



Rep. John E. Bradley

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LRB097 05092 KTG 55324 a

1 AMENDMENT TO SENATE BILL 1827

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1827 as follows:

3 "Section 5. The Illinois Public Aid Code is amended by  
4 changing Sections 10-1, 10-8.1, 10-10, 10-11, and 10-17.1 and  
5 by adding Sections 10-15.1 and 10-16.5a 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

1 unit has been broken by absence of one or more members of the  
2 unit. The obligation of the family unit is particularly  
3 applicable when a member is in necessitous circumstances and  
4 lacks the means of a livelihood compatible with health and  
5 well-being.

6 It is the purpose of this Article to provide for locating  
7 an absent parent or spouse, for determining his financial  
8 circumstances, and for enforcing his legal obligation of  
9 support, if he is able to furnish support, in whole or in part.  
10 The Department of Healthcare and Family Services shall give  
11 priority to establishing, enforcing and collecting the current  
12 support obligation, and then to past due support owed to the  
13 family unit, except with respect to collections effected  
14 through the intercept programs provided for in this Article.

15 The child support enforcement services provided hereunder  
16 shall be furnished dependents of an absent parent or spouse who  
17 are applicants for or recipients of financial aid under this  
18 Code. It is not, however, a condition of eligibility for  
19 financial aid that there be no responsible relatives who are  
20 reasonably able to provide support. Nor, except as provided in  
21 Sections 4-1.7 and 10-8, shall the existence of such relatives  
22 or their payment of support contributions disqualify a needy  
23 person for financial aid.

24 By accepting financial aid under this Code, a spouse or a  
25 parent or other person having custody of a child shall be  
26 deemed to have made assignment to the Illinois Department for

1 aid under Articles III, IV, V and VII or to a local  
2 governmental unit for aid under Article VI of any and all  
3 rights, title, and interest in any support obligation,  
4 excluding ~~including~~ statutory interest thereon, up to the  
5 amount of financial aid provided. The rights to support  
6 assigned to the Department of Healthcare and Family Services  
7 (formerly Illinois Department of Public Aid) or local  
8 governmental unit shall constitute an obligation owed the State  
9 or local governmental unit by the person who is responsible for  
10 providing the support, and shall be collectible under all  
11 applicable processes.

12 The Department of Healthcare and Family Services shall also  
13 furnish the child support enforcement services established  
14 under this Article in behalf of persons who are not applicants  
15 for or recipients of financial aid under this Code in  
16 accordance with the requirements of Title IV, Part D of the  
17 Social Security Act. The Department may establish a schedule of  
18 reasonable fees, to be paid for the services provided and may  
19 deduct a collection fee, not to exceed 10% of the amount  
20 collected, from such collection. The Department of Healthcare  
21 and Family Services shall cause to be published and distributed  
22 publications reasonably calculated to inform the public that  
23 individuals who are not recipients of or applicants for public  
24 aid under this Code are eligible for the child support  
25 enforcement services under this Article X. Such publications  
26 shall set forth an explanation, in plain language, that the

1 child support enforcement services program is independent of  
2 any public aid program under the Code and that the receiving of  
3 child support enforcement services in no way implies that the  
4 person receiving such services is receiving public aid.

5 (Source: P.A. 94-90, eff. 1-1-06; 95-331, eff. 8-21-07.)

6 (305 ILCS 5/10-8.1)

7 Sec. 10-8.1. Temporary order for child support.  
8 Notwithstanding any other law to the contrary, pending the  
9 outcome of an administrative determination of parentage, the  
10 Illinois Department shall issue a temporary order for child  
11 support, upon motion by a party and a showing of clear and  
12 convincing evidence of paternity. In determining the amount of  
13 the temporary child support award, the Illinois Department  
14 shall use the guidelines and standards set forth in subsection  
15 (a) of Section 505 and in Section 505.2 of the Illinois  
16 Marriage and Dissolution of Marriage Act.

17 Any new or existing support order entered by the Illinois  
18 Department under this Section shall be deemed to be a series of  
19 judgments against the person obligated to pay support  
20 thereunder, each such judgment to be in the amount of each  
21 payment or installment of support and each judgment to be  
22 deemed entered as of the date the corresponding payment or  
23 installment becomes due under the terms of the support order.  
24 Each such judgment shall have the full force, effect, and  
25 attributes of any other judgment of this State, including the

1 ability to be enforced. Any such judgment is subject to  
2 modification or termination only in accordance with Section 510  
3 of the Illinois Marriage and Dissolution of Marriage Act.  
4 Interest shall accrue on support obligations as provided in  
5 Section 12-109 of the Code of Civil Procedure. A lien arises by  
6 operation of law against the real and personal property of the  
7 noncustodial parent for each installment of overdue support  
8 owed by the noncustodial parent.

9 All orders for support entered or modified in a case in  
10 which a party is receiving child support enforcement services  
11 under this Article X shall include a provision requiring the  
12 non-custodial parent to notify the Illinois Department, within  
13 7 days, (i) of the name, address, and telephone number of any  
14 new employer of the non-custodial parent, (ii) whether the  
15 non-custodial parent has access to health insurance coverage  
16 through the employer or other group coverage, and, if so, the  
17 policy name and number and the names of persons covered under  
18 the policy, and (iii) of any new residential or mailing address  
19 or telephone number of the non-custodial parent.

20 In any subsequent action to enforce a support order, upon  
21 sufficient showing that diligent effort has been made to  
22 ascertain the location of the non-custodial parent, service of  
23 process or provision of notice necessary in that action may be  
24 made at the last known address of the non-custodial parent, in  
25 any manner expressly provided by the Code of Civil Procedure or  
26 this Act, which service shall be sufficient for purposes of due

1 process.

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

16 If there is an unpaid arrearage or delinquency (as those  
17 terms are defined in the Income Withholding for Support Act)  
18 equal to at least one month's support obligation on the  
19 termination date stated in the order for support or, if there  
20 is no termination date stated in the order, on the date the  
21 child attains the age of majority or is otherwise emancipated,  
22 then the periodic amount required to be paid for current  
23 support of that child immediately prior to that date shall  
24 automatically continue to be an obligation, not as current  
25 support but as periodic payment toward satisfaction of the  
26 unpaid arrearage or delinquency. That periodic payment shall be

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

20 (Source: P.A. 92-590, eff. 7-1-02; 92-876, eff. 6-1-03;  
21 93-1061, eff. 1-1-05.)

22 (305 ILCS 5/10-10) (from Ch. 23, par. 10-10)

23 Sec. 10-10. Court enforcement; applicability also to  
24 persons who are not applicants or recipients. Except where the  
25 Illinois Department, by agreement, acts for the local

1 governmental unit, as provided in Section 10-3.1, local  
2 governmental units shall refer to the State's Attorney or to  
3 the proper legal representative of the governmental unit, for  
4 judicial enforcement as herein provided, instances of  
5 non-support or insufficient support when the dependents are  
6 applicants or recipients under Article VI. The Child and Spouse  
7 Support Unit established by Section 10-3.1 may institute in  
8 behalf of the Illinois Department any actions under this  
9 Section for judicial enforcement of the support liability when  
10 the dependents are (a) applicants or recipients under Articles  
11 III, IV, V or VII; (b) applicants or recipients in a local  
12 governmental unit when the Illinois Department, by agreement,  
13 acts for the unit; or (c) non-applicants or non-recipients who  
14 are receiving child support enforcement services under this  
15 Article X, as provided in Section 10-1. Where the Child and  
16 Spouse Support Unit has exercised its option and discretion not  
17 to apply the provisions of Sections 10-3 through 10-8, the  
18 failure by the Unit to apply such provisions shall not be a bar  
19 to bringing an action under this Section.

