

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, 303, 304, 305,
6 307, 308, 309, 310, 311, 312, 313, 501, 502, 602, 604, 610,
7 611, 622, 802, 803, 805, 808, 809, 903, and 904 as 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 made no genetic contribution to any resulting
10 child.

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

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

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

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

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

1 a judicial or administrative proceeding.

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

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

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

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

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

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

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

24 (2) establishment or modification of child support;

25 (3) determination of parentage; or

26 (4) location of child-support obligors and their

1 income and assets.

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

3 (750 ILCS 46/201)

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

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

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

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

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

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

15 (5) an unrebutted presumption of the woman's parentage
16 of the child under Section 204 of this Act.

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

19 (1) an unrebutted presumption of the man's parentage of
20 the child under Section 204 of this Act;

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

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

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

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

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

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

10 (750 ILCS 46/204)

11 Sec. 204. Presumption of parentage.

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

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

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

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

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

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

1 (b) If 2 or more conflicting presumptions arise under this
2 Section, the presumption which on the facts is founded on the
3 weightier considerations of policy and logic, especially the
4 policy of promoting the child's best interests, controls.

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

6 (750 ILCS 46/205)

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

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

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

1 years. Failure to bring an action within 2 years shall not bar
2 any party from asserting a defense in any action to declare the
3 existence of the parent-child relationship.

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

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

1 shall not extend beyond the date on which the child reaches the
2 age of 18 years.

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

4 (750 ILCS 46/301)

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

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

17 (750 ILCS 46/302)

18 Sec. 302. Execution of voluntary acknowledgment.

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

21 (1) be in a record;

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

1 (3) state that the child whose parentage is being
2 acknowledged:

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

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

7 (4) be witnessed; and

8 (5) state that the signatories understand that the
9 voluntary acknowledgment is the equivalent of a judicial
10 adjudication of parentage of the child and that: (i) a
11 challenge by a signatory to the voluntary acknowledgment
12 may be permitted only upon a showing of fraud, duress, or
13 material mistake of fact; and (ii) a challenge to the
14 voluntary acknowledgment is barred after 2 years unless
15 that period is tolled pursuant to the law ~~a challenge to~~
16 ~~the acknowledgment is permitted only under limited~~
17 ~~circumstances and is barred after 2 years.~~

18 (b) An acknowledgment is void if it:

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

23 (2) states that another person is an acknowledged or
24 adjudicated parent; or

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

1 (c) A presumed father may sign or otherwise authenticate a a
2 voluntary ~~an~~ acknowledgment.

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

4 (750 ILCS 46/303)

5 Sec. 303. Denial of parentage. A presumed parent may sign a
6 denial of parentage. The denial is valid only if:

7 (a) a voluntary acknowledgment described in Section
8 301 of this Act signed, or otherwise authenticated, by a
9 man is filed pursuant to Section 305 of this Act;

10 (b) the denial is in a record, and is signed, or
11 otherwise authenticated, under penalty of perjury; and

12 (c) the presumed parent has not previously:

13 (1) acknowledged his parentage, unless the
14 previous voluntary acknowledgment has been rescinded
15 under Section 307 of this Act or successfully
16 challenged under Section 308 of this Act; or

17 (2) been adjudicated to be the parent of the child.

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

19 (750 ILCS 46/304)

20 Sec. 304. Rules for voluntary acknowledgment and denial of
21 parentage.

22 (a) A voluntary ~~An~~ acknowledgment as described in Section
23 301 of this Act and a denial of parentage may be contained in a
24 single document or may be signed in counterparts, and may be

1 filed separately or simultaneously. If the voluntary
2 acknowledgment and denial are both necessary, neither is valid
3 until both are filed.

4 (b) A voluntary ~~An~~ acknowledgment or a denial may be signed
5 before the birth of the child.

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

10 (d) A voluntary ~~An~~ acknowledgment or denial signed by a
11 minor is valid if it is otherwise in compliance with this Act.

