

1 AN ACT concerning civil law.

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

4 Section 5. The Illinois Public Aid Code is amended by
5 changing Sections 10-25 and 10-25.5 as follows:

6 (305 ILCS 5/10-25)

7 Sec. 10-25. Administrative liens and levies on real
8 property for past-due child support and for fines against a
9 payor who wilfully fails to withhold or pay over income
10 pursuant to a properly served income withholding notice or
11 otherwise fails to comply with any duties imposed by the Income
12 Withholding for Support Act.

13 (a) Notwithstanding any other State or local law to the
14 contrary, the State shall have a lien on all legal and
15 equitable interests of responsible relatives in their real
16 property in the amount of past-due child support owing pursuant
17 to an order for child support entered under Sections 10-10 and
18 10-11 of this Code, or under the Illinois Marriage and
19 Dissolution of Marriage Act, the Non-Support of Spouse and
20 Children Act, the Non-Support Punishment Act, the Uniform
21 Interstate Family Support Act, or the Illinois Parentage Act of
22 1984.

23 (a-5) The State shall have a lien on all legal and

1 equitable interests of a payor, as that term is described in
2 the Income Withholding for Support Act, in the payor's real
3 property in the amount of any fine imposed by the Illinois
4 Department pursuant to the Income Withholding for Support Act.

5 (b) The Illinois Department shall provide by rule for
6 notice to and an opportunity to be heard by each responsible
7 relative or payor affected, and any final administrative
8 decision rendered by the Illinois Department shall be reviewed
9 only under and in accordance with the Administrative Review
10 Law.

11 (c) When enforcing a lien under subsection (a) of this
12 Section, the Illinois Department shall have the authority to
13 execute notices of administrative liens and levies, which shall
14 contain the name and address of the responsible relative or
15 payor, a legal description of the real property to be levied,
16 the fact that a lien is being claimed for past-due child
17 support or for the fines imposed on a payor pursuant to the
18 Income Withholding for Support Act, and such other information
19 as the Illinois Department may by rule prescribe. The Illinois
20 Department shall record the notice of lien with the recorder or
21 registrar of titles of the county or counties in which the real
22 estate is located.

23 (d) The State's lien under subsection (a) shall be
24 enforceable upon the recording or filing of a notice of lien
25 with the recorder or registrar of titles of the county or
26 counties in which the real estate is located. The lien shall be

1 prior to any lien thereafter recorded or filed and shall be
2 notice to a subsequent purchaser, assignor, or encumbrancer of
3 the existence and nature of the lien. The lien shall be
4 inferior to the lien of general taxes, special assessment, and
5 special taxes heretofore or hereafter levied by any political
6 subdivision or municipal corporation of the State.

7 In the event that title to the land to be affected by the
8 notice of lien is registered under the Registered Titles
9 (Torrens) Act, the notice shall be filed in the office of the
10 registrar of titles as a memorial or charge upon each folium of
11 the register of titles affected by the notice; but the State
12 shall not have a preference over the rights of any bona fide
13 purchaser, mortgagee, judgment creditor, or other lien holders
14 registered prior to the registration of the notice.

15 (e) The recorder or registrar of titles of each county
16 shall procure a file labeled "Child Support Lien Notices" and
17 an index book labeled "Child Support Lien Notices". When notice
18 of any lien is presented to the recorder or registrar of titles
19 for filing, the recorder or registrar of titles shall file it
20 in numerical order in the file and shall enter it
21 alphabetically in the index. The entry shall show the name and
22 last known address of the person or payor named in the notice,
23 the serial number of the notice, the date and hour of filing,
24 and the amount of child support or the amount of the fine
25 imposed on the payor due at the time when the lien is filed.

26 (f) The Illinois Department shall not be required to

1 furnish bond or make a deposit for or pay any costs or fees of
2 any court or officer thereof in any legal proceeding involving
3 the lien.

4 (g) To protect the lien of the State for past-due child
5 support and for any fine imposed against a payor, the Illinois
6 Department may, from funds that are available for that purpose,
7 pay or provide for the payment of necessary or essential
8 repairs, purchase tax certificates, pay balances due on land
9 contracts, or pay or cause to be satisfied any prior liens on
10 the property to which the lien hereunder applies.

11 (h) A lien on real property under this Section shall be
12 released pursuant to Section 12-101 of the Code of Civil
13 Procedure.

14 (i) The Illinois Department, acting in behalf of the State,
15 may foreclose the lien in a judicial proceeding to the same
16 extent and in the same manner as in the enforcement of other
17 liens. The process, practice, and procedure for the foreclosure
18 shall be the same as provided in the Code of Civil Procedure.

19 (Source: P.A. 97-186, eff. 7-22-11.)

20 (305 ILCS 5/10-25.5)

21 Sec. 10-25.5. Administrative liens and levies on personal
22 property for past-due child support and for fines against a
23 payor who wilfully fails to withhold or pay over income
24 pursuant to a properly served income withholding notice or
25 otherwise fails to comply with any duties imposed by the Income

1 Withholding for Support Act.

2 (a) Notwithstanding any other State or local law to the
3 contrary, the State shall have a lien on all legal and
4 equitable interests of responsible relatives in their personal
5 property, including any account in a financial institution as
6 defined in Section 10-24, or in the case of an insurance
7 company or benefit association only in accounts as defined in
8 Section 10-24, in the amount of past-due child support owing
9 pursuant to an order for child support entered under Sections
10 10-10 and 10-11 of this Code, or under the Illinois Marriage
11 and Dissolution of Marriage Act, the Non-Support of Spouse and
12 Children Act, the Non-Support Punishment Act, the Uniform
13 Interstate Family Support Act, or the Illinois Parentage Act of
14 1984.

