 23, par. 10-1)

7 Sec. 10-1. Declaration of Public Policy - Persons Eligible  
8 for Child Support Enforcement Services - Fees for  
9 Non-Applicants and Non-Recipients.) It is the intent of this  
10 Code that the financial aid and social welfare services herein  
11 provided supplement rather than supplant the primary and  
12 continuing obligation of the family unit for self-support to  
13 the fullest extent permitted by the resources available to it.  
14 This primary and continuing obligation applies whether the  
15 family unit of parents and children or of husband and wife  
16 remains intact and resides in a common household or whether the  
17 unit has been broken by absence of one or more members of the  
18 unit. The obligation of the family unit is particularly  
19 applicable when a member is in necessitous circumstances and  
20 lacks the means of a livelihood compatible with health and  
21 well-being.

22 It is the purpose of this Article to provide for locating  
23 an absent parent or spouse, for determining his financial  
24 circumstances, and for enforcing his legal obligation of  
25 support, if he is able to furnish support, in whole or in part.  
26 The Illinois Department of Public Aid shall give priority to  
27 establishing, enforcing and collecting the current support  
28 obligation, and then to past due support owed to the family  
29 unit, except with respect to collections effected through the  
30 intercept programs provided for in this Article.

31 The child support enforcement services provided hereunder  
32 shall be furnished dependents of an absent parent or spouse who

1 are applicants for or recipients of financial aid under this  
2 Code. It is not, however, a condition of eligibility for  
3 financial aid that there be no responsible relatives who are  
4 reasonably able to provide support. Nor, except as provided in  
5 Sections 4-1.7 and 10-8, shall the existence of such relatives  
6 or their payment of support contributions disqualify a needy  
7 person for financial aid.

8 By accepting financial aid under this Code, a spouse or a  
9 parent or other person having custody of a child shall be  
10 deemed to have made assignment to the Illinois Department for  
11 aid under Articles III, IV, V and VII or to a local  
12 governmental unit for aid under Article VI of any and all  
13 rights, title, and interest in any support obligation,  
14 including statutory interest thereon, up to the amount of  
15 financial aid provided. The rights to support assigned to the  
16 Illinois Department of Public Aid or local governmental unit  
17 shall constitute an obligation owed the State or local  
18 governmental unit by the person who is responsible for  
19 providing the support, and shall be collectible under all  
20 applicable processes.

21 The Illinois Department of Public Aid shall also furnish  
22 the child support enforcement services established under this  
23 Article in behalf of persons who are not applicants for or  
24 recipients of financial aid under this Code in accordance with  
25 the requirements of Title IV, Part D of the Social Security  
26 Act. The Department may establish a schedule of reasonable  
27 fees, to be paid for the services provided and may deduct a  
28 collection fee, not to exceed 10% of the amount collected, from  
29 such collection. The Illinois Department of Public Aid shall  
30 cause to be published and distributed publications reasonably  
31 calculated to inform the public that individuals who are not  
32 recipients of or applicants for public aid under this Code are  
33 eligible for the child support enforcement services under this  
34 Article X. Such publications shall set forth an explanation, in  
35 plain language, that the child support enforcement services  
36 program is independent of any public aid program under the Code

1 and that the receiving of child support enforcement services in  
2 no way implies that the person receiving such services is  
3 receiving public aid.

4 (Source: P.A. 92-590, eff. 7-1-02.)

5 (305 ILCS 5/10-16.5)

6 Sec. 10-16.5. Interest on support obligations. A support  
7 obligation, or any portion of a support obligation, which  
8 becomes due and remains unpaid as of the end of each month,  
9 excluding the child support that was due for that month to the  
10 extent that it was not paid in that month, ~~for 30 days or more~~  
11 shall accrue simple interest as set forth in Section 12-109 of  
12 the Code of Civil Procedure ~~at the rate of 9% per annum.~~ An  
13 order for support entered or modified on or after January 1,  
14 2006 ~~2002~~ shall contain a statement that a support obligation  
15 required under the order, or any portion of a support  
16 obligation required under the order, that becomes due and  
17 remains unpaid as of the end of each month, excluding the child  
18 support that was due for that month to the extent that it was  
19 not paid in that month, ~~for 30 days or more~~ shall accrue simple  
20 interest as set forth in Section 12-109 of the Code of Civil  
21 Procedure ~~at the rate of 9% per annum.~~ Failure to include the  
22 statement in the order for support does not affect the validity  
23 of the order or the accrual of interest as provided in this  
24 Section.