20 Action shall be brought in the circuit court to obtain  
21 support, or for the recovery of aid granted during the period  
22 such support was not provided, or both for the obtainment of  
23 support and the recovery of the aid provided. Actions for the  
24 recovery of aid may be taken separately or they may be  
25 consolidated with actions to obtain support. Such actions may  
26 be brought in the name of the person or persons requiring



1 support, or may be brought in the name of the Illinois  
2 Department or the local governmental unit, as the case  
3 requires, in behalf of such persons.

4 The court may enter such orders for the payment of moneys  
5 for the support of the person as may be just and equitable and  
6 may direct payment thereof for such period or periods of time  
7 as the circumstances require, including support for a period  
8 before the date the order for support is entered. The order may  
9 be entered against any or all of the defendant responsible  
10 relatives and may be based upon the proportionate ability of  
11 each to contribute to the person's support.

12 The Court shall determine the amount of child support  
13 (including child support for a period before the date the order  
14 for child support is entered) by using the guidelines and  
15 standards set forth in subsection (a) of Section 505 and in  
16 Section 505.2 of the Illinois Marriage and Dissolution of  
17 Marriage Act. For purposes of determining the amount of child  
18 support to be paid for a period before the date the order for  
19 child support is entered, there is a rebuttable presumption  
20 that the responsible relative's net income for that period was  
21 the same as his or her net income at the time the order is  
22 entered.

23 If (i) the responsible relative was properly served with a  
24 request for discovery of financial information relating to the  
25 responsible relative's ability to provide child support, (ii)  
26 the responsible relative failed to comply with the request,

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

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

1 endangered by disclosure of the party's address.

2 The Court shall determine the amount of maintenance using  
3 the standards set forth in Section 504 of the Illinois Marriage  
4 and Dissolution of Marriage Act.

5 Any new or existing support order entered by the court  
6 under this Section shall be deemed to be a series of judgments  
7 against the person obligated to pay support thereunder, each  
8 such judgment to be in the amount of each payment or  
9 installment of support and each such judgment to be deemed  
10 entered as of the date the corresponding payment or installment  
11 becomes due under the terms of the support order. Each such  
12 judgment shall have the full force, effect and attributes of  
13 any other judgment of this State, including the ability to be  
14 enforced. Any such judgment is subject to modification or  
15 termination only in accordance with Section 510 of the Illinois  
16 Marriage and Dissolution of Marriage Act. Interest shall accrue  
17 on support obligations as provided in Section 12-109 of the  
18 Code of Civil Procedure. A lien arises by operation of law  
19 against the real and personal property of the noncustodial  
20 parent for each installment of overdue support owed by the  
21 noncustodial parent.

22 When an order is entered for the support of a minor, the  
23 court may provide therein for reasonable visitation of the  
24 minor by the person or persons who provided support pursuant to  
25 the order. Whoever willfully refuses to comply with such  
26 visitation order or willfully interferes with its enforcement

1 may be declared in contempt of court and punished therefor.

2 Except where the local governmental unit has entered into  
3 an agreement with the Illinois Department for the Child and  
4 Spouse Support Unit to act for it, as provided in Section  
5 10-3.1, support orders entered by the court in cases involving  
6 applicants or recipients under Article VI shall provide that  
7 payments thereunder be made directly to the local governmental  
8 unit. Orders for the support of all other applicants or  
9 recipients shall provide that payments thereunder be made  
10 directly to the Illinois Department. In accordance with federal  
11 law and regulations, the Illinois Department may continue to  
12 collect current maintenance payments or child support  
13 payments, or both, after those persons cease to receive public  
14 assistance and until termination of services under Article X.  
15 The Illinois Department shall pay the net amount collected to  
16 those persons after deducting any costs incurred in making the  
17 collection or any collection fee from the amount of any  
18 recovery made. In both cases the order shall permit the local  
19 governmental unit or the Illinois Department, as the case may  
20 be, to direct the responsible relative or relatives to make  
21 support payments directly to the needy person, or to some  
22 person or agency in his behalf, upon removal of the person from  
23 the public aid rolls or upon termination of services under  
24 Article X.

25 If the notice of support due issued pursuant to Section  
26 10-7 directs that support payments be made directly to the

1 needy person, or to some person or agency in his behalf, and  
2 the recipient is removed from the public aid rolls, court  
3 action may be taken against the responsible relative hereunder  
4 if he fails to furnish support in accordance with the terms of  
5 such notice.

6 Actions may also be brought under this Section in behalf of  
7 any person who is in need of support from responsible  
8 relatives, as defined in Section 2-11 of Article II who is not  
9 an applicant for or recipient of financial aid under this Code.  
10 In such instances, the State's Attorney of the county in which  
11 such person resides shall bring action against the responsible  
12 relatives hereunder. If the Illinois Department, as authorized  
13 by Section 10-1, extends the child support enforcement services  
14 provided by this Article to spouses and dependent children who  
15 are not applicants or recipients under this Code, the Child and  
16 Spouse Support Unit established by Section 10-3.1 shall bring  
17 action against the responsible relatives hereunder and any  
18 support orders entered by the court in such cases shall provide  
19 that payments thereunder be made directly to the Illinois  
20 Department.

21 Whenever it is determined in a proceeding to establish or  
22 enforce a child support or maintenance obligation that the  
23 person owing a duty of support is unemployed, the court may  
24 order the person to seek employment and report periodically to  
25 the court with a diary, listing or other memorandum of his or  
26 her efforts in accordance with such order. Additionally, the

1 court may order the unemployed person to report to the  
2 Department of Employment Security for job search services or to  
3 make application with the local Job Training Partnership Act  
4 provider for participation in job search, training or work  
5 programs and where the duty of support is owed to a child  
6 receiving child support enforcement services under this  
7 Article X, the court may order the unemployed person to report  
8 to the Illinois Department for participation in job search,  
9 training or work programs established under Section 9-6 and  
10 Article IXA of this Code.

11 Whenever it is determined that a person owes past-due  
12 support for a child receiving assistance under this Code, the  
13 court shall order at the request of the Illinois Department:

14 (1) that the person pay the past-due support in  
15 accordance with a plan approved by the court; or

16 (2) if the person owing past-due support is unemployed,  
17 is subject to such a plan, and is not incapacitated, that  
18 the person participate in such job search, training, or  
19 work programs established under Section 9-6 and Article IXA  
20 of this Code as the court deems appropriate.

21 A determination under this Section shall not be  
22 administratively reviewable by the procedures specified in  
23 Sections 10-12, and 10-13 to 10-13.10. Any determination under  
24 these Sections, if made the basis of court action under this  
25 Section, shall not affect the de novo judicial determination  
26 required under this Section.

