



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB4447

Introduced 1/15/2016, by Rep. Kelly Burke

SYNOPSIS AS INTRODUCED:

750 ILCS 46/103
750 ILCS 46/201
750 ILCS 46/204
750 ILCS 46/205
750 ILCS 46/301
750 ILCS 46/302
750 ILCS 46/304
750 ILCS 46/501
750 ILCS 46/502
750 ILCS 46/602
750 ILCS 46/604
750 ILCS 46/610
750 ILCS 46/611
750 ILCS 46/622
750 ILCS 46/802
750 ILCS 46/803
750 ILCS 46/805
750 ILCS 46/808
750 ILCS 46/809

Amends the Illinois Parentage Act of 2015. Makes numerous changes in provisions concerning: definitions; the establishment of the parent-child relationship; presumption of parentage; proceedings to declare the non-existence of the parent-child relationship; voluntary acknowledgment; rules for acknowledgment and denial of parentage; temporary orders; injunctive relief; standing; venue; genetic testing; joinder of proceedings; men who father through sexual assault or sexual abuse; judgment; the provision of information to the State Case Registry; enforcement; modification; and the right to counsel.

LRB099 16017 HEP 40831 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 Parentage Act of 2015 is amended by
5 changing Sections 103, 201, 204, 205, 301, 302, 304, 501, 502,
6 602, 604, 610, 611, 622, 802, 803, 805, 808, and 809 as
7 follows:

8 (750 ILCS 46/103)

9 Sec. 103. Definitions. In this Act:

10 (a) "Acknowledged father" means a man who has established a
11 father-child relationship under Article 3.

12 (b) "Adjudicated father" means a man who has been
13 adjudicated by a court of competent jurisdiction, or as
14 authorized under Article X of the Illinois Public Aid Code, to
15 be the father of a child.

16 (c) "Alleged father" means a man who alleges himself to be,
17 or is alleged to be, the biological father or a possible
18 biological father of a child, but whose paternity has not been
19 established. The term does not include:

20 (1) a presumed parent or acknowledged father; or

21 (2) a man whose parental rights have been terminated or
22 declared not to exist.

23 (d) (Reserved).

1 (e) "Child" means an individual of any age whose parentage
2 may be established under this Act.

3 (f) "Combined paternity index" means the likelihood of
4 paternity calculated by computing the ratio between:

5 (1) the likelihood that the tested man is the father,
6 based on the genetic markers of the tested man, mother, and
7 child, conditioned on the hypothesis that the tested man is
8 the father of the child; and

9 (2) the likelihood that the tested man is not the
10 father, based on the genetic markers of the tested man,
11 mother, and child, conditioned on the hypothesis that the
12 tested man is not the father of the child and that the
13 father is of the same ethnic or racial group as the tested
14 man.

15 (g) "Commence" means to file the initial pleading seeking
16 an adjudication of parentage in the circuit court of this
17 State.

18 (h) "Determination of parentage" means the establishment
19 of the parent-child relationship by the signing of a voluntary
20 acknowledgment under Article 3 of this Act or adjudication by
21 the court or as authorized under Article X of the Illinois
22 Public Aid Code.

23 (i) (Reserved).

24 (j) "Ethnic or racial group" means, for purposes of genetic
25 testing, a recognized group that an individual identifies as
26 all or part of the individual's ancestry or that is so

1 identified by other information.

2 (k) "Gamete" means either a sperm or an egg.

3 (l) "Genetic testing" means an analysis of genetic markers
4 to exclude or identify a man as the father or a woman as the
5 mother of a child as provided in Article 4 of this Act.

6 (l-5) "Gestational surrogacy" means the process by which a
7 woman attempts to carry and give birth to a child created
8 through in vitro fertilization in which the gestational
9 surrogate has no genetic connection to any resulting child.

10 (m) "Gestational surrogate mother" means a ~~an adult~~ woman
11 who is not an intended parent and agrees to engage in a
12 gestational surrogacy arrangement ~~gives birth to a child~~
13 pursuant to the terms of a valid gestational surrogacy
14 arrangement under the Gestational Surrogacy Act ~~contract~~.

15 (m-5) "Intended parent" means a person who enters into an
16 assisted reproductive technology arrangement, including a
17 gestational surrogacy arrangement, under which he or she will
18 be the legal parent of the resulting child.

19 (n) "Parent" means an individual who has established a
20 parent-child relationship under Section 201 of this Act.

21 (o) "Parent-child relationship" means the legal
22 relationship between a child and a parent of the child.

23 (p) "Presumed parent" means an individual who, by operation
24 of law under Section 204 of this Act, is recognized as the
25 parent of a child until that status is rebutted or confirmed in
26 a judicial or administrative proceeding.

1 (q) "Probability of paternity" means the measure, for the
2 ethnic or racial group to which the alleged father belongs, of
3 the probability that the man in question is the father of the
4 child, compared with a random, unrelated man of the same ethnic
5 or racial group, expressed as a percentage incorporating the
6 combined paternity index and a prior probability.

7 (r) "Record" means information that is inscribed on a
8 tangible medium or that is stored in an electronic or other
9 medium and is retrievable in perceivable form.

10 (s) "Signatory" means an individual who authenticates a
11 record and is bound by its terms.

12 (t) "State" means a state of the United States, the
13 District of Columbia, Puerto Rico, the United States Virgin
14 Islands, or any territory or insular possession subject to the
15 jurisdiction of the United States.

16 (u) "Substantially similar legal relationship" means a
17 relationship recognized in this State under Section 60 of the
18 Illinois Religious Freedom Protection and Civil Union Act.