25 (Source: P.A. 91-397, eff. 1-1-00; 92-374, eff. 8-15-01.)

26 Section 10. The Code of Civil Procedure is amended by  
27 changing Section 12-109 as follows:

28 (735 ILCS 5/12-109) (from Ch. 110, par. 12-109)

29 Sec. 12-109. Interest on judgments.

30 (a) Every judgment except those arising by operation of law  
31 from child support orders shall bear interest thereon as  
32 provided in Section 2-1303.

33 (b) Every judgment arising by operation of law from a child

1 support order shall bear interest as provided in this  
2 subsection. The interest on judgments arising by operation of  
3 law from child support orders shall be calculated by applying  
4 one-twelfth of the current statutory interest rate as provided  
5 in Section 2-1303 to the unpaid child support balance as of the  
6 end of each calendar month. The unpaid child support balance at  
7 the end of the month is the total amount of child support  
8 ordered, excluding the child support that was due for that  
9 month to the extent that it was not paid in that month and  
10 including judgments for retroactive child support, less all  
11 payments received and applied as set forth in this subsection.  
12 The accrued interest shall not be included in the unpaid child  
13 support balance when calculating interest at the end of the  
14 month. The unpaid child support balance as of the end of each  
15 month shall be determined by calculating the current monthly  
16 child support obligation and applying all payments received for  
17 that month, except federal income tax refund intercepts, first  
18 to the current monthly child support obligation and then  
19 applying any payments in excess of the current monthly child  
20 support obligation to the unpaid child support balance owed  
21 from previous months. The current monthly child support  
22 obligation shall be determined from the document that  
23 established the support obligation. Federal income tax refund  
24 intercepts and any payments in excess of the current monthly  
25 child support obligation shall be applied to the unpaid child  
26 support balance. Any payments in excess of the current monthly  
27 child support obligation and the unpaid child support balance  
28 shall be applied to the accrued interest on the unpaid child  
29 support balance. Interest on child support obligations may be  
30 collected by any means available under federal and State laws,  
31 rules, and regulations providing for the collection of child  
32 support. Section 2-1303 commencing 30 days from the effective  
33 date of each such judgment.

34 (Source: P.A. 85-2.)

35 Section 15. The Illinois Marriage and Dissolution of

1 Marriage Act is amended by changing Section 505 as follows:

2 (750 ILCS 5/505) (from Ch. 40, par. 505)

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

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

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

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

30 (2) The above guidelines shall be applied in each case  
 31 unless the court makes a finding that application of the  
 32 guidelines would be inappropriate, after considering the  
 33 best interests of the child in light of evidence including  
 34 but not limited to one or more of the following relevant  
 35 factors:

- 1 (a) the financial resources and needs of the child;
- 2 (b) the financial resources and needs of the
- 3 custodial parent;
- 4 (c) the standard of living the child would have
- 5 enjoyed had the marriage not been dissolved;
- 6 (d) the physical and emotional condition of the
- 7 child, and his educational needs; and
- 8 (e) the financial resources and needs of the
- 9 non-custodial parent.

10 If the court deviates from the guidelines, the court's

11 finding shall state the amount of support that would have

12 been required under the guidelines, if determinable. The

13 court shall include the reason or reasons for the variance

14 from the guidelines.

15 (3) "Net income" is defined as the total of all income

16 from all sources, minus the following deductions:

- 17 (a) Federal income tax (properly calculated
- 18 withholding or estimated payments);
- 19 (b) State income tax (properly calculated
- 20 withholding or estimated payments);
- 21 (c) Social Security (FICA payments);
- 22 (d) Mandatory retirement contributions required by
- 23 law or as a condition of employment;
- 24 (e) Union dues;
- 25 (f) Dependent and individual
- 26 health/hospitalization insurance premiums;
- 27 (g) Prior obligations of support or maintenance
- 28 actually paid pursuant to a court order;
- 29 (h) Expenditures for repayment of debts that
- 30 represent reasonable and necessary expenses for the
- 31 production of income, medical expenditures necessary
- 32 to preserve life or health, reasonable expenditures
- 33 for the benefit of the child and the other parent,
- 34 exclusive of gifts. The court shall reduce net income
- 35 in determining the minimum amount of support to be
- 36 ordered only for the period that such payments are due

1           and shall enter an order containing provisions for its  
2           self-executing modification upon termination of such  
3           payment period.