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

13 (750 ILCS 46/305)

14 Sec. 305. Effect of voluntary acknowledgment or denial of
15 parentage.

16 (a) Except as otherwise provided in Sections 307 and 308 of
17 this Act, a valid voluntary acknowledgment filed with the
18 Department of Healthcare and Family Services, as provided by
19 law, is equivalent to an adjudication of the parentage of a
20 child and confers upon the acknowledged father all of the
21 rights and duties of a parent.

22 (b) Notwithstanding any other provision of this Act,
23 parentage established in accordance with Section 301 of this
24 Act has the full force and effect of a judgment entered under
25 this Act and serves as a basis for seeking a child support

1 order without any further proceedings to establish parentage.

2 (c) Except as otherwise provided in Sections 307 and 308 of
3 this Act, a valid denial by a presumed parent filed with the
4 Department of Healthcare and Family Services, as provided by
5 law, in conjunction with a voluntary acknowledgment, is
6 equivalent to an adjudication of the nonparentage of the
7 presumed parent and discharges the presumed parent from all
8 rights and duties of a parent.

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

10 (750 ILCS 46/307)

11 Sec. 307. Proceeding for rescission. A signatory may
12 rescind a voluntary acknowledgment or denial by filing a signed
13 and witnessed rescission with the Department of Healthcare and
14 Family Services as provided in Section 12 of the Vital Records
15 Act, before the earlier of:

16 (a) 60 days after the effective date of the voluntary
17 acknowledgment or denial, as provided in Section 304 of
18 this Act; or

19 (b) the date of a judicial or administrative proceeding
20 relating to the child (including a proceeding to establish
21 a support order) in which the signatory is a party.

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

23 (750 ILCS 46/308)

24 Sec. 308. Challenge after expiration of period for

1 rescission. After the period for rescission under Section 307
2 of this Act has expired, a signatory of a voluntary
3 acknowledgment or denial may commence a proceeding to challenge
4 the voluntary acknowledgment or denial only as provided in
5 Section 309 of this Act.

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

7 (750 ILCS 46/309)

8 Sec. 309. Procedure for challenge.

9 (a) A voluntary acknowledgment and any related denial may
10 be challenged only on the basis of fraud, duress, or material
11 mistake of fact by filing a verified petition under this
12 Section within 2 years after the effective date of the
13 voluntary acknowledgment or denial, as provided in Section 304
14 of this Act. Time during which the person challenging the
15 voluntary acknowledgment or denial is under legal disability or
16 duress or the ground for relief is fraudulently concealed shall
17 be excluded in computing the period of 2 years.

18 (b) The verified complaint, which shall be designated a
19 petition, shall be filed in the county where a proceeding
20 relating to the child was brought, such as a support proceeding
21 or, if none exists, in the county where the child resides.
22 Every signatory to the voluntary acknowledgment and any related
23 denial must be made a party to a proceeding to challenge the
24 voluntary acknowledgment or denial. The party challenging the
25 voluntary acknowledgment or denial shall have the burden of

1 proof. The burden of proof to challenge a voluntary
2 acknowledgment is clear and convincing evidence.

3 (c) For the purpose of a challenge to a voluntary ~~an~~
4 acknowledgment or denial, a signatory submits to personal
5 jurisdiction of this State by signing the voluntary
6 acknowledgment and any related denial, effective upon the
7 filing of the voluntary acknowledgment and any related denial
8 with the Department of Healthcare and Family Services, as
9 provided in Section 12 of the Vital Records Act.

10 (d) Except for good cause shown, during the pendency of a
11 proceeding to challenge a voluntary ~~an~~ acknowledgment or
12 denial, the court may not suspend the legal responsibilities of
13 a signatory arising from the voluntary acknowledgment,
14 including the duty to pay child support.

15 (e) At the conclusion of a proceeding to challenge a
16 voluntary ~~an~~ acknowledgment or denial, the court shall order
17 the Department of Public Health to amend the birth record of
18 the child, if appropriate. A copy of an order entered at the
19 conclusion of a proceeding to challenge shall be provided to
20 the Department of Healthcare and Family Services.