19 (v) "Support-enforcement agency" means a public official
20 or agency authorized to seek:

21 (1) enforcement of support orders or laws relating to
22 the duty of support;

23 (2) establishment or modification of child support;

24 (3) determination of parentage; or

25 (4) location of child-support obligors and their
26 income and assets.

1 (Source: P.A. 99-85, eff. 1-1-16.)

2 (750 ILCS 46/201)

3 Sec. 201. Establishment of parent-child relationship.

4 (a) The parent-child relationship is established between a
5 woman and a child by:

6 (1) the woman having given birth to the child, except
7 as otherwise provided in the Gestational Surrogacy Act ~~a~~
8 ~~valid gestational surrogacy contract;~~

9 (2) an adjudication of the woman's parentage;

10 (3) adoption of the child by the woman;

11 (4) a valid gestational surrogacy arrangement that
12 complies with the ~~contract under the~~ Gestational Surrogacy
13 Act or other law; or

14 (5) an un rebutted presumption of the woman's parentage
15 of the child under Section 204 of this Act.

16 (b) The parent-child relationship is established between a
17 man and a child by:

18 (1) an un rebutted presumption of the man's parentage of
19 the child under Section 204 of this Act;

20 (2) an effective voluntary acknowledgment of paternity
21 by the man under Article 3 of this Act, unless the
22 acknowledgment has been rescinded or successfully
23 challenged;

24 (3) an adjudication of the man's parentage;

25 (4) adoption of the child by the man; or

1 (5) a valid gestational surrogacy arrangement that
2 complies with the ~~contract under the~~ Gestational Surrogacy
3 Act or other law.

4 (c) Insofar as practicable, the provisions of this Act
5 applicable to parent-child relationships shall apply equally
6 to men and women as parents, including, but not limited to, the
7 obligation to support.

8 (Source: P.A. 99-85, eff. 1-1-16.)

9 (750 ILCS 46/204)

10 Sec. 204. Presumption of parentage.

11 (a) A person is presumed to be the parent of a child if:

12 (1) the person and the mother of the child have entered
13 into a marriage, civil union, or substantially similar
14 legal relationship, and the child is born to the mother
15 during the marriage, civil union, or substantially similar
16 legal relationship, except as provided in the Gestational
17 Surrogacy Act ~~by a valid gestational surrogacy contract,~~ or
18 other law;

19 (2) the person and the mother of the child were in a
20 marriage, civil union, or substantially similar legal
21 relationship and the child is born to the mother within 300
22 days after the marriage, civil union, or substantially
23 similar legal relationship is terminated by death,
24 declaration of invalidity of marriage, judgment for
25 dissolution of marriage, civil union, or substantially

1 similar legal relationship, or after a judgment for legal
2 separation, except as provided in the Gestational
3 Surrogacy Act ~~by a valid gestational surrogacy contract,~~ or
4 other law;

5 (3) before the birth of the child, the person and the
6 mother of the child entered into a marriage, civil union,
7 or substantially similar legal relationship in apparent
8 compliance with law, even if the attempted marriage, civil
9 union, or substantially similar legal relationship is or
10 could be declared invalid, and the child is born during the
11 invalid marriage, civil union, or substantially similar
12 legal relationship or within 300 days after its termination
13 by death, declaration of invalidity of marriage, judgment
14 for dissolution of marriage, civil union, or substantially
15 similar legal relationship, or after a judgment for legal
16 separation, except as provided in the Gestational
17 Surrogacy Act ~~by a valid gestational surrogacy contract,~~ or
18 other law; or

19 (4) after the child's birth, the person and the child's
20 mother have entered into a marriage, civil union, or
21 substantially similar legal relationship, even if the
22 marriage, civil union, or substantially similar legal
23 relationship is or could be declared invalid, and the
24 person is named, with the person's written consent, as the
25 child's parent on the child's birth certificate.

26 (b) If 2 or more conflicting presumptions arise under this

1 Section, the presumption which on the facts is founded on the
2 weightier considerations of policy and logic, especially the
3 policy of promoting the child's best interests, controls.

4 (Source: P.A. 99-85, eff. 1-1-16.)

5 (750 ILCS 46/205)

6 Sec. 205. Proceedings to declare the non-existence of the
7 parent-child relationship.

8 (a) An action to declare the non-existence of the
9 parent-child relationship may be brought by the child, the
10 birth mother, or a person presumed to be a parent under Section
11 204 of this Act. Actions brought by the child, the birth
12 mother, or a presumed parent shall be brought by verified
13 complaint, which shall be designated a petition. After a
14 presumption under Section 204 of this Act has been rebutted,
15 parentage of the child by another man or woman may be
16 established in the same action, if he or she has been made a
17 party.

18 (b) An action to declare the non-existence of the
19 parent-child relationship brought under subsection (a) of this
20 Section shall be barred if brought later than 2 years after the
21 petitioner knew or should have known of the relevant facts. The
22 2-year period for bringing an action to declare the
23 non-existence of the parent-child relationship shall not
24 extend beyond the date on which the child reaches the age of 18
25 years. Failure to bring an action within 2 years shall not bar

1 any party from asserting a defense in any action to declare the
2 existence of the parent-child relationship.