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

13          (4.5) In a proceeding for child support following  
14          dissolution of the marriage by a court that lacked personal  
15          jurisdiction over the absent spouse, and in which the court  
16          is requiring payment of support for the period before the  
17          date an order for current support is entered, there is a  
18          rebuttable presumption that the supporting party's net  
19          income for the prior period was the same as his or her net  
20          income at the time the order for current support is  
21          entered.

22          (5) If the net income cannot be determined because of  
23          default or any other reason, the court shall order support  
24          in an amount considered reasonable in the particular case.  
25          The final order in all cases shall state the support level  
26          in dollar amounts. However, if the court finds that the  
27          child support amount cannot be expressed exclusively as a  
28          dollar amount because all or a portion of the payor's net  
29          income is uncertain as to source, time of payment, or  
30          amount, the court may order a percentage amount of support  
31          in addition to a specific dollar amount and enter such  
32          other orders as may be necessary to determine and enforce,  
33          on a timely basis, the applicable support ordered.

34          (6) If (i) the non-custodial parent was properly served  
35          with a request for discovery of financial information  
36          relating to the non-custodial parent's ability to provide

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

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

20 (b) Failure of either parent to comply with an order to pay  
21 support shall be punishable as in other cases of contempt. In  
22 addition to other penalties provided by law the Court may,  
23 after finding the parent guilty of contempt, order that the  
24 parent be:

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

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

31 (A) work; or

32 (B) conduct a business or other self-employed  
33 occupation.

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



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

4 If there is a unity of interest and ownership sufficient to  
5 render no financial separation between a non-custodial parent  
6 and another person or persons or business entity, the court may  
7 pierce the ownership veil of the person, persons, or business  
8 entity to discover assets of the non-custodial parent held in  
9 the name of that person, those persons, or that business  
10 entity. The following circumstances are sufficient to  
11 authorize a court to order discovery of the assets of a person,  
12 persons, or business entity and to compel the application of  
13 any discovered assets toward payment on the judgment for  
14 support:

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

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

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

23 With respect to assets which are real property, no order  
24 entered under this paragraph shall affect the rights of bona  
25 fide purchasers, mortgagees, judgment creditors, or other lien  
26 holders who acquire their interests in the property prior to  
27 the time a notice of lis pendens pursuant to the Code of Civil  
28 Procedure or a copy of the order is placed of record in the  
29 office of the recorder of deeds for the county in which the  
30 real property is located.

31 The court may also order in cases where the parent is 90  
32 days or more delinquent in payment of support or has been  
33 adjudicated in arrears in an amount equal to 90 days obligation  
34 or more, that the parent's Illinois driving privileges be  
35 suspended until the court determines that the parent is in  
36 compliance with the order of support. The court may also order

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

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

27 A support obligation, or any portion of a support  
28 obligation, which becomes due and remains unpaid as of the end  
29 of each month, excluding the child support that was due for  
30 that month to the extent that it was not paid in that month,  
31 ~~for 30 days or more~~ shall accrue simple interest as set forth  
32 in Section 12-109 of the Code of Civil Procedure ~~at the rate of~~  
33 ~~9% per annum~~. An order for support entered or modified on or  
34 after January 1, 2006 ~~2002~~ shall contain a statement that a  
35 support obligation required under the order, or any portion of  
36 a support obligation required under the order, that becomes due

1 and remains unpaid as of the end of each month, excluding the  
2 child support that was due for that month to the extent that it  
3 was not paid in that month, for 30 days or more shall accrue  
4 simple interest as set forth in Section 12-109 of the Code of  
5 Civil Procedure at the rate of 9% per annum. Failure to include  
6 the statement in the order for support does not affect the  
7 validity of the order or the accrual of interest as provided in  
8 this Section.

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

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

27 (e) When child support is to be paid through the clerk of  
28 the court in a county of 1,000,000 inhabitants or less, the  
29 order shall direct the obligor to pay to the clerk, in addition  
30 to the child support payments, all fees imposed by the county  
31 board under paragraph (3) of subsection (u) of Section 27.1 of  
32 the Clerks of Courts Act. Unless paid in cash or pursuant to an  
33 order for withholding, the payment of the fee shall be by a  
34 separate instrument from the support payment and shall be made  
35 to the order of the Clerk.