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

22 (750 ILCS 46/310)

23 Sec. 310. Ratification barred. A court or administrative
24 agency conducting a judicial or administrative proceeding is
25 not required or permitted to ratify an unchallenged voluntary

1 acknowledgment described in Section 301 of this Act.

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

3 (750 ILCS 46/311)

4 Sec. 311. Full faith and credit. A court of this State
5 shall give full faith and credit to a valid voluntary
6 acknowledgment or denial of parentage effective in another
7 state if the voluntary acknowledgment or denial has been signed
8 and is otherwise in compliance with the law of the other state.

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

10 (750 ILCS 46/312)

11 Sec. 312. Forms for voluntary acknowledgment and denial of
12 parentage.

13 (a) To facilitate compliance with this Article, the
14 Department of Healthcare and Family Services shall prescribe
15 forms for the voluntary acknowledgment and ~~the~~ denial of
16 parentage and for the rescission of the voluntary
17 acknowledgment or denial of parentage consistent with Section
18 307 of this Act.

19 (b) A voluntary acknowledgment, ~~or denial,~~ or rescission of
20 voluntary acknowledgment or denial of parentage, regardless of
21 which version of the prescribed form is used, is not affected
22 by a later modification of the prescribed form.

23 (c) Any voluntary acknowledgment, denial, or rescission of
24 voluntary acknowledgement or denial of parentage that was

1 completed before January 1, 2016 is valid if it met all
2 criteria for validity at the time it was signed.

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

4 (750 ILCS 46/313)

5 Sec. 313. Release of information. The Department of
6 Healthcare and Family Services may release information
7 relating to the voluntary acknowledgment described in Section
8 301 of this Act, or the related denial, to a signatory of the
9 voluntary acknowledgment or denial; to the child's guardian,
10 the emancipated child, or the legal representatives of those
11 individuals; to appropriate federal agencies; and to courts and
12 appropriate agencies of this State or another state.

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

14 (750 ILCS 46/501)

15 Sec. 501. Temporary orders.

16 (a) On a motion by a party and a showing of clear and
17 convincing evidence of parentage, the court shall issue a
18 temporary order for support of a child, including a non-minor
19 child with a disability, if the order is appropriate and the
20 individual ordered to pay support is:

21 (1) a presumed parent of the child;

22 (2) petitioning to have parentage adjudicated;

23 (3) identified as the father through genetic testing
24 under Article 4 of this Act;

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

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

5 (6) the mother of the child; or

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

7 In determining the amount of a temporary child support
8 award, the court shall use the guidelines and standards set
9 forth in Sections 505, ~~and~~ 505.2, and 513.5 of the Illinois
10 Marriage and Dissolution of Marriage Act.

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

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

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

24 (750 ILCS 46/502)

25 Sec. 502. Injunctive relief.

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

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

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

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

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

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

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

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

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

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

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

24 (6) any other evidence that supports the sworn
25 statements, such as a statement from any other individual
26 with knowledge of the circumstances that provides the basis

1 for the claim, or physical evidence of the domestic
2 violence.

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

4 (750 ILCS 46/602)

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

11 (a) the child;

12 (b) the mother of the child;

13 (c) a pregnant woman;

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

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

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

20 (g) any person or public agency that has physical
21 possession of or has custody of or has been allocated
22 parental responsibilities for ~~custody of~~, is providing
23 financial support to, or has provided financial support to
24 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 the child seeking an order for genetic testing of
7 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. It shall be presumed to be equitable and in the best
25 interests of the child to grant a motion by the child seeking
26 an order for genetic testing. The presumption may be overcome

1 by clear and convincing evidence that extraordinary
2 circumstances exist making the genetic testing contrary to the
3 child's best interests. The court's order denying a child's
4 request for genetic testing must state the basis upon which the
5 presumption was overcome.