1           A one-time charge of 20% is imposable upon the amount of  
2 past-due child support owed on July 1, 1988 which has accrued  
3 under a support order entered by the court. The charge shall be  
4 imposed in accordance with the provisions of Section 10-21 of  
5 this Code and shall be enforced by the court upon petition.

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

25           An order for support shall include a date on which the  
26 current support obligation terminates. The termination date

1 shall be no earlier than the date on which the child covered by  
2 the order will attain the age of 18. However, if the child will  
3 not graduate from high school until after attaining the age of  
4 18, then the termination date shall be no earlier than the  
5 earlier of the date on which the child's high school graduation  
6 will occur or the date on which the child will attain the age  
7 of 19. The order for support shall state that the termination  
8 date does not apply to any arrearage that may remain unpaid on  
9 that date. Nothing in this paragraph shall be construed to  
10 prevent the court from modifying the order or terminating the  
11 order in the event the child is otherwise emancipated.

12 If there is an unpaid arrearage or delinquency (as those  
13 terms are defined in the Income Withholding for Support Act)  
14 equal to at least one month's support obligation on the  
15 termination date stated in the order for support or, if there  
16 is no termination date stated in the order, on the date the  
17 child attains the age of majority or is otherwise emancipated,  
18 then the periodic amount required to be paid for current  
19 support of that child immediately prior to that date shall  
20 automatically continue to be an obligation, not as current  
21 support but as periodic payment toward satisfaction of the  
22 unpaid arrearage or delinquency. That periodic payment shall be  
23 in addition to any periodic payment previously required for  
24 satisfaction of the arrearage or delinquency. The total  
25 periodic amount to be paid toward satisfaction of the arrearage  
26 or delinquency may be enforced and collected by any method



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

16 Payments under this Section to the Illinois Department  
17 pursuant to the Child Support Enforcement Program established  
18 by Title IV-D of the Social Security Act shall be paid into the  
19 Child Support Enforcement Trust Fund. All payments under this  
20 Section to the Illinois Department of Human Services shall be  
21 deposited in the DHS Recoveries Trust Fund. Disbursements from  
22 these funds shall be as provided in Sections 12-9.1 and 12-10.2  
23 of this Code. Payments received by a local governmental unit  
24 shall be deposited in that unit's General Assistance Fund.

25 To the extent the provisions of this Section are  
26 inconsistent with the requirements pertaining to the State

1 Disbursement Unit under Sections 10-10.4 and 10-26 of this  
2 Code, the requirements pertaining to the State Disbursement  
3 Unit shall apply.

4 (Source: P.A. 94-88, eff. 1-1-06; 95-331, eff. 8-21-07.)

5 (305 ILCS 5/10-11) (from Ch. 23, par. 10-11)

6 Sec. 10-11. Administrative Orders. In lieu of actions for  
7 court enforcement of support under Section 10-10, the Child and  
8 Spouse Support Unit of the Illinois Department, in accordance  
9 with the rules of the Illinois Department, may issue an  
10 administrative order requiring the responsible relative to  
11 comply with the terms of the determination and notice of  
12 support due, determined and issued under Sections 10-6 and  
13 10-7. The Unit may also enter an administrative order under  
14 subsection (b) of Section 10-7. The administrative order shall  
15 be served upon the responsible relative by United States  
16 registered or certified mail. In cases in which the responsible  
17 relative appeared at the office of the Child and Spouse Support  
18 Unit in response to the notice of support obligation issued  
19 under Section 10-4, however, or in cases of default in which  
20 the notice was served on the responsible relative by certified  
21 mail, return receipt requested, or by any method provided by  
22 law for service of summons, the administrative determination of  
23 paternity or administrative support order may be sent to the  
24 responsible relative by ordinary mail addressed to the  
25 responsible relative's last known address.

1           If a responsible relative or a person receiving child  
2 support enforcement services under this Article fails to  
3 petition the Illinois Department for release from or  
4 modification of the administrative order, as provided in  
5 Section 10-12 or Section 10-12.1, the order shall become final  
6 and there shall be no further administrative or judicial  
7 remedy. Likewise a decision by the Illinois Department as a  
8 result of an administrative hearing, as provided in Sections  
9 10-13 to 10-13.10, shall become final and enforceable if not  
10 judicially reviewed under the Administrative Review Law, as  
11 provided in Section 10-14.

12           Any new or existing support order entered by the Illinois  
13 Department under this Section shall be deemed to be a series of  
14 judgments against the person obligated to pay support  
15 thereunder, each such judgment to be in the amount of each  
16 payment or installment of support and each such judgment to be  
17 deemed entered as of the date the corresponding payment or  
18 installment becomes due under the terms of the support order.  
19 Each such judgment shall have the full force, effect and  
20 attributes of any other judgment of this State, including the  
21 ability to be enforced. Any such judgment is subject to  
22 modification or termination only in accordance with Section 510  
23 of the Illinois Marriage and Dissolution of Marriage Act.  
24 Interest shall accrue on support obligations as provided in  
25 Section 12-109 of the Code of Civil Procedure. A lien arises by  
26 operation of law against the real and personal property of the

1 noncustodial parent for each installment of overdue support  
2 owed by the noncustodial parent.

3 An order for support shall include a date on which the  
4 current support obligation terminates. The termination date  
5 shall be no earlier than the date on which the child covered by  
6 the order will attain the age of majority or is otherwise  
7 emancipated. The order for support shall state that the  
8 termination date does not apply to any arrearage that may  
9 remain unpaid on that date. Nothing in this paragraph shall be  
10 construed to prevent modification of the order by the  
11 Department.

12 If there is an unpaid arrearage or delinquency (as those  
13 terms are defined in the Income Withholding for Support Act)  
14 equal to at least one month's support obligation on the  
15 termination date stated in the order for support or, if there  
16 is no termination date stated in the order, on the date the  
17 child attains the age of majority or is otherwise emancipated,  
18 then the periodic amount required to be paid for current  
19 support of that child immediately prior to that date shall  
20 automatically continue to be an obligation, not as current  
21 support but as periodic payment toward satisfaction of the  
22 unpaid arrearage or delinquency. That periodic payment shall be  
23 in addition to any periodic payment previously required for  
24 satisfaction of the arrearage or delinquency. The total  
25 periodic amount to be paid toward satisfaction of the arrearage  
26 or delinquency may be enforced and collected by any method

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

16 An order for support shall include a date on which the  
17 support obligation terminates. The termination date shall be no  
18 earlier than the date on which the child covered by the order  
19 will attain the age of 18. However, if the child will not  
20 graduate from high school until after attaining the age of 18,  
21 then the termination date shall be no earlier than the earlier  
22 of the date that the child's graduation will occur or the date  
23 on which the child will attain the age of 19. The order for  
24 support shall state that the termination date does not apply to  
25 any arrearage that may remain unpaid on that date. Nothing in  
26 this paragraph shall be construed to prevent the Illinois

1 Department from modifying the order or terminating the order in  
2 the event the child is otherwise emancipated.

3 (Source: P.A. 92-590, eff. 7-1-02; 92-876, eff. 6-1-03;  
4 93-1061, eff. 1-1-05.)

