



Sen. M. Maggie Crotty

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LRB094 04881 AJ0 56512 a

1 AMENDMENT TO SENATE BILL 1183

2 AMENDMENT NO. _____. Amend Senate Bill 1183 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Parentage Act of 1984 is amended
5 by changing Section 14 as follows:

6 (750 ILCS 45/14) (from Ch. 40, par. 2514)

7 Sec. 14. Judgment.

8 (a) (1) The judgment shall contain or explicitly reserve
9 provisions concerning any duty and amount of child support and
10 may contain provisions concerning the custody and guardianship
11 of the child, visitation privileges with the child, the
12 furnishing of bond or other security for the payment of the
13 judgment, which the court shall determine in accordance with
14 the relevant factors set forth in the Illinois Marriage and
15 Dissolution of Marriage Act and any other applicable law of
16 Illinois, to guide the court in a finding in the best interests
17 of the child. In determining custody, joint custody, removal,
18 or visitation, the court shall apply the relevant standards of
19 the Illinois Marriage and Dissolution of Marriage Act,
20 including Section 609. Specifically, in determining the amount
21 of any child support award, the court shall use the guidelines
22 and standards set forth in subsection (a) of Section 505 and in
23 Section 505.2 of the Illinois Marriage and Dissolution of
24 Marriage Act. For purposes of Section 505 of the Illinois

1 Marriage and Dissolution of Marriage Act, "net income" of the
2 non-custodial parent shall include any benefits available to
3 that person under the Illinois Public Aid Code or from other
4 federal, State or local government-funded programs. ~~The court~~
5 ~~shall, in any event and regardless of the amount of the~~
6 ~~non custodial parent's net income, in its judgment order the~~
7 ~~non custodial parent to pay child support to the custodial~~
8 ~~parent in a minimum amount of not less than \$10 per month.~~ In
9 an action brought within 2 years after a child's birth, the
10 judgment or order may direct either parent to pay the
11 reasonable expenses incurred by either parent related to the
12 mother's pregnancy and the delivery of the child. The judgment
13 or order shall contain the father's social security number,
14 which the father shall disclose to the court; however, failure
15 to include the father's social security number on the judgment
16 or order does not invalidate the judgment or order.

17 (2) If a judgment of parentage contains no explicit award
18 of custody, the establishment of a support obligation or of
19 visitation rights in one parent shall be considered a judgment
20 granting custody to the other parent. If the parentage judgment
21 contains no such provisions, custody shall be presumed to be
22 with the mother; however, the presumption shall not apply if
23 the father has had physical custody for at least 6 months prior
24 to the date that the mother seeks to enforce custodial rights.

25 (b) The court shall order all child support payments,
26 determined in accordance with such guidelines, to commence with
27 the date summons is served. The level of current periodic
28 support payments shall not be reduced because of payments set
29 for the period prior to the date of entry of the support order.
30 The Court may order any child support payments to be made for a
31 period prior to the commencement of the action. In determining
32 whether and the extent to which the payments shall be made for
33 any prior period, the court shall consider all relevant facts,
34 including the factors for determining the amount of support

1 specified in the Illinois Marriage and Dissolution of Marriage
2 Act and other equitable factors including but not limited to:

3 (1) The father's prior knowledge of the fact and
4 circumstances of the child's birth.

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

7 (3) The extent to which the mother or the public agency
8 bringing the action previously informed the father of the
9 child's needs or attempted to seek or require his help in
10 raising or supporting the child.

11 (4) The reasons the mother or the public agency did not
12 file the action earlier.

13 (5) The extent to which the father would be prejudiced
14 by the delay in bringing the action.

15 For purposes of determining the amount of child support to
16 be paid for any period before the date the order for current
17 child support is entered, there is a rebuttable presumption
18 that the father's net income for the prior period was the same
19 as his net income at the time the order for current child
20 support is entered.

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

33 (c) Any new or existing support order entered by the court
34 under this Section shall be deemed to be a series of judgments

1 against the person obligated to pay support thereunder, each
2 judgment to be in the amount of each payment or installment of
3 support and each such judgment to be deemed entered as of the
4 date the corresponding payment or installment becomes due under
5 the terms of the support order. Each judgment shall have the
6 full force, effect and attributes of any other judgment of this
7 State, including the ability to be enforced. A lien arises by
8 operation of law against the real and personal property of the
9 noncustodial parent for each installment of overdue support
10 owed by the noncustodial parent.

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

14 (e) On request of the mother and the father, the court
15 shall order a change in the child's name. After hearing
16 evidence the court may stay payment of support during the
17 period of the father's minority or period of disability.

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

25 (g) A one-time charge of 20% is imposable upon the amount
26 of past-due child support owed on July 1, 1988 which has
27 accrued under a support order entered by the court. The charge
28 shall be imposed in accordance with the provisions of Section
29 10-21 of the Illinois Public Aid Code and shall be enforced by
30 the court upon petition.

31 (h) All orders for support, when entered or modified, shall
32 include a provision requiring the non-custodial parent to
33 notify the court and, in cases in which party is receiving
34 child support enforcement services under Article X of the

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

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

30 (i-5) If there is an unpaid arrearage or delinquency (as
31 those terms are defined in the Income Withholding for Support
32 Act) equal to at least one month's support obligation on the
33 termination date stated in the order for support or, if there
34 is no termination date stated in the order, on the date the

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

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

1 failure to report new employment bond shall be set in the
2 amount of the child support that should have been paid during
3 the period of unreported employment. An order entered under
4 this Section shall also include a provision requiring the
5 obligor and obligee parents to advise each other of a change in
6 residence within 5 days of the change except when the court
7 finds that the physical, mental, or emotional health of a party
8 or that of a minor child, or both, would be seriously
9 endangered by disclosure of the party's address.

10 (Source: P.A. 92-590, eff. 7-1-02; 92-876, eff. 6-1-03; 93-139,
11 eff. 7-10-03; 93-1061, eff. 1-1-05; revised 12-15-05.)".