6 (c) If the court denies a motion seeking an order for
7 genetic testing, it shall issue an order adjudicating the
8 presumed parent to be the parent of the child.

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

10 (750 ILCS 46/611)

11 Sec. 611. Joinder of proceedings.

12 (a) Except as otherwise provided in subsection (b), a
13 proceeding to adjudicate parentage may be joined with a
14 proceeding for adoption, termination of parental rights, the
15 allocation of parental responsibilities ~~child custody~~ or
16 parenting time, child support, dissolution of marriage or civil
17 union, declaration of invalidity of marriage or civil union,
18 legal separation, probate or administration of an estate, or
19 other appropriate proceeding.

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

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

24 (750 ILCS 46/622)

1 Sec. 622. Allocation of parental responsibilities or
2 parenting time ~~Custody or visitation~~ prohibited to men who
3 father through sexual assault or sexual abuse.

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

6 (1) has been convicted of or who has pled guilty or
7 nolo contendere to a violation of Section 11-1.20 (criminal
8 sexual assault), Section 11-1.30 (aggravated criminal
9 sexual assault), Section 11-1.40 (predatory criminal
10 sexual assault of a child), Section 11-1.50 (criminal
11 sexual abuse), Section 11-1.60 (aggravated criminal sexual
12 abuse), Section 11-11 (sexual relations within families),
13 Section 12-13 (criminal sexual assault), Section 12-14
14 (aggravated criminal sexual assault), Section 12-14.1
15 (predatory criminal sexual assault of a child), Section
16 12-15 (criminal sexual abuse), or Section 12-16
17 (aggravated criminal sexual abuse) of the Criminal Code of
18 1961 or the Criminal Code of 2012, or a similar statute in
19 another jurisdiction, for his conduct in fathering that
20 child; or

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

25 (b) A person described in subsection (a) shall not be
26 entitled to an allocation of any parental responsibilities

1 ~~custody of~~ or parenting time visitation with that child without
2 the consent of the child's mother or guardian. If the person
3 described in subsection (a) is also the guardian of the child,
4 he does not have the authority to consent to parenting time
5 ~~visitation~~ or the allocation of parental responsibilities
6 ~~custody~~ under this Section. If the mother of the child is a
7 minor, and the person described in subsection (a) is also the
8 father or guardian of the mother, then he does not have the
9 authority to consent to the allocation of parental
10 responsibilities or parenting time custody or visits.

11 (c) Notwithstanding any other provision of this Act,
12 nothing in this Section shall be construed to relieve the
13 father described in subsection (a) of any support and
14 maintenance obligations to the child under this Act. The
15 child's mother or guardian may decline support and maintenance
16 obligations from the father.

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

21 (e) Notwithstanding any provision of the Illinois Marriage
22 and Dissolution of Marriage Act, the parent, grandparent,
23 great-grandparent, or sibling of the person described in
24 subsection (a) of this Section does not have standing to bring
25 an action requesting the allocation of parental
26 responsibilities custody or parenting time visitation with the

1 child without the consent of the child's mother or guardian.

2 (f) A petition under this Section may be filed by the
3 child's mother or guardian either as an affirmative petition in
4 circuit court or as an affirmative defense in any proceeding
5 filed by the person described in subsection (a) of this Section
6 regarding the child.

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

8 (750 ILCS 46/802)

9 Sec. 802. Judgment.

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

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

23 The judgment shall contain or explicitly reserve
24 provisions concerning any duty and amount of child support and
25 may contain provisions concerning the allocation of parental

