



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB2337

by Rep. Robyn Gabel

#### SYNOPSIS AS INTRODUCED:

750 ILCS 5/504  
750 ILCS 5/505

from Ch. 40, par. 504  
from Ch. 40, par. 505

Amends the Illinois Marriage and Dissolution of Marriage Act. Provides that if a court determines that a maintenance award is appropriate, the court must make an award pursuant to maintenance guidelines or pursuant to a list of relevant factors. Provides that if a maintenance award is appropriate, the parties' gross income is less than \$250,000, and no multiple family situation exists, these maintenance guidelines shall be used by the court: (1) the amount of maintenance is calculated by using designated percentages of the gross income of the payor, of the payee, and of both parties; and (2) the duration of a guidelines maintenance award is based upon a calculation that utilizes the length of the marriage and, for marriages of 20 years or more, the court may order either permanent maintenance or maintenance for a period of years that is equal to the length of the marriage. Provides that in an action filed less than 10 years after the date of the marriage, if the court grants maintenance for a fixed period of time, the court may also set a "permanent termination" date, after which maintenance is barred. Provides that in a case involving the issue of maintenance, the court shall make specific findings of fact and state the reason or reasons for awarding or not awarding maintenance. Provides that if the court deviates from otherwise applicable guidelines, the court must calculate what the maintenance amount would be under the guidelines and the reasons for the court's variance from the guidelines. Provides that for the purpose of determining maintenance, "gross income" means all income from all sources. Provides that, unless the parties agree, the court shall not order unallocated maintenance and child support, but the court, in its discretion, may order for unallocated maintenance and child support in a pre-dissolution temporary order. In provisions concerning child support guidelines, provides that "net income" does not include the amount of maintenance paid to the same person to whom the child support is payable. Adds headings to existing subsections.

LRB098 00023 AJO 30194 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Marriage and Dissolution of  
5 Marriage Act is amended by changing Sections 504 and 505 as  
6 follows:

7 (750 ILCS 5/504) (from Ch. 40, par. 504)

8 Sec. 504. Maintenance.

9 (a) Entitlement to maintenance. In a proceeding for  
10 dissolution of marriage or legal separation or declaration of  
11 invalidity of marriage, or a proceeding for maintenance  
12 following dissolution of the marriage by a court which lacked  
13 personal jurisdiction over the absent spouse, the court may  
14 grant a temporary or permanent maintenance award for either  
15 spouse in amounts and for periods of time as the court deems  
16 just, without regard to marital misconduct, in gross or for  
17 fixed or indefinite periods of time, and the maintenance may be  
18 paid from the income or property of the other spouse. The court  
19 shall first determine whether a maintenance award is  
20 appropriate, after consideration of all relevant factors,  
21 including:

22 (1) the income and property of each party, including  
23 marital property apportioned and non-marital property

1 assigned to the party seeking maintenance;

2 (2) the needs of each party;

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

5 (4) any impairment of the present and future earning  
6 capacity of the party seeking maintenance due to that party  
7 devoting time to domestic duties or having forgone or  
8 delayed education, training, employment, or career  
9 opportunities due to the marriage;

10 (5) the time necessary to enable the party seeking  
11 maintenance to acquire appropriate education, training,  
12 and employment, and whether that party is able to support  
13 himself or herself through appropriate employment or is the  
14 custodian of a child making it appropriate that the  
15 custodian not seek employment;

16 (6) the standard of living established during the  
17 marriage;

18 (7) the duration of the marriage;

19 (8) the age and the physical and emotional condition of  
20 both parties;

21 (9) the tax consequences of the property division upon  
22 the respective economic circumstances of the parties;

23 (10) contributions and services by the party seeking  
24 maintenance to the education, training, career or career  
25 potential, or license of the other spouse;

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

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

3 (b) (Blank).

4 (b-1) Amount and duration of maintenance. If the court  
5 determines that a maintenance award is appropriate, the court  
6 shall order maintenance in accordance with either paragraph (1)  
7 or (2) of this subsection (b-1):

8 (1) Guidelines maintenance. In situations when the  
9 combined gross income of the parties is less than \$250,000  
10 and no multiple family situation exists, maintenance  
11 payable after the date the parties' marriage is dissolved  
12 shall be in accordance with subparagraphs (A) and (B) of  
13 this paragraph (1), unless the court makes a finding that  
14 the application of the guidelines would be inappropriate.

15 (A) Maintenance shall be calculated by taking 30%  
16 of the payor's gross income minus 20% of the payee's  
17 gross income. The amount, so calculated as  
18 maintenance, however, when added to the gross income of  
19 the payee shall not result in the recipient receiving  
20 an amount that is in excess of 40% of the combined  
21 gross income of the parties.

22 (B) The duration of a guidelines award shall be  
23 arrived at by multiplying the length of the marriage  
24 (up to 20 years) by whichever of the following factors  
25 applies: 0-5 years (.20); 5-10 years (.40); 10-15 years  
26 (.60); or 15-20 years (.80). For a marriage of 20 or

1           more years, the court in its discretion shall order  
2           either permanent maintenance or, alternatively,  
3           maintenance for a period equal to the length of the  
4           marriage.