5 (305 ILCS 5/10-15.1 new)

6 Sec. 10-15.1. Judicial registration of administrative  
7 support orders.

8 (a) A final administrative support order established by the  
9 Illinois Department under this Article X may be registered in  
10 the appropriate circuit court of this State by the Department  
11 or by a party to the order by filing:

12 (1) Two copies, including one certified copy of the  
13 order to be registered, any modification of the  
14 administrative support order, any voluntary acknowledgment  
15 of paternity pertaining to the child covered by the order,  
16 and the documents showing service of the notice of support  
17 obligation that commenced the procedure for establishment  
18 of the administrative support order pursuant to Section  
19 10-4 of this Code.

20 (2) A sworn statement by the person requesting  
21 registration or a certified copy of the Department payment  
22 record showing the amount of any past due support accrued  
23 under the administrative support order.

24 (3) The name of the obligor and, if known, the  
25 obligor's address and social security number.

1           (4) The name of the obligee and the obligee's address,  
2           unless the obligee alleges in an affidavit or pleading  
3           under oath that the health, safety, or liberty of the  
4           obligee or child would be jeopardized by disclosure of  
5           specific identifying information, in which case that  
6           information must be sealed and may not be disclosed to the  
7           other party or public. After a hearing in which the court  
8           takes into consideration the health, safety, or liberty of  
9           the party or child, the court may order disclosure of  
10           information that the court determines to be in the interest  
11           of justice.

12           (b) The filing of an administrative support order under  
13           Subsection (a) constitutes registration with the circuit  
14           court.

15           (c) A petition or comparable pleading seeking a remedy that  
16           must be affirmatively sought under other law of this State may  
17           be filed at the same time as the request for registration or  
18           later. The pleading must specify the grounds for the remedy  
19           sought.

20           (d) When an administrative support order is registered, the  
21           court shall notify the nonregistering party and the Illinois  
22           Department, unless the Department is requesting registration  
23           of its order. The notice, which shall be served on the  
24           nonregistering party by any method provided by law for service  
25           of a summons, must be accompanied by a copy of the registered  
26           administrative support order and the documents and relevant

1 information accompanying the order.

2 (e) A notice of registration of an administrative support  
3 order must provide the following information:

4 (1) That a registered administrative order is  
5 enforceable in the same manner as an order for support  
6 issued by the circuit court.

7 (2) That a hearing to contest enforcement of the  
8 registered administrative support order must be requested  
9 within 30 days after the date of service of the notice.

10 (3) That failure to contest, in a timely manner, the  
11 enforcement of the registered administrative support order  
12 shall result in confirmation of the order and enforcement  
13 of the order and the alleged arrearages and precludes  
14 further contest of that order with respect to any matter  
15 that could have been asserted.

16 (4) The amount of any alleged arrearages.

17 (f) A nonregistering party seeking to contest enforcement  
18 of a registered administrative support order shall request a  
19 hearing within 30 days after the date of service of notice of  
20 the registration. The nonregistering party may seek to vacate  
21 the registration, to assert any defense to an allegation of  
22 noncompliance with the registered administrative support  
23 order, or to contest the remedies being sought or the amount of  
24 any alleged arrearages.

25 (g) If the nonregistering party fails to contest the  
26 enforcement of the registered administrative support order in a



1 timely manner, the order shall be confirmed by operation of  
2 law.

3 (h) If a nonregistering party requests a hearing to contest  
4 the enforcement of the registered administrative support  
5 order, the circuit court shall schedule the matter for hearing  
6 and give notice to the parties and the Illinois Department of  
7 the date, time, and place of the hearing.

8 (i) A party contesting the enforcement of a registered  
9 administrative support order or seeking to vacate the  
10 registration has the burden of proving one or more of the  
11 following defenses:

12 (1) The Illinois Department lacked personal  
13 jurisdiction over the contesting party.

14 (2) The administrative support order was obtained by  
15 fraud.

16 (3) The administrative support order has been vacated,  
17 suspended, or modified by a later order.

18 (4) The Illinois Department has stayed the  
19 administrative support order pending appeal.

20 (5) There is a defense under the law to the remedy  
21 sought.

22 (6) Full or partial payment has been made.

23 (j) If a party presents evidence establishing a full or  
24 partial payment defense under subsection (i), the court may  
25 stay enforcement of the registered order, continue the  
26 proceeding to permit production of additional relevant

1 evidence, and issue other appropriate orders. An uncontested  
2 portion of the registered administrative support order may be  
3 enforced by all remedies available under State law.

4 (k) If a contesting party does not establish a defense  
5 under subsection (i) to the enforcement of the administrative  
6 support order, the court shall issue an order confirming the  
7 administrative support order. Confirmation of the registered  
8 administrative support order, whether by operation of law or  
9 after notice and hearing, precludes further contest of the  
10 order with respect to any matter that could have been asserted  
11 at the time of registration. Upon confirmation, the registered  
12 administrative support order shall be treated in the same  
13 manner as a support order entered by the circuit court,  
14 including the ability of the court to entertain a petition to  
15 modify the administrative support order due to a substantial  
16 change in circumstances, or petitions for visitation or custody  
17 of the child or children covered by the administrative support  
18 order. Nothing in this Section shall be construed to alter the  
19 effect of a final administrative support order, or the  
20 restriction of judicial review of such a final order to the  
21 provisions of the Administrative Review Law, as provided in  
22 Section 10-11 of this Code.

23 (305 ILCS 5/10-16.5a new)

24 Sec. 10-16.5a. No enforcement of interest on support  
25 obligations. Beginning on the effective date of this amendatory

1 Act of the 97th General Assembly, and notwithstanding any other  
2 law to the contrary, the Illinois Department shall have no  
3 further duty or authority to enforce and collect interest  
4 accrued on support obligations established under this Code or  
5 under any other law, including any interest on support accrued  
6 and deemed to have been assigned to the State under previous  
7 law.

8 (305 ILCS 5/10-17.1) (from Ch. 23, par. 10-17.1)

9 Sec. 10-17.1. Administrative Order by Registration. The  
10 Illinois Department may provide by rule for the administrative  
11 registration of a support order entered by a court or  
12 administrative body of another state. The purpose of  
13 registration shall be to enforce or modify the order in  
14 accordance with the provisions of the Uniform Interstate Family  
15 Support Act. Upon registration, such support order shall become  
16 an administrative order of the Child and Spouse Support Unit by  
17 operation of law. The rule shall provide for notice to and an  
18 opportunity to be heard by the responsible relative and  
19 custodial parent affected, and any final administrative  
20 decision rendered by the Department shall be reviewed only  
21 under and in accordance with the Administrative Review Law.

22 Any new or existing support order registered by the  
23 Illinois Department under this Section shall be deemed to be a  
24 series of judgments against the person obligated to pay support  
25 thereunder, each such judgment to be in the amount of each

1 payment or installment of support and each such judgment to be  
2 deemed entered as of the date the corresponding payment or  
3 installment becomes due under the terms of the support order.  
4 Each such judgment shall be enforceable in the same manner as  
5 any other judgment in this State. Interest shall accrue on  
6 support obligations as provided in Section 12-109 of the Code  
7 of Civil Procedure. A lien arises by operation of law against  
8 the real and personal property of the noncustodial parent for  
9 each installment of overdue support owed by the noncustodial  
10 parent.