3 (c) An action to declare the non-existence of the
4 parent-child relationship may be brought subsequent to an
5 adjudication of parentage in any judgment by the man
6 adjudicated to be the parent pursuant to a presumption in
7 paragraphs (a) (1) through (a) (4) of Section 204 if, as a result
8 of deoxyribonucleic acid (DNA) testing, it is discovered that
9 the man adjudicated to be the parent is not the father of the
10 child. Actions brought by the adjudicated father shall be
11 brought by verified petition. If, as a result of the
12 deoxyribonucleic acid (DNA) testing that is admissible under
13 Section 614 of this Act, the petitioner is determined not to be
14 the father of the child, the adjudication of paternity and any
15 orders regarding the allocation of parental responsibilities
16 ~~custody~~, parenting time, and future payments of support may be
17 vacated.

18 (d) An action to declare the non-existence of the
19 parent-child relationship brought under subsection (c) of this
20 Section shall be barred if brought more than 2 years after the
21 petitioner obtains actual knowledge of relevant facts. The
22 2-year period shall not apply to periods of time where the
23 birth mother or the child refuses to submit to deoxyribonucleic
24 acid (DNA) testing. The 2-year period for bringing an action to
25 declare the non-existence of the parent-child relationship
26 shall not extend beyond the date on which the child reaches the

1 age of 18 years.

2 (Source: P.A. 99-85, eff. 1-1-16.)

3 (750 ILCS 46/301)

4 Sec. 301. Voluntary acknowledgment. A parent-child
5 relationship may be established voluntarily by the signing and
6 witnessing of a voluntary acknowledgment in accordance with
7 Section 12 of the Vital Records Act and Section 10-17.7 of the
8 Illinois Public Aid Code. The voluntary acknowledgment shall
9 contain ~~the last four digits of~~ the social security numbers or
10 tax identification numbers of the persons signing the voluntary
11 acknowledgment; however, failure to include the social
12 security numbers of the persons signing a voluntary
13 acknowledgment does not invalidate the voluntary
14 acknowledgment.

15 (Source: P.A. 99-85, eff. 1-1-16.)

16 (750 ILCS 46/302)

17 Sec. 302. Execution of voluntary acknowledgment.

18 (a) A voluntary acknowledgment described in Section 301 of
19 this Act must:

20 (1) be in a record;

21 (2) be signed, or otherwise authenticated, under
22 penalty of perjury by the mother and by the man seeking to
23 establish his parentage;

24 (3) state that the child whose parentage is being

1 acknowledged:

2 (A) does not have a presumed parent, or has a
3 presumed parent whose full name is stated; and

4 (B) does not have another acknowledged or
5 adjudicated parent;

6 (4) be witnessed; and

7 (5) state that the signatories understand that the
8 acknowledgment is the equivalent of a judicial
9 adjudication of parentage of the child and that a challenge
10 to the acknowledgment may be ~~is~~ permitted only under
11 limited circumstances that must include a showing of fraud,
12 duress, or material mistake of fact ~~and is barred after 2~~
13 ~~years.~~

14 (b) An acknowledgment is void if it:

15 (1) states that another person is a presumed parent,
16 unless a denial signed or otherwise authenticated by the
17 presumed parent is filed with the Department of Healthcare
18 and Family Services, as provided by law;

19 (2) states that another person is an acknowledged or
20 adjudicated parent; or

21 (3) falsely denies the existence of a presumed,
22 acknowledged, or adjudicated parent of the child.

23 (c) A presumed father may sign or otherwise authenticate an
24 acknowledgment.

25 (Source: P.A. 99-85, eff. 1-1-16.)

1 (750 ILCS 46/304)

2 Sec. 304. Rules for acknowledgment and denial of parentage.

3 (a) An acknowledgment as described in Section 301 of this
4 Act and a denial may be contained in a single document or may
5 be signed in counterparts, and may be filed separately or
6 simultaneously. If the acknowledgment and denial are both
7 necessary, neither is valid until both are filed.

8 (b) An acknowledgment or a denial may be signed before the
9 birth of the child.

10 (c) Subject to subsection (a), an acknowledgment or denial
11 takes effect on ~~the birth of the child or~~ the filing of the
12 document with the Department of Healthcare and Family Services,
13 as provided by law, ~~whichever occurs later.~~

14 (d) An acknowledgment or denial signed by a minor is valid
15 if it is otherwise in compliance with this Act.

16 (Source: P.A. 99-85, eff. 1-1-16.)

17 (750 ILCS 46/501)

18 Sec. 501. Temporary orders.

19 (a) On a motion by a party and a showing of clear and
20 convincing evidence of parentage, the court shall issue a
21 temporary order for support of a child if the order is
22 appropriate and the individual ordered to pay support is:

23 (1) a presumed parent of the child;

24 (2) petitioning to have parentage adjudicated;

25 (3) identified as the father through genetic testing

1 under Article 4 of this Act;

2 (4) an alleged father who has declined to submit to
3 genetic testing;

4 (5) shown by clear and convincing evidence to be the
5 child's father;

6 (6) the mother of the child; or

7 (7) anyone else determined to be the child's parent.

8 In determining the amount of a temporary child support
9 award, the court shall use the guidelines and standards set
10 forth in Sections 505 and 505.2 of the Illinois Marriage and
11 Dissolution of Marriage Act.

12 (b) A temporary order may include provisions for the
13 allocation of parental responsibilities ~~custody~~ and parenting
14 time as provided by the Illinois Marriage and Dissolution of
15 Marriage Act. A temporary order may, in accordance with the
16 provisions of subsection (a) of Section 508 of the Illinois
17 Marriage and Dissolution of Marriage Act that relate to
18 proceedings other than pre-judgment dissolution proceedings,
19 include an award for interim attorney's fees and costs.

20 (c) Temporary orders issued under this Section shall not
21 have prejudicial effect with respect to final child support,
22 the allocation of parental responsibilities ~~custody~~, or
23 parenting time orders.