5           (2) Non-guidelines maintenance. Any non-guidelines  
6           award of maintenance shall be made after the court's  
7           consideration of all relevant factors set forth in  
8           subsection (a) of this Section 504.

9           (b-2) Findings. In each case involving the issue of  
10          maintenance, the court shall make specific findings of fact, as  
11          follows:

12           (1) the court shall state its reason or reasons for  
13           awarding or not awarding maintenance, including reference  
14           to each relevant factor set forth in subsection (a) of this  
15           Section 504; and

16           (2) if the court deviates from otherwise applicable  
17           guidelines under paragraph (1) of subsection (b-1), it  
18           shall state in its findings the amount of maintenance (if  
19           determinable) or duration that would have been required  
20           under the guidelines and the reason or reasons for any  
21           variance from the guidelines.

22           (b-3) Gross income. For purposes of this Section 504, the  
23           term "gross income" means "all income from all sources" within  
24           the scope of that phrase in Section 505.

25           (b-4) Unallocated maintenance. Unless the parties  
26           otherwise agree, the court shall not order unallocated

1 maintenance and child support in any dissolution judgment or in  
2 any post-dissolution order. In its discretion, the court may  
3 order unallocated maintenance and child support in any  
4 pre-dissolution temporary order.

5 (b-4.5) Fixed term maintenance in marriages of less than 10  
6 years. If a court grants maintenance for a fixed period under  
7 subsection (a) of this Section 504 at the conclusion of a case  
8 commenced before the tenth anniversary of the marriage, the  
9 court may also designate the termination of the period during  
10 which this maintenance is to be paid as a "permanent  
11 termination". The effect of this designation is that  
12 maintenance is barred after the ending date of this period.

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

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

1 to any installment coming due after the termination of  
2 maintenance as provided by Section 510 of the Illinois Marriage  
3 and Dissolution of Marriage Act or the provisions of any order  
4 for maintenance. Each such judgment shall have the full force,  
5 effect and attributes of any other judgment of this State,  
6 including the ability to be enforced. Notwithstanding any other  
7 State or local law to the contrary, a lien arises by operation  
8 of law against the real and personal property of the obligor  
9 for each installment of overdue support owed by the obligor.

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

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

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

1           (f) Maintenance secured by life insurance. An award ordered  
2 by a court upon entry of a dissolution judgment or upon entry  
3 of an award of maintenance following a reservation of  
4 maintenance in a dissolution judgment may be reasonably  
5 secured, in whole or in part, by life insurance on the payor's  
6 life on terms as to which the parties agree, or, if they do not  
7 agree, on such terms determined by the court, subject to the  
8 following:

9           (1) With respect to existing life insurance, provided  
10 the court is apprised through evidence, stipulation, or  
11 otherwise as to level of death benefits, premium, and other  
12 relevant data and makes findings relative thereto, the  
13 court may allocate death benefits, the right to assign  
14 death benefits, or the obligation for future premium  
15 payments between the parties as it deems just.

16           (2) To the extent the court determines that its award  
17 should be secured, in whole or in part, by new life  
18 insurance on the payor's life, the court may only order:

19           (i) that the payor cooperate on all appropriate  
20 steps for the payee to obtain such new life insurance;  
21 and

22           (ii) that the payee, at his or her sole option and  
23 expense, may obtain such new life insurance on the  
24 payor's life up to a maximum level of death benefit  
25 coverage, or descending death benefit coverage, as is  
26 set by the court, such level not to exceed a reasonable



1 amount in light of the court's award, with the payee or  
2 the payee's designee being the beneficiary of such life  
3 insurance.

4 In determining the maximum level of death benefit coverage,  
5 the court shall take into account all relevant facts and  
6 circumstances, including the impact on access to life  
7 insurance by the maintenance payor. If in resolving any  
8 issues under paragraph (2) of this subsection (f) a court  
9 reviews any submitted or proposed application for new  
10 insurance on the life of a maintenance payor, the review  
11 shall be in camera.

12 (3) A judgment shall expressly set forth that all death  
13 benefits paid under life insurance on a payor's life  
14 maintained or obtained pursuant to this subsection to  
15 secure maintenance are designated as excludable from the  
16 gross income of the maintenance payee under Section  
17 71(b)(1)(B) of the Internal Revenue Code, unless an  
18 agreement or stipulation of the parties otherwise  
19 provides.

20 (Source: P.A. 97-186, eff. 7-22-11; 97-608, eff. 1-1-12;  
21 97-813, eff. 7-13-12.)

22 (750 ILCS 5/505) (from Ch. 40, par. 505)

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

24 (a) In a proceeding for dissolution of marriage, legal  
25 separation, declaration of invalidity of marriage, a

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

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

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

25 (2) The above guidelines shall be applied in each case  
 26 unless the court finds that a deviation from the guidelines

1 is appropriate after considering the best interest of the  
2 child in light of the evidence, including, but not limited  
3 to, one or more of the following relevant factors:

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

5 (b) the financial resources and needs of the  
6 custodial parent;

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

9 (d) the physical, mental, and emotional needs of  
10 the child;

11 (d-5) the educational needs of the child; and

12 (e) the financial resources and needs of the  
13 non-custodial parent.