11 A one-time charge of 20% is imposable upon the amount of  
12 past-due child support owed on July 1, 1988, which has accrued  
13 under a support order registered by the Illinois Department  
14 under this Section. The charge shall be imposed in accordance  
15 with the provisions of Section 10-21 and shall be enforced by  
16 the court in a suit filed under Section 10-15.

17 (Source: P.A. 90-18, eff. 7-1-97; 90-790, eff. 8-14-98.)

18 (305 ILCS 5/10-16.5 rep.)

19 Section 7. The Illinois Public Aid Code is amended by  
20 repealing Section 10-16.5.

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

23 (735 ILCS 5/12-109) (from Ch. 110, par. 12-109)

1           Sec. 12-109. Interest on judgments.

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

5           (b) Every judgment arising by operation of law from a  
6 support order and judgments for retroactive support shall bear  
7 interest as provided in this subsection. The interest on  
8 judgments arising by operation of law from support orders and  
9 judgments for retroactive support shall be calculated by  
10 applying one-twelfth of the current statutory interest rate as  
11 provided in Section 2-1303 to the unpaid balances, as of the  
12 end of the calendar month, of arrearages and any judgments for  
13 retroactive support as previously determined by the court and  
14 incorporated into an order for support. Interest on such court  
15 determinations of arrearages and judgments for retroactive  
16 support shall commence accrual starting at the end of the month  
17 after the month in which the court's order was entered. The  
18 accrued interest shall not be included in the unpaid support  
19 balances when calculating interest at the end of the month. The  
20 unpaid support balances of arrearages and any judgments for  
21 retroactive support as of the end of each month shall be  
22 determined by applying all payments received for the month as  
23 follows: first, to the total monthly current support  
24 obligation; second, to any delinquency that has accrued since  
25 the last order for support was entered; third, to any unpaid  
26 arrearages and balances on any judgments for retroactive

1 support; and fourth, to any accrued interest. Federal income  
2 tax refund intercepts shall be applied in accordance with  
3 federal law and regulation. The terms "arrearage" and  
4 "delinquency" are defined as provided in the Income Withholding  
5 for Support Act. Every judgment arising by operation of law  
6 from a child support order shall bear interest as provided in  
7 this subsection. The interest on judgments arising by operation  
8 of law from child support orders shall be calculated by  
9 applying one twelfth of the current statutory interest rate as  
10 provided in Section 2-1303 to the unpaid child support balance  
11 as of the end of each calendar month. The unpaid child support  
12 balance at the end of the month is the total amount of child  
13 support ordered, excluding the child support that was due for  
14 that month to the extent that it was not paid in that month and  
15 including judgments for retroactive child support, less all  
16 payments received and applied as set forth in this subsection.  
17 The accrued interest shall not be included in the unpaid child  
18 support balance when calculating interest at the end of the  
19 month. The unpaid child support balance as of the end of each  
20 month shall be determined by calculating the current monthly  
21 child support obligation and applying all payments received for  
22 that month, except federal income tax refund intercepts, first  
23 to the current monthly child support obligation and then  
24 applying any payments in excess of the current monthly child  
25 support obligation to the unpaid child support balance owed  
26 from previous months. The current monthly child support

1 ~~obligation shall be determined from the document that~~  
2 ~~established the support obligation. Federal income tax refund~~  
3 ~~intercepts and any payments in excess of the current monthly~~  
4 ~~child support obligation shall be applied to the unpaid child~~  
5 ~~support balance. Any payments in excess of the current monthly~~  
6 ~~child support obligation and the unpaid child support balance~~  
7 ~~shall be applied to the accrued interest on the unpaid child~~  
8 ~~support balance. Interest on child support obligations may be~~  
9 ~~collected by any means available under federal and State laws,~~  
10 ~~rules, and regulations providing for the collection of child~~  
11 ~~support.~~

12 (Source: P.A. 94-90, eff. 1-1-06.)

13 Section 15. The Illinois Marriage and Dissolution of  
14 Marriage Act is amended by changing Sections 504 and 505 as  
15 follows:

16 (750 ILCS 5/504) (from Ch. 40, par. 504)

17 Sec. 504. Maintenance.

18 (a) In a proceeding for dissolution of marriage or legal  
19 separation or declaration of invalidity of marriage, or a  
20 proceeding for maintenance following dissolution of the  
21 marriage by a court which lacked personal jurisdiction over the  
22 absent spouse, the court may grant a temporary or permanent  
23 maintenance award for either spouse in amounts and for periods  
24 of time as the court deems just, without regard to marital

1 misconduct, in gross or for fixed or indefinite periods of  
2 time, and the maintenance may be paid from the income or  
3 property of the other spouse after consideration of all  
4 relevant factors, including:

5 (1) the income and property of each party, including  
6 marital property apportioned and non-marital property  
7 assigned to the party seeking maintenance;

8 (2) the needs of each party;

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

11 (4) any impairment of the present and future earning  
12 capacity of the party seeking maintenance due to that party  
13 devoting time to domestic duties or having forgone or  
14 delayed education, training, employment, or career  
15 opportunities due to the marriage;

16 (5) the time necessary to enable the party seeking  
17 maintenance to acquire appropriate education, training,  
18 and employment, and whether that party is able to support  
19 himself or herself through appropriate employment or is the  
20 custodian of a child making it appropriate that the  
21 custodian not seek employment;

22 (6) the standard of living established during the  
23 marriage;

24 (7) the duration of the marriage;

25 (8) the age and the physical and emotional condition of  
26 both parties;



1           (9) the tax consequences of the property division upon  
2           the respective economic circumstances of the parties;

3           (10) contributions and services by the party seeking  
4           maintenance to the education, training, career or career  
5           potential, or license of the other spouse;

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

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

9           (b) (Blank).

10          (b-5) Any maintenance obligation including any unallocated  
11          maintenance and child support obligation, or any portion of any  
12          support obligation, that becomes due and remains unpaid shall  
13          accrue simple interest as set forth in Section 505 of this Act.

14          (b-7) Any new or existing maintenance order including any  
15          unallocated maintenance and child support order entered by the  
16          court under this Section shall be deemed to be a series of  
17          judgments against the person obligated to pay support  
18          thereunder. Each such judgment to be in the amount of each  
19          payment or installment of support and each such judgment to be  
20          deemed entered as of the date the corresponding payment or  
21          installment becomes due under the terms of the support order,  
22          except no judgment shall arise as to any installment coming due  
23          after the termination of maintenance as provided by Section 510  
24          of the Illinois Marriage and Dissolution of Marriage Act or the  
25          provisions of any order for maintenance. Each such judgment  
26          shall have the full force, effect and attributes of any other

1 judgment of this State, including the ability to be enforced.  
2 Interest shall accrue on maintenance obligations including  
3 unallocated maintenance and child support obligations as  
4 provided in Section 12-109 of the Code of Civil Procedure. A  
5 lien arises by operation of law against the real and personal  
6 property of the obligor for each installment of overdue support  
7 owed by the obligor.

8 (c) The court may grant and enforce the payment of  
9 maintenance during the pendency of an appeal as the court shall  
10 deem reasonable and proper.