24 (Source: P.A. 99-85, eff. 1-1-16.)

25 (750 ILCS 46/502)

1 Sec. 502. Injunctive relief.

2 (a) In any action brought under this Act for the initial
3 determination of parentage, the allocation of parental
4 responsibilities ~~custody~~ or parenting time ~~of a child~~, or for
5 modification of a prior allocation order or judgment ~~custody~~ or
6 parenting time order, the court, upon application of a party,
7 may enjoin a party having physical possession or an allocation
8 order or judgment ~~custody of a child~~ from temporarily
9 relocating ~~removing~~ the child from this State pending the
10 adjudication of the issues of parentage, the allocation of
11 parental responsibilities ~~custody~~, and parenting time. When
12 deciding whether to enjoin relocation ~~removal~~ of a child, or to
13 order a party to return the child to this State, the court
14 shall consider factors including, but not limited to:

15 (1) the extent of previous involvement with the child
16 by the party seeking to enjoin relocation ~~removal~~ or to
17 have the absent party return the child to this State;

18 (2) the likelihood that parentage will be established;
19 and

20 (3) the impact on the financial, physical, and
21 emotional health of the party being enjoined from
22 relocating ~~removing~~ the child or the party being ordered to
23 return the child to this State.

24 (b) A temporary restraining order or preliminary
25 injunction under this Act shall be governed by the relevant
26 provisions of Part 1 of Article XI of the Code of Civil

1 Procedure.

2 (c) Notwithstanding the provisions of subsection (a) of
3 this Section, the court may decline to enjoin a domestic
4 violence victim having physical possession or an allocation
5 order or judgment ~~custody of a child~~ from temporarily or
6 permanently relocating ~~removing~~ the child from this State
7 pending an allocation of parental responsibilities ~~the~~
8 ~~adjudication of issues of custody~~ or an adjudication of
9 parenting time. In determining whether a person is a domestic
10 violence victim, the court shall consider the following
11 factors:

12 (1) a sworn statement by the person that the person has
13 good reason to believe that he or she is the victim of
14 domestic violence or stalking;

15 (2) a sworn statement that the person fears for his or
16 her safety or the safety of his or her children;

17 (3) evidence from police, court, or other government
18 agency records or files;

19 (4) documentation from a domestic violence program if
20 the person is alleged to be a victim of domestic violence;

21 (5) documentation from a legal, clerical, medical, or
22 other professional from whom the person has sought
23 assistance in dealing with the alleged domestic violence;
24 and

25 (6) any other evidence that supports the sworn
26 statements, such as a statement from any other individual

1 with knowledge of the circumstances that provides the basis
2 for the claim, or physical evidence of the domestic
3 violence.

4 (Source: P.A. 99-85, eff. 1-1-16.)

5 (750 ILCS 46/602)

6 Sec. 602. Standing. A complaint to adjudicate parentage
7 shall be verified, shall be designated a petition, and shall
8 name the person or persons alleged to be the parent of the
9 child. Subject to Article 3 and Sections 607, 608, and 609 of
10 this Act, a proceeding to adjudicate parentage may be
11 maintained by:

12 (a) the child;

13 (b) the mother of the child;

14 (c) a pregnant woman;

15 (d) a man presumed or alleging himself to be the parent
16 of the child;

17 (e) a woman presumed or alleging herself to be the
18 parent of the child;

19 (f) the support-enforcement agency or other
20 governmental agency authorized by other law;

21 (g) any person or public agency that has been awarded
22 physical possession of or the allocation of parental
23 responsibilities for ~~custody of~~, is providing financial
24 support to, or has provided financial support to the child;

25 (h) the Department of Healthcare and Family Services if

1 it is providing, or has provided, financial support to the
2 child or if it is assisting with child support collections
3 services;

4 (i) an authorized adoption agency or licensed
5 child-placing agency;

6 (j) a representative authorized by law to act for an
7 individual who would otherwise be entitled to maintain a
8 proceeding but who is deceased, incapacitated, or a minor;
9 or

10 (k) an intended parent ~~pursuant to the terms of a valid~~
11 ~~gestational surrogacy contract.~~

12 (Source: P.A. 99-85, eff. 1-1-16.)

13 (750 ILCS 46/604)

14 Sec. 604. Venue.

15 (a) Venue for a proceeding to adjudicate parentage is any
16 county of this State in which a party resides, or if the
17 presumed or alleged father is deceased, in which a proceeding
18 for probate or administration of the presumed or alleged
19 father's estate has been commenced, or could be commenced.

20 (b) A ~~child custody~~ proceeding for the allocation of
21 parental responsibilities is commenced in the county where the
22 child resides.

23 (Source: P.A. 99-85, eff. 1-1-16.)

