



Rep. John E. Bradley

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LRB097 05092 KTG 55496 a

1 AMENDMENT TO SENATE BILL 1827

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1827 by replacing  
3 everything after the enacting clause with the following:

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

7 (305 ILCS 5/10-1) (from Ch. 23, par. 10-1)

8 Sec. 10-1. Declaration of Public Policy - Persons Eligible  
9 for Child Support Enforcement Services - Fees for  
10 Non-Applicants and Non-Recipients.) It is the intent of this  
11 Code that the financial aid and social welfare services herein  
12 provided supplement rather than supplant the primary and  
13 continuing obligation of the family unit for self-support to  
14 the fullest extent permitted by the resources available to it.  
15 This primary and continuing obligation applies whether the  
16 family unit of parents and children or of husband and wife

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

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

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

25 By accepting financial aid under this Code, a spouse or a  
26 parent or other person having custody of a child shall be

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

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

1 shall set forth an explanation, in plain language, that the  
2 child support enforcement services program is independent of  
3 any public aid program under the Code and that the receiving of  
4 child support enforcement services in no way implies that the  
5 person receiving such services is receiving public aid.

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

7 (305 ILCS 5/10-8.1)

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

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

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

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

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

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

21 (Source: P.A. 92-590, eff. 7-1-02; 92-876, eff. 6-1-03;  
22 93-1061, eff. 1-1-05.)

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

24 Sec. 10-10. Court enforcement; applicability also to  
25 persons who are not applicants or recipients. Except where the

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

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



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

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

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

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

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

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

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

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

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

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

1 visitation order or willfully interferes with its enforcement  
2 may be declared in contempt of court and punished therefor.

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

26 If the notice of support due issued pursuant to Section

1 10-7 directs that support payments be made directly to the  
2 needy person, or to some person or agency in his behalf, and  
3 the recipient is removed from the public aid rolls, court  
4 action may be taken against the responsible relative hereunder  
5 if he fails to furnish support in accordance with the terms of  
6 such notice.

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

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

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

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

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

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

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

1 required under this Section.

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

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

26 An order for support shall include a date on which the

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

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



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

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

26 To the extent the provisions of this Section are

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

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

6 (305 ILCS 5/10-11) (from Ch. 23, par. 10-11)

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

1 responsible relative's last known address.

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

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

1 operation of law against the real and personal property of the  
2 noncustodial parent for each installment of overdue support  
3 owed by the noncustodial parent.

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

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

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

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

1 this paragraph shall be construed to prevent the Illinois  
2 Department from modifying the order or terminating the order in  
3 the event the child is otherwise emancipated.

4 (Source: P.A. 92-590, eff. 7-1-02; 92-876, eff. 6-1-03;  
5 93-1061, eff. 1-1-05.)

6 (305 ILCS 5/10-15.1 new)

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

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

13 (1) Two copies, including one certified copy of the  
14 order to be registered, any modification of the  
15 administrative support order, any voluntary acknowledgment  
16 of paternity pertaining to the child covered by the order,  
17 and the documents showing service of the notice of support  
18 obligation that commenced the procedure for establishment  
19 of the administrative support order pursuant to Section  
20 10-4 of this Code.

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

25 (3) The name of the obligor and, if known, the

1 obligor's address and social security number.

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

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

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

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

1 administrative support order and the documents and relevant  
2 information accompanying the order.

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

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

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

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

17 (4) The amount of any alleged arrearages.

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

26 (g) If the nonregistering party fails to contest the



1 enforcement of the registered administrative support order in a  
2 timely manner, the order shall be confirmed by operation of  
3 law.

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

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

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

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

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

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

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

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

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

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

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

24 (305 ILCS 5/10-16.5a new)

25 Sec. 10-16.5a. No enforcement of interest on support

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

9 (305 ILCS 5/10-17.1) (from Ch. 23, par. 10-17.1)

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

23 Any new or existing support order registered by the  
24 Illinois Department under this Section shall be deemed to be a  
25 series of judgments against the person obligated to pay support

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

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

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

19 (305 ILCS 5/10-16.5 rep.)

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

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

1 (735 ILCS 5/12-109) (from Ch. 110, par. 12-109)

2 Sec. 12-109. Interest on judgments.

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

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

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

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

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

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

17 (750 ILCS 5/504) (from Ch. 40, par. 504)

18 Sec. 504. Maintenance.

19 (a) In a proceeding for dissolution of marriage or legal  
20 separation or declaration of invalidity of marriage, or a  
21 proceeding for maintenance following dissolution of the  
22 marriage by a court which lacked personal jurisdiction over the  
23 absent spouse, the court may grant a temporary or permanent  
24 maintenance award for either spouse in amounts and for periods

1 of time as the court deems just, without regard to marital  
2 misconduct, in gross or for fixed or indefinite periods of  
3 time, and the maintenance may be paid from the income or  
4 property of the other spouse after consideration of all  
5 relevant factors, including:

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

9 (2) the needs of each party;

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

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

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

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

25 (7) the duration of the marriage;

26 (8) the age and the physical and emotional condition of



1 both parties;

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

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

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

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

10 (b) (Blank).