11 (d) No maintenance shall accrue during the period in which  
12 a party is imprisoned for failure to comply with the court's  
13 order for the payment of such maintenance.

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

23 (Source: P.A. 94-89, eff. 1-1-06.)

24 (750 ILCS 5/505) (from Ch. 40, par. 505)

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

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

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

19	Number of Children	Percent of Supporting Party's
20		Net Income
21	1	20%
22	2	28%
23	3	32%
24	4	40%
25	5	45%
26	6 or more	50%

1           (2) The above guidelines shall be applied in each case  
2 unless the court makes a finding that application of the  
3 guidelines would be inappropriate, after considering the  
4 best interests of the child in light of evidence including  
5 but not limited to one or more of the following relevant  
6 factors:

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

8           (b) the financial resources and needs of the  
9 custodial parent;

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

12          (d) the physical and emotional condition of the  
13 child, and his educational needs; and

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

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

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

23           (a) Federal income tax (properly calculated  
24 withholding or estimated payments);

25           (b) State income tax (properly calculated  
26 withholding or estimated payments);

- 1 (c) Social Security (FICA payments);
- 2 (d) Mandatory retirement contributions required by  
3 law or as a condition of employment;
- 4 (e) Union dues;
- 5 (f) Dependent and individual  
6 health/hospitalization insurance premiums;
- 7 (g) Prior obligations of support or maintenance  
8 actually paid pursuant to a court order;
- 9 (h) Expenditures for repayment of debts that  
10 represent reasonable and necessary expenses for the  
11 production of income, medical expenditures necessary  
12 to preserve life or health, reasonable expenditures  
13 for the benefit of the child and the other parent,  
14 exclusive of gifts. The court shall reduce net income  
15 in determining the minimum amount of support to be  
16 ordered only for the period that such payments are due  
17 and shall enter an order containing provisions for its  
18 self-executing modification upon termination of such  
19 payment period;
- 20 (i) Foster care payments paid by the Department of  
21 Children and Family Services for providing licensed  
22 foster care to a foster child.
- 23 (4) In cases where the court order provides for  
24 health/hospitalization insurance coverage pursuant to  
25 Section 505.2 of this Act, the premiums for that insurance,  
26 or that portion of the premiums for which the supporting

1 party is responsible in the case of insurance provided  
2 through an employer's health insurance plan where the  
3 employer pays a portion of the premiums, shall be  
4 subtracted from net income in determining the minimum  
5 amount of support to be ordered.

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

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

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

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

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

1 parent be:

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

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

8 (A) work; or

9 (B) conduct a business or other self-employed  
10 occupation.

11 The Court may further order any part or all of the earnings  
12 of a parent during a sentence of periodic imprisonment paid to  
13 the Clerk of the Circuit Court or to the parent having custody  
14 or to the guardian having custody of the children of the  
15 sentenced parent for the support of said children until further  
16 order of the Court.

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



1 support:

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

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

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

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

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

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

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

24 ~~A support obligation, or any portion of a support~~  
25 ~~obligation, which becomes due and remains unpaid as of the end~~  
26 ~~of each month, excluding the child support that was due for~~

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

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

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

1 judgment shall have the full force, effect and attributes of  
2 any other judgment of this State, including the ability to be  
3 enforced. Interest shall accrue on support obligations as  
4 provided in Section 12-109 of the Code of Civil Procedure. A  
5 lien arises by operation of law against the real and personal  
6 property of the noncustodial parent for each installment of  
7 overdue support owed by the noncustodial parent.

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

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

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

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

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

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

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

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

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

23 (Source: P.A. 95-331, eff. 8-21-07; 96-1134, eff. 7-21-10.)

24 Section 20. The Non-Support Punishment Act is amended by  
25 changing Section 20 as follows:

1 (750 ILCS 16/20)

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

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

5 (1) at any time before the trial, upon motion of the  
6 State's Attorney, or of the Attorney General if the action  
7 has been instituted by his office, and upon notice to the  
8 defendant, or at the time of arraignment or as a condition  
9 of postponement of arraignment, the court may enter such  
10 temporary order for support as may seem just, providing for  
11 the support or maintenance of the spouse or child or  
12 children of the defendant, or both, pendente lite; or

13 (2) before trial with the consent of the defendant, or  
14 at the trial on entry of a plea of guilty, or after  
15 conviction, instead of imposing the penalty provided in  
16 this Act, or in addition thereto, the court may enter an  
17 order for support, subject to modification by the court  
18 from time to time as circumstances may require, directing  
19 the defendant to pay a certain sum for maintenance of the  
20 spouse, or for support of the child or children, or both.

21 (b) The court shall determine the amount of child support  
22 by using the guidelines and standards set forth in subsection  
23 (a) of Section 505 and in Section 505.2 of the Illinois  
24 Marriage and Dissolution of Marriage Act.

25 If (i) the non-custodial parent was properly served with a



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

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

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

20 (e) Any order for support entered by the court under this  
21 Section shall be deemed to be a series of judgments against the  
22 person obligated to pay support under the judgments, each such  
23 judgment to be in the amount of each payment or installment of  
24 support and each judgment to be deemed entered as of the date  
25 the corresponding payment or installment becomes due under the  
26 terms of the support order. Each judgment shall have the full

1 force, effect, and attributes of any other judgment of this  
2 State, including the ability to be enforced. Each judgment is  
3 subject to modification or termination only in accordance with  
4 Section 510 of the Illinois Marriage and Dissolution of  
5 Marriage Act. Interest shall accrue on support obligations as  
6 provided in Section 12-109 of the Code of Civil Procedure. A  
7 lien arises by operation of law against the real and personal  
8 property of the noncustodial parent for each installment of  
9 overdue support owed by the noncustodial parent.

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

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

23 An order for support entered under this Section shall also  
24 include a provision requiring the obligor and obligee parents  
25 to advise each other of a change in residence within 5 days of  
26 the change except when the court finds that the physical,

1 mental, or emotional health of a party or of a minor child, or  
2 both, would be seriously endangered by disclosure of the  
3 party's address.

4 (g) An order for support entered or modified in a case in  
5 which a party is receiving child support enforcement services  
6 under Article X of the Illinois Public Aid Code shall include a  
7 provision requiring the noncustodial parent to notify the  
8 Department of Healthcare and Family Services, within 7 days, of  
9 the name and address of any new employer of the noncustodial  
10 parent, whether the noncustodial parent has access to health  
11 insurance coverage through the employer or other group coverage  
12 and, if so, the policy name and number and the names of persons  
13 covered under the policy.

14 (h) In any subsequent action to enforce an order for  
15 support entered under this Act, upon sufficient showing that  
16 diligent effort has been made to ascertain the location of the  
17 noncustodial parent, service of process or provision of notice  
18 necessary in that action may be made at the last known address  
19 of the noncustodial parent, in any manner expressly provided by  
20 the Code of Civil Procedure or in this Act, which service shall  
21 be sufficient for purposes of due process.