36 (f) All orders for support, when entered or modified, shall

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

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

31 (g-5) If there is an unpaid arrearage or delinquency (as  
32 those terms are defined in the Income Withholding for Support  
33 Act) equal to at least one month's support obligation on the  
34 termination date stated in the order for support or, if there  
35 is no termination date stated in the order, on the date the  
36 child attains the age of majority or is otherwise emancipated,

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

24 (h) An order entered under this Section shall include a  
25 provision requiring the obligor to report to the obligee and to  
26 the clerk of court within 10 days each time the obligor obtains  
27 new employment, and each time the obligor's employment is  
28 terminated for any reason. The report shall be in writing and  
29 shall, in the case of new employment, include the name and  
30 address of the new employer. Failure to report new employment  
31 or the termination of current employment, if coupled with  
32 nonpayment of support for a period in excess of 60 days, is  
33 indirect criminal contempt. For any obligor arrested for  
34 failure to report new employment bond shall be set in the  
35 amount of the child support that should have been paid during  
36 the period of unreported employment. An order entered under

1 this Section shall also include a provision requiring the  
2 obligor and obligee parents to advise each other of a change in  
3 residence within 5 days of the change except when the court  
4 finds that the physical, mental, or emotional health of a party  
5 or that of a child, or both, would be seriously endangered by  
6 disclosure of the party's address.

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

12 (Source: P.A. 92-16, eff. 6-28-01; 92-203, eff. 8-1-01; 92-374,  
13 eff. 8-15-01; 92-651, eff. 7-11-02; 92-876, eff. 6-1-03;  
14 93-148, eff. 7-10-03; 93-1061, eff. 1-1-05.)

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

17 (750 ILCS 16/20)

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

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

21 (1) at any time before the trial, upon motion of the  
22 State's Attorney, or of the Attorney General if the action  
23 has been instituted by his office, and upon notice to the  
24 defendant, or at the time of arraignment or as a condition  
25 of postponement of arraignment, the court may enter such  
26 temporary order for support as may seem just, providing for  
27 the support or maintenance of the spouse or child or  
28 children of the defendant, or both, pendente lite; or

29 (2) before trial with the consent of the defendant, or  
30 at the trial on entry of a plea of guilty, or after  
31 conviction, instead of imposing the penalty provided in  
32 this Act, or in addition thereto, the court may enter an  
33 order for support, subject to modification by the court  
34 from time to time as circumstances may require, directing

1 the defendant to pay a certain sum for maintenance of the  
2 spouse, or for support of the child or children, or both.

3 (b) The court shall determine the amount of child support  
4 by using the guidelines and standards set forth in subsection  
5 (a) of Section 505 and in Section 505.2 of the Illinois  
6 Marriage and Dissolution of Marriage Act.

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

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

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

27 (e) Any order for support entered by the court under this  
28 Section shall be deemed to be a series of judgments against the  
29 person obligated to pay support under the judgments, each such  
30 judgment to be in the amount of each payment or installment of  
31 support and each judgment to be deemed entered as of the date  
32 the corresponding payment or installment becomes due under the  
33 terms of the support order. Each judgment shall have the full  
34 force, effect, and attributes of any other judgment of this  
35 State, including the ability to be enforced. Each judgment is  
36 subject to modification or termination only in accordance with

1 Section 510 of the Illinois Marriage and Dissolution of  
2 Marriage Act. A lien arises by operation of law against the  
3 real and personal property of the noncustodial parent for each  
4 installment of overdue support owed by the noncustodial parent.

5 (f) An order for support entered under this Section shall  
6 include a provision requiring the obligor to report to the  
7 obligee and to the clerk of the court within 10 days each time  
8 the obligor obtains new employment, and each time the obligor's  
9 employment is terminated for any reason. The report shall be in  
10 writing and shall, in the case of new employment, include the  
11 name and address of the new employer.

12 Failure to report new employment or the termination of  
13 current employment, if coupled with nonpayment of support for a  
14 period in excess of 60 days, is indirect criminal contempt. For  
15 any obligor arrested for failure to report new employment, bond  
16 shall be set in the amount of the child support that should  
17 have been paid during the period of unreported employment.

18 An order for support entered under this Section shall also  
19 include a provision requiring the obligor and obligee parents  
20 to advise each other of a change in residence within 5 days of  
21 the change except when the court finds that the physical,  
22 mental, or emotional health of a party or of a minor child, or  
23 both, would be seriously endangered by disclosure of the  
24 party's address.

25 (g) An order for support entered or modified in a case in  
26 which a party is receiving child support enforcement services  
27 under Article X of the Illinois Public Aid Code shall include a  
28 provision requiring the noncustodial parent to notify the  
29 Illinois Department of Public Aid, within 7 days, of the name  
30 and address of any new employer of the noncustodial parent,  
31 whether the noncustodial parent has access to health insurance  
32 coverage through the employer or other group coverage and, if  
33 so, the policy name and number and the names of persons covered  
34 under the policy.