24 (750 ILCS 46/610)

1 Sec. 610. Authority to deny motion for genetic testing.

2 (a) In a proceeding in which ~~to adjudicate~~ the parentage of
3 a child having a presumed, acknowledged, or adjudicated parent
4 is at issue, the court may deny a motion by a parent, presumed
5 parent, acknowledged parent, adjudicated parent, ~~or~~ alleged
6 parent, or child representative seeking an order for genetic
7 testing of the parents and child if the court determines that:

8 (1) the conduct of the parent, acknowledged parent,
9 adjudicated parent, or the presumed parent estops that
10 party from denying parentage;

11 (2) it would be inequitable to disprove the
12 parent-child relationship between the child and the
13 presumed, acknowledged, or adjudicated parent; and

14 (3) it is in the child's best interests to deny genetic
15 testing, taking into account the following factors:

16 (A) the length of time between the current
17 proceeding to adjudicate parentage and the time that
18 the presumed, acknowledged, or adjudicated parent was
19 placed on notice that he or she might not be the
20 biological parent;

21 (B) the length of time during which the presumed,
22 acknowledged, or adjudicated parent has assumed the
23 role of parent of the child;

24 (C) the facts surrounding the presumed,
25 acknowledged, or adjudicated parent's discovery of his
26 or her possible nonparentage;

1 (D) the nature of the relationship between the
2 child and the presumed, acknowledged, or adjudicated
3 parent;

4 (E) the age of the child;

5 (F) the harm that may result to the child if the
6 presumed, acknowledged, or adjudicated parentage is
7 successfully disproved;

8 (G) the nature of the relationship between the
9 child and any alleged parent;

10 (H) the extent to which the passage of time reduces
11 the chances of establishing the parentage of another
12 person and a child support obligation in favor of the
13 child;

14 (I) other factors that may affect the equities
15 arising from the disruption of the parent-child
16 relationship between the child and the presumed,
17 acknowledged, or adjudicated parent or the chance of
18 other harm to the child; and

19 (J) any other factors the court determines to be
20 equitable.

21 (b) In a proceeding involving the application of this
22 Section, a minor or incapacitated child must be represented by
23 a guardian ad litem, child's representative, or attorney for
24 the child.

25 (c) If the court denies a motion seeking an order for
26 genetic testing, it shall issue an order adjudicating the

1 presumed parent to be the parent of the child.

2 (Source: P.A. 99-85, eff. 1-1-16.)

3 (750 ILCS 46/611)

4 Sec. 611. Joinder of proceedings.

5 (a) Except as otherwise provided in subsection (b), a
6 proceeding to adjudicate parentage may be joined with a
7 proceeding for adoption, termination of parental rights, the
8 allocation of parental responsibilities ~~child custody~~ or
9 parenting time, child support, dissolution of marriage or civil
10 union, declaration of invalidity of marriage or civil union,
11 legal separation, probate or administration of an estate, or
12 other appropriate proceeding.

13 (b) A respondent may not join a proceeding described in
14 subsection (a) with a proceeding to adjudicate parentage
15 brought under the Uniform Interstate Family Support Act.

16 (Source: P.A. 99-85, eff. 1-1-16.)

17 (750 ILCS 46/622)

18 Sec. 622. Allocation of parental responsibilities or
19 parenting time ~~Custody or visitation~~ prohibited to men who
20 father through sexual assault or sexual abuse.

21 (a) This Section applies to a person who has been found to
22 be the father of a child under this Act and who:

23 (1) has been convicted of or who has pled guilty or
24 nolo contendere to a violation of Section 11-1.20 (criminal

1 sexual assault), Section 11-1.30 (aggravated criminal
2 sexual assault), Section 11-1.40 (predatory criminal
3 sexual assault of a child), Section 11-1.50 (criminal
4 sexual abuse), Section 11-1.60 (aggravated criminal sexual
5 abuse), Section 11-11 (sexual relations within families),
6 Section 12-13 (criminal sexual assault), Section 12-14
7 (aggravated criminal sexual assault), Section 12-14.1
8 (predatory criminal sexual assault of a child), Section
9 12-15 (criminal sexual abuse), or Section 12-16
10 (aggravated criminal sexual abuse) of the Criminal Code of
11 1961 or the Criminal Code of 2012, or a similar statute in
12 another jurisdiction, for his conduct in fathering that
13 child; or

14 (2) at a fact-finding hearing, is found by clear and
15 convincing evidence to have committed an act of
16 non-consensual sexual penetration for his conduct in
17 fathering that child.

18 (b) A person described in subsection (a) shall not be
19 entitled to an allocation of any parental responsibilities
20 ~~custody of~~ or parenting time ~~visitation~~ with that child without
21 the consent of the child's mother or guardian. If the person
22 described in subsection (a) is also the guardian of the child,
23 he does not have the authority to consent to parenting time
24 ~~visitation~~ or the allocation of parental responsibilities
25 ~~custody~~ under this Section. If the mother of the child is a
26 minor, and the person described in subsection (a) is also the

1 father or guardian of the mother, then he does not have the
2 authority to consent to the allocation of parental
3 responsibilities or parenting time ~~custody or visits~~.

4 (c) Notwithstanding any other provision of this Act,
5 nothing in this Section shall be construed to relieve the
6 father described in subsection (a) of any support and
7 maintenance obligations to the child under this Act. The
8 child's mother or guardian may decline support and maintenance
9 obligations from the father.

10 (d) Notwithstanding any other provision of law, the father
11 described in subsection (a) of this Section is not entitled to
12 any inheritance or other rights from the child without the
13 consent of the child's mother or guardian.

14 (e) Notwithstanding any provision of the Illinois Marriage
15 and Dissolution of Marriage Act, the parent, grandparent,
16 great-grandparent, or sibling of the person described in
17 subsection (a) of this Section does not have standing to bring
18 an action requesting the allocation of parental
19 responsibilities ~~custody~~ or parenting time ~~visitation~~ with the
20 child without the consent of the child's mother or guardian.

21 (f) A petition under this Section may be filed by the
22 child's mother or guardian either as an affirmative petition in
23 circuit court or as an affirmative defense in any proceeding
24 filed by the person described in subsection (a) of this Section
25 regarding the child.

26 (Source: P.A. 99-85, eff. 1-1-16.)