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

19 (2.5) The court, in its discretion, in addition to  
20 setting child support pursuant to the guidelines and  
21 factors, may order either or both parents owing a duty of  
22 support to a child of the marriage to contribute to the  
23 following expenses, if determined by the court to be  
24 reasonable:

25 (a) health needs not covered by insurance;

26 (b) child care;

1 (c) education; and

2 (d) extracurricular activities.

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

5 (a) Federal income tax (properly calculated  
6 withholding or estimated payments);

7 (b) State income tax (properly calculated  
8 withholding or estimated payments);

9 (c) Social Security (FICA payments);

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

12 (e) Union dues;

13 (f) Dependent and individual  
14 health/hospitalization insurance premiums and premiums  
15 for life insurance ordered by the court to reasonably  
16 secure payment of ordered child support;

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

19 (g-5) Obligations pursuant to a court order for  
20 maintenance in the pending proceeding actually paid or  
21 payable under Section 504 to the same party to whom  
22 child support is to be payable;

23 (h) Expenditures for repayment of debts that  
24 represent reasonable and necessary expenses for the  
25 production of income, medical expenditures necessary  
26 to preserve life or health, reasonable expenditures

1 for the benefit of the child and the other parent,  
2 exclusive of gifts. The court shall reduce net income  
3 in determining the minimum amount of support to be  
4 ordered only for the period that such payments are due  
5 and shall enter an order containing provisions for its  
6 self-executing modification upon termination of such  
7 payment period;

8 (i) Foster care payments paid by the Department of  
9 Children and Family Services for providing licensed  
10 foster care to a foster child.

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

20 (4.5) In a proceeding for child support following  
21 dissolution of the marriage by a court that lacked personal  
22 jurisdiction over the absent spouse, and in which the court  
23 is requiring payment of support for the period before the  
24 date an order for current support is entered, there is a  
25 rebuttable presumption that the supporting party's net  
26 income for the prior period was the same as his or her net

1 income at the time the order for current support is  
2 entered.

3 (5) If the net income cannot be determined because of  
4 default or any other reason, the court shall order support  
5 in an amount considered reasonable in the particular case.  
6 The final order in all cases shall state the support level  
7 in dollar amounts. However, if the court finds that the  
8 child support amount cannot be expressed exclusively as a  
9 dollar amount because all or a portion of the payor's net  
10 income is uncertain as to source, time of payment, or  
11 amount, the court may order a percentage amount of support  
12 in addition to a specific dollar amount and enter such  
13 other orders as may be necessary to determine and enforce,  
14 on a timely basis, the applicable support ordered.

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

1           its admission.

2           (a-5) In an action to enforce an order for support based on  
3 the respondent's failure to make support payments as required  
4 by the order, notice of proceedings to hold the respondent in  
5 contempt for that failure may be served on the respondent by  
6 personal service or by regular mail addressed to the  
7 respondent's last known address. The respondent's last known  
8 address may be determined from records of the clerk of the  
9 court, from the Federal Case Registry of Child Support Orders,  
10 or by any other reasonable means.

11           (b) Failure of either parent to comply with an order to pay  
12 support shall be punishable as in other cases of contempt. In  
13 addition to other penalties provided by law the Court may,  
14 after finding the parent guilty of contempt, order that the  
15 parent be:

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

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

22                         (A) work; or

23                         (B) conduct a business or other self-employed  
24 occupation.

25           The Court may further order any part or all of the earnings  
26 of a parent during a sentence of periodic imprisonment paid to

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

5 If a parent who is found guilty of contempt for failure to  
6 comply with an order to pay support is a person who conducts a  
7 business or who is self-employed, the court in addition to  
8 other penalties provided by law may order that the parent do  
9 one or more of the following: (i) provide to the court monthly  
10 financial statements showing income and expenses from the  
11 business or the self-employment; (ii) seek employment and  
12 report periodically to the court with a diary, listing, or  
13 other memorandum of his or her employment search efforts; or  
14 (iii) report to the Department of Employment Security for job  
15 search services to find employment that will be subject to  
16 withholding for child support.

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



1 support:

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

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

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

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

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

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

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

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

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

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

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

1 judgment shall have the full force, effect and attributes of  
2 any other judgment of this State, including the ability to be  
3 enforced. Notwithstanding any other State or local law to the  
4 contrary, a lien arises by operation of law against the real  
5 and personal property of the noncustodial parent for each  
6 installment of overdue support owed by the noncustodial parent.

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

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

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

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

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

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

24 (h) An order entered under this Section shall include a  
25 provision requiring the obligor to report to the obligee and to  
26 the clerk of court within 10 days each time the obligor obtains

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

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

22 (Source: P.A. 96-1134, eff. 7-21-10; 97-186, eff. 7-22-11;  
23 97-608, eff. 1-1-12; 97-813, eff. 7-13-12; 97-878, eff. 8-2-12;  
24 97-941, eff. 1-1-13; 97-1029, eff. 1-1-13; revised 8-23-12.)