22 (i) An order for support shall include a date on which the  
23 current support obligation terminates. The termination date  
24 shall be no earlier than the date on which the child covered by  
25 the order will attain the age of 18. However, if the child will  
26 not graduate from high school until after attaining the age of

1 18, then the termination date shall be no earlier than the  
2 earlier of the date on which the child's high school graduation  
3 will occur or the date on which the child will attain the age  
4 of 19. The order for support shall state that the termination  
5 date does not apply to any arrearage that may remain unpaid on  
6 that date. Nothing in this subsection shall be construed to  
7 prevent the court from modifying the order or terminating the  
8 order in the event the child is otherwise emancipated.

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

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

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

1 accrual of interest as provided in this Section.

2 (Source: P.A. 94-90, eff. 1-1-06; 95-331, eff. 8-21-07.)

3 (750 ILCS 16/23 rep.)

4 Section 23. The Non-Support Punishment Act is amended by  
5 repealing Section 23.

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

8 (750 ILCS 28/15)

9 Sec. 15. Definitions.

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

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

17 (2) reimbursement of support;

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

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

1 or trade union.

2 (b) "Arrearage" means the total amount of unpaid support  
3 obligations, ~~including interest,~~ as determined by the court and  
4 incorporated into an order for support.

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

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

10 (d) "Income" means any form of periodic payment to an  
11 individual, regardless of source, including, but not limited  
12 to: wages, salary, commission, compensation as an independent  
13 contractor, workers' compensation, disability, annuity,  
14 pension, and retirement benefits, lottery prize awards,  
15 insurance proceeds, vacation pay, bonuses, profit-sharing  
16 payments, severance pay, interest, and any other payments, made  
17 by any person, private entity, federal or state government, any  
18 unit of local government, school district or any entity created  
19 by Public Act; however, "income" excludes:

20 (1) any amounts required by law to be withheld, other  
21 than creditor claims, including, but not limited to,  
22 federal, State and local taxes, Social Security and other  
23 retirement and disability contributions;

24 (2) union dues;

25 (3) any amounts exempted by the federal Consumer Credit  
26 Protection Act;

1 (4) public assistance payments; and

2 (5) unemployment insurance benefits except as provided  
3 by law.

4 Any other State or local laws which limit or exempt income  
5 or the amount or percentage of income that can be withheld  
6 shall not apply.

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

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

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

12 (h) "Public office" means any elected official or any State  
13 or local agency which is or may become responsible by law for  
14 enforcement of, or which is or may become authorized to  
15 enforce, an order for support, including, but not limited to:  
16 the Attorney General, the Illinois Department of Healthcare and  
17 Family Services, the Illinois Department of Human Services, the  
18 Illinois Department of Children and Family Services, and the  
19 various State's Attorneys, Clerks of the Circuit Court and  
20 supervisors of general assistance.

21 (i) "Premium" means the dollar amount for which the obligor  
22 is liable to his employer or labor union or trade union and  
23 which must be paid to enroll or maintain a child in a health  
24 insurance plan that is available to the obligor through an  
25 employer or labor union or trade union.

26 (j) "State Disbursement Unit" means the unit established to



1 collect and disburse support payments in accordance with the  
2 provisions of Section 10-26 of the Illinois Public Aid Code.

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

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

12 (m) "National Medical Support Notice" means the notice  
13 required for enforcement of orders for support providing for  
14 health insurance coverage of a child under Title IV, Part D of  
15 the Social Security Act, the Employee Retirement Income  
16 Security Act of 1974, and federal regulations promulgated under  
17 those Acts.

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

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

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

1 (Source: P.A. 94-90, eff. 1-1-06; 95-331, eff. 8-21-07; 95-685,  
2 eff. 10-23-07.)

3 Section 30. The Illinois Parentage Act of 1984 is amended  
4 by changing Sections 13.1 and 14 as follows:

5 (750 ILCS 45/13.1)

6 Sec. 13.1. Temporary order for child support.  
7 Notwithstanding any other law to the contrary, pending the  
8 outcome of a judicial determination of parentage, the court  
9 shall issue a temporary order for child support, upon motion by  
10 a party and a showing of clear and convincing evidence of  
11 paternity. In determining the amount of the temporary child  
12 support award, the court shall use the guidelines and standards  
13 set forth in subsection (a) of Section 505 and in Section 505.2  
14 of the Illinois Marriage and Dissolution of Marriage Act.

15 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 judgment to be deemed entered  
20 as of the date the corresponding payment or installment becomes  
21 due under the terms of the support order. Each such judgment  
22 shall have the full force, effect, and attributes of any other  
23 judgment of this State, including the ability to be enforced.  
24 Any such judgment is subject to modification or termination

1 only in accordance with Section 510 of the Illinois Marriage  
2 and Dissolution of Marriage Act. Interest shall accrue on  
3 support obligations as provided in Section 12-109 of the Code  
4 of Civil Procedure. A lien arises by operation of law against  
5 the real and personal property of the noncustodial parent for  
6 each installment of overdue support owed by the noncustodial  
7 parent.

8 All orders for support, when entered or modified, shall  
9 include a provision requiring the non-custodial parent to  
10 notify the court, and in cases in which a party is receiving  
11 child support enforcement services under Article X of the  
12 Illinois Public Aid Code, the Department of Healthcare and  
13 Family Services, within 7 days, (i) of the name, address, and  
14 telephone number of any new employer of the non-custodial  
15 parent, (ii) whether the non-custodial parent has access to  
16 health insurance coverage through the employer or other group  
17 coverage, and, if so, the policy name and number and the names  
18 of persons covered under the policy, and (iii) of any new  
19 residential or mailing address or telephone number of the  
20 non-custodial parent.

21 In any subsequent action to enforce a support order, upon  
22 sufficient showing that diligent effort has been made to  
23 ascertain the location of the non-custodial parent, service of  
24 process or provision of notice necessary in that action may be  
25 made at the last known address of the non-custodial parent, in  
26 any manner expressly provided by the Code of Civil Procedure or

1 in this Act, which service shall be sufficient for purposes of  
2 due process.

3 An order for support shall include a date on which the  
4 current support obligation terminates. The termination date  
5 shall be no earlier than the date on which the child covered by  
6 the order will attain the age of majority or is otherwise  
7 emancipated. The order for support shall state that the  
8 termination date does not apply to any arrearage that may  
9 remain unpaid on that date. Nothing in this paragraph shall be  
10 construed to prevent the court from modifying the order.

11 If there is an unpaid arrearage or delinquency (as those  
12 terms are defined in the Income Withholding for Support Act)  
13 equal to at least one month's support obligation on the  
14 termination date stated in the order for support or, if there  
15 is no termination date stated in the order, on the date the  
16 child attains the age of majority or is otherwise emancipated,  
17 then the periodic amount required to be paid for current  
18 support of that child immediately prior to that date shall  
19 automatically continue to be an obligation, not as current  
20 support but as periodic payment toward satisfaction of the  
21 unpaid arrearage or delinquency. That periodic payment shall be  
22 in addition to any periodic payment previously required for  
23 satisfaction of the arrearage or delinquency. The total  
24 periodic amount to be paid toward satisfaction of the arrearage  
25 or delinquency may be enforced and collected by any method  
26 provided by law for the enforcement and collection of child

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

15 (Source: P.A. 95-331, eff. 8-21-07.)