1 (750 ILCS 46/802)

2 Sec. 802. Judgment.

3 (a) The court shall issue an order adjudicating whether a
4 person alleged or claiming to be the parent is the parent of
5 the child. An order adjudicating parentage must identify the
6 child by name ~~initials~~ and date ~~year~~ of birth.

7 The court may assess filing fees, reasonable attorney's
8 fees, fees for genetic testing, other costs, necessary travel
9 expenses, and other reasonable expenses incurred in a
10 proceeding under this Act. The court may award attorney's fees,
11 which may be paid directly to the attorney, who may enforce the
12 order in the attorney's own name. The court may not assess
13 fees, costs, or expenses against the support-enforcement
14 agency of this State or another state, except as provided by
15 other law.

16 The judgment shall contain or explicitly reserve
17 provisions concerning any duty and amount of child support and
18 may contain provisions concerning the allocation of parental
19 responsibilities or ~~custody and~~ guardianship of the child,
20 parenting time privileges with the child, and the furnishing of
21 bond or other security for the payment of the judgment, which
22 the court shall determine in accordance with the relevant
23 factors set forth in the Illinois Marriage and Dissolution of
24 Marriage Act and any other applicable law of this State, to
25 guide the court in a finding in the best interests of the

1 child. In determining the allocation of parental
2 responsibilities, relocation ~~custody, joint custody, removal,~~
3 parenting time, parenting time interference, support for a
4 non-minor disabled child, educational expenses for a non-minor
5 child, and related post-judgment issues, the court shall apply
6 the relevant standards of the Illinois Marriage and Dissolution
7 of Marriage Act. Specifically, in determining the amount of a
8 child support award, the court shall use the guidelines and
9 standards set forth in subsection (a) of Section 505 and in
10 Section 505.2 of the Illinois Marriage and Dissolution of
11 Marriage Act. The court shall order all child support payments,
12 determined in accordance with such guidelines, to commence with
13 the date summons is served. The level of current periodic
14 support payments shall not be reduced because of payments set
15 for the period prior to the date of entry of the support order.

16 (b) In an action brought within 2 years after a child's
17 birth, the judgment or order may direct either parent to pay
18 the reasonable expenses incurred by either parent or the
19 Department of Healthcare and Family Services related to the
20 mother's pregnancy and the delivery of the child.

21 (c) If a judgment of parentage contains no explicit
22 allocation of parental responsibilities ~~award of custody,~~ the
23 establishment of a child support obligation or the granting of
24 parenting time to ~~rights in~~ one parent shall be considered a
25 judgment allocating all parental responsibilities ~~granting~~
26 ~~custody~~ to the other parent. If the parentage judgment contains

1 no such provisions, all parental responsibilities ~~custody~~
2 shall be presumed to be allocated to ~~with~~ the mother; however,
3 the presumption shall not apply if the father has had physical
4 possession of the child ~~custody~~ for at least 6 months prior to
5 the date that the mother seeks to enforce the judgment of
6 parentage ~~custodial rights~~.

7 (d) The court, if necessary to protect and promote the best
8 interests of the child, may set aside a portion of the
9 separately held estates of the parties in a separate fund or
10 trust for the support, education, physical and mental health,
11 and general welfare of a minor or mentally or physically
12 disabled child of the parties.

13 (e) The court may order child support payments to be made
14 for a period prior to the commencement of the action. In
15 determining whether and to what extent the payments shall be
16 made for the prior period, the court shall consider all
17 relevant facts, including but not limited to:

18 (1) The factors for determining the amount of support
19 specified in the Illinois Marriage and Dissolution of
20 Marriage Act.

21 (2) The father's prior knowledge of the fact and
22 circumstances of the child's birth.

23 (3) The father's prior willingness or refusal to help
24 raise or support the child.

25 (4) The extent to which the mother or the public agency
26 bringing the action previously informed the father of the

1 child's needs or attempted to seek or require his help in
2 raising or supporting the child.

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

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

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

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

25 (f) A new or existing support order entered by the court
26 under this Section shall be deemed to be a series of judgments

1 against the person obligated to pay support thereunder, each
2 judgment to be in the amount of each payment or installment of
3 support and each judgment to be deemed entered as of the date
4 the corresponding payment or installment becomes due under the
5 terms of the support order. Each judgment shall have the full
6 force, effect, and attributes of any other judgment of this
7 State, including the ability to be enforced. A judgment under
8 this Section is subject to modification or termination only in
9 accordance with Section 510 of the Illinois Marriage and
10 Dissolution of Marriage Act. Notwithstanding any State or local
11 law to the contrary, a lien arises by operation of law against
12 the real and personal property of the noncustodial parent for
13 each installment of overdue support owed by the noncustodial
14 parent.

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

18 (h) On the request of both parents, the court shall order a
19 change in the child's name.

20 (i) After hearing evidence, the court may stay payment of
21 support during the period of the father's minority or period of
22 disability.

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

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

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

24 (l) An order for support shall include a date on which the
25 current support obligation terminates. The termination date
26 shall be no earlier than the date on which the child covered by

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

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

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

13 (n) An order entered under this Section shall include a
14 provision requiring the obligor to report to the obligee and to
15 the clerk of court within 7 days each time the obligor obtains
16 new employment, and each time the obligor's employment is
17 terminated for any reason. The report shall be in writing and
18 shall, in the case of new employment, include the name and
19 address of the new employer. Failure to report new employment
20 or the termination of current employment, if coupled with
21 nonpayment of support for a period in excess of 60 days, is
22 indirect criminal contempt. For an obligor arrested for failure
23 to report new employment, bond shall be set in the amount of
24 the child support that should have been paid during the period
25 of unreported employment. An order entered under this Section
26 shall also include a provision requiring the obligor and

1 obligee parents to advise each other of a change in residence
2 within 5 days of the change except when the court finds that
3 the physical, mental, or emotional health of a party or that of
4 a minor child, or both, would be seriously endangered by
5 disclosure of the party's address.