15 (a-5) The State shall have a lien on all legal and
16 equitable interests of a payor, as that term is described in
17 the Income Withholding for Support Act, in the payor's personal
18 property in the amount of any fine imposed by the Illinois
19 Department pursuant to the Income Withholding for Support Act.

20 (b) The Illinois Department shall provide by rule for
21 notice to and an opportunity to be heard by each responsible
22 relative or payor affected, and any final administrative
23 decision rendered by the Illinois Department shall be reviewed
24 only under and in accordance with the Administrative Review
25 Law.

26 (c) When enforcing a lien under subsection (a) of this

1 Section, the Illinois Department shall have the authority to
2 execute notices of administrative liens and levies, which shall
3 contain the name and address of the responsible relative or
4 payor, a description of the property to be levied, the fact
5 that a lien is being claimed for past-due child support, and
6 such other information as the Illinois Department may by rule
7 prescribe. The Illinois Department may serve the notice of lien
8 or levy upon any financial institution where the accounts as
9 defined in Section 10-24 of the responsible relative may be
10 held, for encumbrance or surrender of the accounts as defined
11 in Section 10-24 by the financial institution.

12 (d) The Illinois Department shall enforce its lien against
13 the responsible relative's or payor's personal property, other
14 than accounts as defined in Section 10-24 in financial
15 institutions, and levy upon such personal property in the
16 manner provided for enforcement of judgments contained in
17 Article XII of the Code of Civil Procedure.

18 (e) The Illinois Department shall not be required to
19 furnish bond or make a deposit for or pay any costs or fees of
20 any court or officer thereof in any legal proceeding involving
21 the lien.

22 (f) To protect the lien of the State for past-due child
23 support and for any fine imposed on a payor, the Illinois
24 Department may, from funds that are available for that purpose,
25 pay or provide for the payment of necessary or essential
26 repairs, purchase tax certificates, or pay or cause to be

1 satisfied any prior liens on the property to which the lien
2 hereunder applies.

3 (g) A lien on personal property under this Section shall be
4 released in the manner provided under Article XII of the Code
5 of Civil Procedure. Notwithstanding the foregoing, a lien under
6 this Section on accounts as defined in Section 10-24 shall
7 expire upon the passage of 120 days from the date of issuance
8 of the Notice of Lien or Levy by the Illinois Department.
9 However, the lien shall remain in effect during the pendency of
10 any appeal or protest.

11 (h) A lien created under this Section is subordinate to any
12 prior lien of the financial institution or any prior lien
13 holder or any prior right of set-off that the financial
14 institution may have against the assets, or in the case of an
15 insurance company or benefit association only in the accounts
16 as defined in Section 10-24.

17 (i) A financial institution has no obligation under this
18 Section to hold, encumber, or surrender the assets, or in the
19 case of an insurance company or benefit association only the
20 accounts as defined in Section 10-24, until the financial
21 institution has been properly served with a subpoena, summons,
22 warrant, court or administrative order, or administrative lien
23 and levy requiring that action.

24 (Source: P.A. 97-186, eff. 7-22-11.)

25 Section 10. The Income Withholding for Support Act is

1 amended by adding Section 50.5 as follows:

2 (750 ILCS 28/50.5 new)

3 Sec. 50.5. Administrative fines imposed by the Department
4 of Healthcare and Family Services.

5 (a) The administrative fines provided for under this
6 Section are in addition to any existing fines or penalties
7 against a payor provided for in other Sections of this Act and
8 do not affect who would be entitled to receive those existing
9 fines and penalties. In addition to any fines or penalties
10 provided for in this Act, when a payor wilfully fails, after
11 receiving 2 reminders from the Department of Healthcare and
12 Family Services, to withhold or pay over income pursuant to a
13 properly served income withholding notice or otherwise fails to
14 comply with any duties imposed by this Act, the Department may
15 impose a fine upon the payor not to exceed \$1,000 per payroll
16 period. The fine shall be payable to the Department of
17 Healthcare and Family Services and may be used to defray the
18 costs incurred by the Department in the collection of the
19 past-due support and penalties provided for in this Act. The
20 Department of Healthcare and Family Services shall place the
21 fines collected into a special fund created to implement the
22 purposes of this Section and the fines shall be utilized for
23 the purposes provided for in this Section. After deducting the
24 costs incurred by the Department of Healthcare and Family
25 Services in the collection of the past-due support and

1 penalties provided for in this Act, the remainder of the fines
2 collected under this Section shall be distributed
3 proportionally to the counties based on their population. The
4 counties shall use these funds to assist low income families in
5 defraying the costs associated with seeking parenting time.

6 (b) The Department of Healthcare and Family Services may
7 collect the fine through administrative liens and levies on the
8 real and personal property of the payor as provided in Sections
9 10-25 and 10-25.5 of the Illinois Public Aid Code.

10 (c) The payor may contest the fine as provided in Sections
11 10-25 and 10-25.5 of the Illinois Public Aid Code.

12 (d) The Department of Healthcare and Family Services may
13 adopt rules necessary for the implementation of this Section.

14 Section 99. Effective date. This Act takes effect July 1,
15 2017.