16 (750 ILCS 45/14) (from Ch. 40, par. 2514)

17 Sec. 14. Judgment.

18 (a) (1) The judgment shall contain or explicitly reserve  
19 provisions concerning any duty and amount of child support and  
20 may contain provisions concerning the custody and guardianship  
21 of the child, visitation privileges with the child, the  
22 furnishing of bond or other security for the payment of the  
23 judgment, which the court shall determine in accordance with  
24 the relevant factors set forth in the Illinois Marriage and  
25 Dissolution of Marriage Act and any other applicable law of

1 Illinois, to guide the court in a finding in the best interests  
2 of the child. In determining custody, joint custody, removal,  
3 or visitation, the court shall apply the relevant standards of  
4 the Illinois Marriage and Dissolution of Marriage Act,  
5 including Section 609. Specifically, in determining the amount  
6 of any child support award or child health insurance coverage,  
7 the court shall use the guidelines and standards set forth in  
8 subsection (a) of Section 505 and in Section 505.2 of the  
9 Illinois Marriage and Dissolution of Marriage Act. For purposes  
10 of Section 505 of the Illinois Marriage and Dissolution of  
11 Marriage Act, "net income" of the non-custodial parent shall  
12 include any benefits available to that person under the  
13 Illinois Public Aid Code or from other federal, State or local  
14 government-funded programs. The court shall, in any event and  
15 regardless of the amount of the non-custodial parent's net  
16 income, in its judgment order the non-custodial parent to pay  
17 child support to the custodial parent in a minimum amount of  
18 not less than \$10 per month, as long as such an order is  
19 consistent with the requirements of Title IV, Part D of the  
20 Social Security Act. In an action brought within 2 years after  
21 a judicial determination of parentage, the judgment or order  
22 may direct either parent to pay the reasonable expenses  
23 incurred by either parent or the Department of Healthcare and  
24 Family Services related to the mother's pregnancy and the  
25 delivery of the child. The judgment or order shall contain the  
26 father's social security number, which the father shall

1 disclose to the court; however, failure to include the father's  
2 social security number on the judgment or order does not  
3 invalidate the judgment or order.

4 (2) If a judgment of parentage contains no explicit award  
5 of custody, the establishment of a support obligation or of  
6 visitation rights in one parent shall be considered a judgment  
7 granting custody to the other parent. If the parentage judgment  
8 contains no such provisions, custody shall be presumed to be  
9 with the mother; however, the presumption shall not apply if  
10 the father has had physical custody for at least 6 months prior  
11 to the date that the mother seeks to enforce custodial rights.

12 (b) The court shall order all child support payments,  
13 determined in accordance with such guidelines, to commence with  
14 the date summons is served. The level of current periodic  
15 support payments shall not be reduced because of payments set  
16 for the period prior to the date of entry of the support order.  
17 The Court may order any child support payments to be made for a  
18 period prior to the commencement of the action. In determining  
19 whether and the extent to which the payments shall be made for  
20 any prior period, the court shall consider all relevant facts,  
21 including the factors for determining the amount of support  
22 specified in the Illinois Marriage and Dissolution of Marriage  
23 Act and other equitable factors including but not limited to:

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

26 (2) The father's prior willingness or refusal to help

1 raise or support the child.

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

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

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

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

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



1 further foundation for its admission.

2 (c) Any new or existing support order entered by the court  
3 under this Section shall be deemed to be a series of judgments  
4 against the person obligated to pay support thereunder, each  
5 judgment to be in the amount of each payment or installment of  
6 support and each such judgment to be deemed entered as of the  
7 date the corresponding payment or installment becomes due under  
8 the terms of the support order. Each judgment shall have the  
9 full force, effect and attributes of any other judgment of this  
10 State, including the ability to be enforced. Interest shall  
11 accrue on support obligations as provided in Section 12-109 of  
12 the Code of Civil Procedure. A lien arises by operation of law  
13 against the real and personal property of the noncustodial  
14 parent for each installment of overdue support owed by the  
15 noncustodial parent.

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

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

23 (f) If, upon a showing of proper service, the father fails  
24 to appear in court, or otherwise appear as provided by law, the  
25 court may proceed to hear the cause upon testimony of the  
26 mother or other parties taken in open court and shall enter a

1 judgment by default. The court may reserve any order as to the  
2 amount of child support until the father has received notice,  
3 by regular mail, of a hearing on the matter.

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

10 (h) All orders for support, when entered or modified, shall  
11 include a provision requiring the non-custodial parent to  
12 notify the court and, in cases in which party is receiving  
13 child support enforcement services under Article X of the  
14 Illinois Public Aid Code, the Department of Healthcare and  
15 Family Services, within 7 days, (i) of the name and address of  
16 any new employer of the non-custodial parent, (ii) whether the  
17 non-custodial parent has access to health insurance coverage  
18 through the employer or other group coverage and, if so, the  
19 policy name and number and the names of persons covered under  
20 the policy, and (iii) of any new residential or mailing address  
21 or telephone number of the non-custodial parent. In any  
22 subsequent action to enforce a support order, upon a sufficient  
23 showing that a diligent effort has been made to ascertain the  
24 location of the non-custodial parent, service of process or  
25 provision of notice necessary in the case may be made at the  
26 last known address of the non-custodial parent in any manner

1 expressly provided by the Code of Civil Procedure or this Act,  
2 which service shall be sufficient for purposes of due process.

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

16 (i-5) If there is an unpaid arrearage or delinquency (as  
17 those terms are defined in the Income Withholding for Support  
18 Act) equal to at least one month's support obligation on the  
19 termination date stated in the order for support or, if there  
20 is no termination date stated in the order, on the date the  
21 child attains the age of majority or is otherwise emancipated,  
22 the periodic amount required to be paid for current support of  
23 that child immediately prior to that date shall automatically  
24 continue to be an obligation, not as current support but as  
25 periodic payment toward satisfaction of the unpaid arrearage or  
26 delinquency. That periodic payment shall be in addition to any

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

19 (j) An order entered under this Section shall include a  
20 provision requiring the obligor to report to the obligee and to  
21 the clerk of court within 10 days each time the obligor obtains  
22 new employment, and each time the obligor's employment is  
23 terminated for any reason. The report shall be in writing and  
24 shall, in the case of new employment, include the name and  
25 address of the new employer. Failure to report new employment  
26 or the termination of current employment, if coupled with

1 nonpayment of support for a period in excess of 60 days, is  
2 indirect criminal contempt. For any obligor arrested for  
3 failure to report new employment bond shall be set in the  
4 amount of the child support that should have been paid during  
5 the period of unreported employment. An order entered under  
6 this Section shall also include a provision requiring the  
7 obligor and obligee parents to advise each other of a change in  
8 residence within 5 days of the change except when the court  
9 finds that the physical, mental, or emotional health of a party  
10 or that of a minor child, or both, would be seriously  
11 endangered by disclosure of the party's address.

12 (Source: P.A. 94-923, eff. 1-1-07; 94-1061, eff. 1-1-07;  
13 95-331, eff. 8-21-07; 95-864, eff. 1-1-09.)

14 (750 ILCS 45/20.7 rep.)

15 Section. 35. The Illinois Parentage Act of 1984 is amended  
16 by repealing Section 20.7.

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law."