35 (h) In any subsequent action to enforce an order for  
36 support entered under this Act, upon sufficient showing that



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

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

20 (i-5) If there is an unpaid arrearage or delinquency (as  
21 those terms are defined in the Income Withholding for Support  
22 Act) equal to at least one month's support obligation on the  
23 termination date stated in the order for support or, if there  
24 is no termination date stated in the order, on the date the  
25 child attains the age of majority or is otherwise emancipated,  
26 the periodic amount required to be paid for current support of  
27 that child immediately prior to that date shall automatically  
28 continue to be an obligation, not as current support but as  
29 periodic payment toward satisfaction of the unpaid arrearage or  
30 delinquency. That periodic payment shall be in addition to any  
31 periodic payment previously required for satisfaction of the  
32 arrearage or delinquency. The total periodic amount to be paid  
33 toward satisfaction of the arrearage or delinquency may be  
34 enforced and collected by any method provided by law for  
35 enforcement and collection of child support, including but not  
36 limited to income withholding under the Income Withholding for

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

13 (j) A support obligation, or any portion of a support  
14 obligation, which becomes due and remains unpaid as of the end  
15 of each month, excluding the child support that was due for  
16 that month to the extent that it was not paid in that month,  
17 ~~for 30 days or more~~ shall accrue simple interest as set forth  
18 in Section 12-109 of the Code of Civil Procedure ~~at the rate of~~  
19 ~~9% per annum~~. An order for support entered or modified on or  
20 after January 1, 2006 ~~2002~~ shall contain a statement that a  
21 support obligation required under the order, or any portion of  
22 a support obligation required under the order, that becomes due  
23 and remains unpaid as of the end of each month, excluding the  
24 child support that was due for that month to the extent that it  
25 was not paid in that month, ~~for 30 days or more~~ shall accrue  
26 simple interest as set forth in Section 12-109 of the Code of  
27 Civil Procedure ~~at the rate of 9% per annum~~. Failure to include  
28 the statement in the order for support does not affect the  
29 validity of the order or the accrual of interest as provided in  
30 this Section.

31 (Source: P.A. 92-374, eff. 8-15-01; 92-590, eff. 7-1-02;  
32 92-876, eff. 6-1-03; 93-1061, eff. 1-1-05.)

33 (750 ILCS 16/23)

34 Sec. 23. Interest on support obligations. A support  
35 obligation, or any portion of a support obligation, which

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, for 30 days or more  
4 shall accrue interest as set forth in Section 12-109 of the  
5 Code of Civil Procedure ~~at the rate of 9% per annum.~~

6 (Source: P.A. 91-397, eff. 1-1-00; 92-16, eff. 6-28-01.)

7 Section 25. The Income Withholding for Support Act is  
8 amended by changing Section 15 as follows:

9 (750 ILCS 28/15)

10 Sec. 15. Definitions.

11 (a) "Order for support" means any order of the court which  
12 provides for periodic payment of funds for the support of a  
13 child or maintenance of a spouse, whether temporary or final,  
14 and includes any such order which provides for:

15 (1) modification or resumption of, or payment of  
16 arrearage, including interest, accrued under, a previously  
17 existing order;

18 (2) reimbursement of support;

19 (3) payment or reimbursement of the expenses of  
20 pregnancy and delivery (for orders for support entered  
21 under the Illinois Parentage Act of 1984 or its predecessor  
22 the Paternity Act); or

23 (4) enrollment in a health insurance plan that is  
24 available to the obligor through an employer or labor union  
25 or trade union.

26 (b) "Arrearage" means the total amount of unpaid support  
27 obligations, including interest, as determined by the court and  
28 incorporated into an order for support.

29 (b-5) "Business day" means a day on which State offices are  
30 open for regular business.

31 (c) "Delinquency" means any payment, including a payment of  
32 interest, under an order for support which becomes due and  
33 remains unpaid after entry of the order for support.