6 (Source: P.A. 99-85, eff. 1-1-16.)

7 (750 ILCS 46/803)

8 Sec. 803. Information to State Case Registry.

9 (a) In this Section:

10 "Order for support", "obligor", "obligee", and "business
11 day" are defined as set forth in the Income Withholding for
12 Support Act.

13 "State Case Registry" means the State Case Registry
14 established under Section 10-27 of the Illinois Public Aid
15 Code.

16 (b) Each order for support entered or modified by the
17 circuit court under this Act shall require that the obligor and
18 obligee file with the clerk of the circuit court (i) the
19 information required by this Section (and any other information
20 required under Title IV, Part D of the Social Security Act or
21 by the federal Department of Health and Human Services) at the
22 time of entry or modification of the order for support; and
23 (ii) updated information within 5 business days of any change.
24 Failure of the obligor or obligee to file or update the
25 required information shall be punishable as in cases of

1 contempt. The failure shall not prevent the court from entering
2 or modifying the order for support, however.

3 (c) The obligor shall file the following information: the
4 obligor's name, date ~~year~~ of birth, mailing address, and ~~the~~
5 ~~last 4 digits of~~ the obligor's social security number or tax
6 identification number. If either the obligor or the obligee
7 receives child support enforcement services from the
8 Department of Healthcare and Family Services under Article X of
9 the Illinois Public Aid Code, the obligor shall also file the
10 following information: the obligor's telephone number, ~~the~~
11 ~~last 4 digits of the obligor's~~ driver's license number,
12 residential address (if different from the obligor's mailing
13 address), and the name, address, and telephone number of the
14 obligor's employer or employers.

15 (d) The obligee shall file the following information:

16 (1) The name of the obligee and the name ~~initials~~ of
17 the child or children covered by the order for support.

18 (2) The dates ~~years~~ of birth of the obligee and the
19 child or children covered by the order for support.

20 (3) The ~~last 4 digits of the~~ social security numbers or
21 tax identification numbers of the obligee and the child or
22 children covered by the order for support.

23 (4) The obligee's mailing address.

24 (e) In cases in which the obligee receives child support
25 enforcement services from the Department of Healthcare and
26 Family Services under Article X of the Illinois Public Aid

1 Code, the order for support shall (i) require that the obligee
2 file the information required under subsection (d) with the
3 Department of Healthcare and Family Services for inclusion in
4 the State Case Registry, rather than file the information with
5 the clerk, and (ii) require that the obligee include the
6 following additional information:

7 (1) The obligee's telephone and ~~the last 4 digits of~~
8 ~~the obligee's~~ driver's license number.

9 (2) The obligee's residential address, if different
10 from the obligee's mailing address.

11 (3) The name, address, and telephone number of the
12 obligee's employer or employers.

13 The order for support shall also require that the obligee
14 update the information filed with the Department of Healthcare
15 and Family Services within 5 business days of any change.

16 (f) The clerk of the circuit court shall provide the
17 information filed under this Section, together with the court
18 docket number and county in which the order for support was
19 entered, to the State Case Registry within 5 business days
20 after receipt of the information.

21 (g) In a case in which a party is receiving child support
22 enforcement services under Article X of the Illinois Public Aid
23 Code, the clerk of the circuit court shall provide the
24 following additional information to the State Case Registry
25 within 5 business days after entry or modification of an order
26 for support or request from the Department of Healthcare and

1 Family Services:

2 (1) the amount of monthly or other periodic support
3 owed under the order for support and other amounts,
4 including arrearage, interest, or late payment penalties
5 and fees, due or overdue under the order; and

6 (2) any amounts that have been received by the clerk,
7 and the distribution of those amounts by the clerk.

8 (h) Information filed by the obligor and obligee under this
9 Section that is not specifically required to be included in the
10 body of an order for support under other laws is not a public
11 record and shall be treated as confidential and subject to
12 disclosure only in accordance with the provisions of this
13 Section, Section 10-27 of the Illinois Public Aid Code, and
14 Title IV, Part D of the Social Security Act.

15 (Source: P.A. 99-85, eff. 1-1-16.)

16 (750 ILCS 46/805)

17 Sec. 805. Enforcement of judgment or order.

18 (a) If the existence of the parent-child relationship is
19 declared, or if parentage or a duty of support has been
20 established under this Act or under prior law or under the law
21 of any other jurisdiction, the judgment rendered thereunder may
22 be enforced in the same or in other proceedings by any party or
23 any person or agency that has furnished or may furnish
24 financial assistance or services to the child. The Income
25 Withholding for Support Act and Sections 802 and 808 of this

1 Act shall also be applicable with respect to the entry,
2 modification, and enforcement of a support judgment entered
3 under the Paternity Act, approved July 5, 1957 and repealed
4 July 1, 1985.

5 (b) Failure to comply with an order of the court shall be
6 punishable as contempt as in other cases of failure to comply
7 under the Illinois Marriage and Dissolution of Marriage Act. In
8 addition to other penalties provided by law, the court may,
9 after finding the party guilty of contempt, take the following
10 action:

11 (1) Order that the party be placed on probation with
12 such conditions of probation as the court deems advisable.