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

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

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

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

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

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

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

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

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

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

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

1                   6 or more   50%

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

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

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

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

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

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

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

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

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

26                   (b) State income tax (properly calculated

1 withholding or estimated payments);

2 (c) Social Security (FICA payments);

3 (d) Mandatory retirement contributions required by  
4 law or as a condition of employment;

5 (e) Union dues;

6 (f) Dependent and individual  
7 health/hospitalization insurance premiums;

8 (g) Prior obligations of support or maintenance  
9 actually paid pursuant to a court order;

10 (h) Expenditures for repayment of debts that  
11 represent reasonable and necessary expenses for the  
12 production of income, medical expenditures necessary  
13 to preserve life or health, reasonable expenditures  
14 for the benefit of the child and the other parent,  
15 exclusive of gifts. The court shall reduce net income  
16 in determining the minimum amount of support to be  
17 ordered only for the period that such payments are due  
18 and shall enter an order containing provisions for its  
19 self-executing modification upon termination of such  
20 payment period;

21 (i) Foster care payments paid by the Department of  
22 Children and Family Services for providing licensed  
23 foster care to a foster child.

24 (4) In cases where the court order provides for  
25 health/hospitalization insurance coverage pursuant to  
26 Section 505.2 of this Act, the premiums for that insurance,

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

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

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

1 on a timely basis, the applicable support ordered.

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

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

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

1 after finding the parent guilty of contempt, order that the  
2 parent be:

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

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

9 (A) work; or

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

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

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



1 any discovered assets toward payment on the judgment for  
2 support:

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

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

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

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

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

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

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

25 ~~A support obligation, or any portion of a support~~  
26 ~~obligation, which becomes due and remains unpaid as of the end~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 Section 20. The Non-Support Punishment Act is amended by

1 changing Section 20 as follows:

2 (750 ILCS 16/20)

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

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

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

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

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



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

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

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

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

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

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

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

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

1 the change except when the court finds that the physical,  
2 mental, or emotional health of a party or of a minor child, or  
3 both, would be seriously endangered by disclosure of the  
4 party's address.

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

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

23 (i) An order for support shall include a date on which the  
24 current support obligation terminates. The termination date  
25 shall be no earlier than the date on which the child covered by  
26 the order will attain the age of 18. However, if the child will

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

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

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

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

1 support does not affect the validity of the order or the  
2 accrual of interest as provided in this Section.

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

4 (750 ILCS 16/23 rep.)

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

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

9 (750 ILCS 28/15)

10 Sec. 15. Definitions.

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

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

18 (2) reimbursement of support;

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

23 (4) enrollment in a health insurance plan that is

1 available to the obligor through an employer or labor union  
2 or trade union.

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

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

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

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

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

25 (2) union dues;

26 (3) any amounts exempted by the federal Consumer Credit

1 Protection Act;

2 (4) public assistance payments; and

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

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

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

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

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

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

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



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

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

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

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

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

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

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

1 of 1974.

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

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

6 (750 ILCS 45/13.1)

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

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

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

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

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

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

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

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

17 (750 ILCS 45/14) (from Ch. 40, par. 2514)

18 Sec. 14. Judgment.

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

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

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

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

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

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

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

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

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

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

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

17           If (i) the non-custodial parent was properly served with a  
18 request for discovery of financial information relating to the  
19 non-custodial parent's ability to provide child support, (ii)  
20 the non-custodial parent failed to comply with the request,  
21 despite having been ordered to do so by the court, and (iii)  
22 the non-custodial parent is not present at the hearing to  
23 determine support despite having received proper notice, then  
24 any relevant financial information concerning the  
25 non-custodial parent's ability to provide child support that  
26 was obtained pursuant to subpoena and proper notice shall be



1 admitted into evidence without the need to establish any  
2 further foundation for its admission.

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

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

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

24 (f) If, upon a showing of proper service, the father fails  
25 to appear in court, or otherwise appear as provided by law, the  
26 court may proceed to hear the cause upon testimony of the

1 mother or other parties taken in open court and shall enter a  
2 judgment by default. The court may reserve any order as to the  
3 amount of child support until the father has received notice,  
4 by regular mail, of a hearing on the matter.

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

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

1 last known address of the non-custodial parent in any manner  
2 expressly provided by the Code of Civil Procedure or this Act,  
3 which service shall be sufficient for purposes of due process.

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

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

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

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

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

13 (Source: P.A. 94-923, eff. 1-1-07; 94-1061, eff. 1-1-07;  
14 95-331, eff. 8-21-07; 95-864, eff. 1-1-09.)

15 (750 ILCS 45/20.7 rep.)

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

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