34 (d) "Income" means any form of periodic payment to an

1 individual, regardless of source, including, but not limited  
2 to: wages, salary, commission, compensation as an independent  
3 contractor, workers' compensation, disability, annuity,  
4 pension, and retirement benefits, lottery prize awards,  
5 insurance proceeds, vacation pay, bonuses, profit-sharing  
6 payments, interest, and any other payments, made by any person,  
7 private entity, federal or state government, any unit of local  
8 government, school district or any entity created by Public  
9 Act; however, "income" excludes:

10 (1) any amounts required by law to be withheld, other  
11 than creditor claims, including, but not limited to,  
12 federal, State and local taxes, Social Security and other  
13 retirement and disability contributions;

14 (2) union dues;

15 (3) any amounts exempted by the federal Consumer Credit  
16 Protection Act;

17 (4) public assistance payments; and

18 (5) unemployment insurance benefits except as provided  
19 by law.

20 Any other State or local laws which limit or exempt income  
21 or the amount or percentage of income that can be withheld  
22 shall not apply.

23 (e) "Obligor" means the individual who owes a duty to make  
24 payments under an order for support.

25 (f) "Obligee" means the individual to whom a duty of  
26 support is owed or the individual's legal representative.

27 (g) "Payor" means any payor of income to an obligor.

28 (h) "Public office" means any elected official or any State  
29 or local agency which is or may become responsible by law for  
30 enforcement of, or which is or may become authorized to  
31 enforce, an order for support, including, but not limited to:  
32 the Attorney General, the Illinois Department of Public Aid,  
33 the Illinois Department of Human Services, the Illinois  
34 Department of Children and Family Services, and the various  
35 State's Attorneys, Clerks of the Circuit Court and supervisors  
36 of general assistance.

1 (i) "Premium" means the dollar amount for which the obligor  
2 is liable to his employer or labor union or trade union and  
3 which must be paid to enroll or maintain a child in a health  
4 insurance plan that is available to the obligor through an  
5 employer or labor union or trade union.

6 (j) "State Disbursement Unit" means the unit established to  
7 collect and disburse support payments in accordance with the  
8 provisions of Section 10-26 of the Illinois Public Aid Code.

9 (k) "Title IV-D Agency" means the agency of this State  
10 charged by law with the duty to administer the child support  
11 enforcement program established under Title IV, Part D of the  
12 Social Security Act and Article X of the Illinois Public Aid  
13 Code.

14 (l) "Title IV-D case" means a case in which an obligee or  
15 obligor is receiving child support enforcement services under  
16 Title IV, Part D of the Social Security Act and Article X of  
17 the Illinois Public Aid Code.

18 (m) "National Medical Support Notice" means the notice  
19 required for enforcement of orders for support providing for  
20 health insurance coverage of a child under Title IV, Part D of  
21 the Social Security Act, the Employee Retirement Income  
22 Security Act of 1974, and federal regulations promulgated under  
23 those Acts.

24 (n) "Employer" means a payor or labor union or trade union  
25 with an employee group health insurance plan and, for purposes  
26 of the National Medical Support Notice, also includes but is  
27 not limited to:

28 (1) any State or local governmental agency with a group  
29 health plan; and

30 (2) any payor with a group health plan or "church plan"  
31 covered under the Employee Retirement Income Security Act  
32 of 1974.

33 (Source: P.A. 91-357, eff. 7-29-99; 92-590, eff. 7-1-02.)

34 Section 30. The Illinois Parentage Act of 1984 is amended  
35 by changing Section 20.7 as follows:

1 (750 ILCS 45/20.7)

2 Sec. 20.7. Interest on support obligations. A support  
3 obligation, or any portion of a support obligation, which  
4 becomes due and remains unpaid as of the end of each month,  
5 excluding the child support that was due for that month to the  
6 extent that it was not paid in that month, ~~for 30 days or more~~  
7 shall accrue simple interest as set forth in Section 12-109 of  
8 the Code of Civil Procedure ~~at the rate of 9% per annum~~. An  
9 order for support entered or modified on or after January 1,  
10 2006 ~~2002~~ shall contain a statement that a support obligation  
11 required under the order, or any portion of a support  
12 obligation required under the order, that becomes due and  
13 remains unpaid as of the end of each month, excluding the child  
14 support that was due for that month to the extent that it was  
15 not paid in that month, ~~for 30 days or more~~ shall accrue simple  
16 interest as set forth in Section 12-109 of the Code of Civil  
17 Procedure ~~at the rate of 9% per annum~~. Failure to include the  
18 statement in the order for support does not affect the validity  
19 of the order or the accrual of interest as provided in this  
20 Section.

21 (Source: P.A. 91-397, eff. 1-1-00; 92-374, eff. 8-15-01.)

22 Section 99. Effective date. This Act takes effect January  
23 1, 2006.