13 (2) Order that the party be sentenced to periodic
14 imprisonment for a period not to exceed 6 months. However,
15 the court may permit the party to be released for periods
16 of time during the day or night to work, conduct business,
17 or engage in other self-employed occupation. The court may
18 further order any part of all the earnings of a party
19 during a sentence of periodic imprisonment to be paid to
20 the clerk of the circuit court or to the person or parent
21 having physical possession of or having been allocated
22 parental responsibilities for ~~custody of~~ the minor child
23 for the support of the child until further order of the
24 court.

25 (3) Pierce the ownership veil of a person, persons, or
26 business entity to discover assets of a non-custodial

1 parent held in the name of that person, those persons, or
2 that business entity, if there is a unity of interest and
3 ownership sufficient to render no financial separation
4 between the non-custodial parent and that person, those
5 persons, or the business entity. The following
6 circumstances are sufficient for a court to order discovery
7 of the assets of a person, persons, or business entity and
8 to compel the application of any discovered assets toward
9 payment of the judgment for support:

10 (A) the non-custodial parent and the person,
11 persons, or business entity maintain records together.

12 (B) the non-custodial parent and the person,
13 persons, or business entity fail to maintain an
14 arm's-length relationship between themselves with
15 regard to any assets.

16 (C) the non-custodial parent transfers assets to
17 the person, persons, or business entity with the intent
18 to perpetrate a fraud on the custodial parent. With
19 respect to assets which are real property, no order
20 entered under this subdivision (3) shall affect the
21 rights of bona fide purchasers, mortgagees, judgment
22 creditors, or other lien holders who acquire their
23 interests in the property prior to the time a notice of
24 lis pendens under the Code of Civil Procedure or a copy
25 of the order is placed of record in the office of the
26 recorder of deeds for the county in which the real

1 property is located.

2 (4) Order that, in cases where the party is 90 days or
3 more delinquent in payment of support or has been
4 adjudicated in arrears in an amount equal to 90 days
5 obligation or more, the party's Illinois driving
6 privileges be suspended until the court determines that the
7 party is in compliance with the judgment or duty of
8 support. The court may also order that the parent be issued
9 a family financial responsibility driving permit that
10 would allow limited driving privileges for employment and
11 medical purposes in accordance with Section 7-702.1 of the
12 Illinois Vehicle Code. The clerk of the circuit court shall
13 certify the order suspending the driving privileges of the
14 parent or granting the issuance of a family financial
15 responsibility driving permit to the Secretary of State on
16 forms prescribed by the Secretary. Upon receipt of the
17 authenticated documents, the Secretary of State shall
18 suspend the party's driving privileges until further order
19 of the court and shall, if ordered by the court and subject
20 to the provisions of Section 7-702.1 of the Illinois
21 Vehicle Code, issue a family financial responsibility
22 driving permit to the parent.

23 In addition to the penalties or punishment that may be
24 imposed under this Section, a person whose conduct constitutes
25 a violation of Section 15 of the Non-Support Punishment Act may
26 be prosecuted under that Act, and a person convicted under that

1 Act may be sentenced in accordance with that Act. The sentence
2 may include, but need not be limited to, a requirement that the
3 person perform community service under Section 50 of that Act
4 or participate in a work alternative program under Section 50
5 of that Act. A person may not be required to participate in a
6 work alternative program under Section 50 of the Non-Support
7 Punishment Act if the person is currently participating in a
8 work program under Section 806 of this Act.

9 (c) In a post-judgment proceeding to enforce or modify the
10 judgment, the parties shall continue to be designated as in the
11 original proceeding.

12 (Source: P.A. 99-85, eff. 1-1-16.)

13 (750 ILCS 46/808)

14 Sec. 808. Modification of judgment. The court has
15 continuing jurisdiction to modify an order for child support,
16 allocation of parental responsibilities ~~custody~~, parenting
17 time, or relocation ~~removal~~ included in a judgment entered
18 under this Act. Any allocation of parental responsibilities
19 ~~custody~~, parenting time, or relocation ~~removal~~ judgment
20 modification shall be in accordance with the relevant factors
21 specified in the Illinois Marriage and Dissolution of Marriage
22 Act. Any support judgment is subject to modification or
23 termination only in accordance with Section 510 of the Illinois
24 Marriage and Dissolution of Marriage Act.

25 (Source: P.A. 99-85, eff. 1-1-16.)

1 (750 ILCS 46/809)

2 Sec. 809. Right to counsel.

3 (a) Any party may be represented by counsel at all
4 proceedings under this Act. Except as otherwise provided in
5 this Act, the court may order, in accordance with the relevant
6 factors specified in Section 508 of the Illinois Marriage and
7 Dissolution of Marriage Act, reasonable fees of counsel,
8 experts, and other costs of the action, pre-trial proceedings,
9 post-judgment proceedings to enforce or modify the judgment,
10 and the appeal or the defense of an appeal of the judgment to
11 be paid by the parties. The court may not order payment by the
12 Department of Healthcare and Family Services in cases in which
13 the Department is providing child support enforcement services
14 under Article X of the Illinois Public Aid Code.

15 (b) In any proceedings involving the support, allocation of
16 parental responsibilities ~~custody~~, parenting time, education,
17 parentage, property interest, relocation, or general welfare
18 of a minor or dependent child, the court may, on its own motion
19 or that of any party, appoint an attorney to serve in one of
20 the capacities specified in Section 506 of the Illinois
21 Marriage and Dissolution of Marriage Act.

22 (Source: P.A. 99-85, eff. 1-1-16.)