1 responsibilities or custody and guardianship of the child,
2 parenting time privileges with the child, and the furnishing of
3 bond or other security for the payment of the judgment, which
4 the court shall determine in accordance with the relevant
5 factors set forth in the Illinois Marriage and Dissolution of
6 Marriage Act and any other applicable law of this State, to
7 guide the court in a finding in the best interests of the
8 child. In determining the allocation of parental
9 responsibilities, relocation custody, joint custody, removal,
10 parenting time, parenting time interference, support for a
11 non-minor disabled child, educational expenses for a non-minor
12 child, and related post-judgment issues, the court shall apply
13 the relevant standards of the Illinois Marriage and Dissolution
14 of Marriage Act. Specifically, in determining the amount of a
15 child support award, the court shall use the guidelines and
16 standards set forth in subsection (a) of Section 505 and in
17 Section 505.2 of the Illinois Marriage and Dissolution of
18 Marriage Act. The court shall order all child support payments,
19 determined in accordance with such guidelines, to commence with
20 the date summons is served. The level of current periodic
21 support payments shall not be reduced because of payments set
22 for the period prior to the date of entry of the support order.

23 (b) In an action brought within 2 years after a child's
24 birth, the judgment or order may direct either parent to pay
25 the reasonable expenses incurred by either parent or the
26 Department of Healthcare and Family Services related to the

1 mother's pregnancy and the delivery of the child.

2 (c) In the absence of an explicit order or judgment for the
3 allocation of parental responsibilities ~~If a judgment of~~
4 ~~parentage contains no explicit award of custody,~~ the
5 establishment of a child support obligation or the allocation
6 of parenting time ~~to rights in~~ one parent shall be construed as
7 an order or judgment allocating all parental responsibilities
8 ~~considered a judgment granting custody~~ to the other parent. If
9 the parentage order of judgment contains no such provisions,
10 all parental responsibilities ~~custody~~ shall be presumed to be
11 allocated to ~~with~~ the mother; however, the presumption shall
12 not apply if the child has resided primarily with the other
13 parent ~~father has had physical custody~~ for at least 6 months
14 prior to the date that the mother seeks to enforce the order or
15 judgment of parentage ~~custodial rights~~.

16 (d) The court, if necessary to protect and promote the best
17 interests of the child, may set aside a portion of the
18 separately held estates of the parties in a separate fund or
19 trust for the support, education, physical and mental health,
20 and general welfare of a minor or mentally or physically
21 disabled child of the parties.

22 (e) The court may order child support payments to be made
23 for a period prior to the commencement of the action. In
24 determining whether and to what extent the payments shall be
25 made for the prior period, the court shall consider all
26 relevant facts, including but not limited to:

1 (1) The factors for determining the amount of support
2 specified in the Illinois Marriage and Dissolution of
3 Marriage Act.

4 (2) The ~~father's~~ prior knowledge of the person
5 obligated to pay support of the fact and circumstances of
6 the child's birth.

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

9 (4) The extent to which the mother or the public agency
10 bringing the action previously informed the person
11 obligated to pay support ~~father~~ of the child's needs or
12 attempted to seek or require the ~~his~~ help of the person
13 obligated to pay support in raising or supporting the
14 child.

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

17 (6) The extent to which the person obligated to pay
18 support ~~father~~ would be prejudiced by the delay in bringing
19 the action.

20 For purposes of determining the amount of child support to
21 be paid for the period before the date the order for current
22 child support is entered, there is a rebuttable presumption
23 that the ~~father's~~ net income of the person obligated to pay
24 support for the prior period was the same as the ~~his~~ net income
25 of the person obligated to pay support at the time the order
26 for current child support is entered.

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

16 (f) A new or existing support order entered by the court
17 under this Section shall be deemed to be a series of judgments
18 against the person obligated to pay support thereunder, each
19 judgment to be in the amount of each payment or installment of
20 support and each judgment to be deemed entered as of the date
21 the corresponding payment or installment becomes due under the
22 terms of the support order. Each judgment shall have the full
23 force, effect, and attributes of any other judgment of this
24 State, including the ability to be enforced. A judgment under
25 this Section is subject to modification or termination only in
26 accordance with Section 510 of the Illinois Marriage and

1 Dissolution of Marriage Act. Notwithstanding any State or local
2 law to the contrary, a lien arises by operation of law against
3 the real and personal property of the noncustodial parent for
4 each installment of overdue support owed by the noncustodial
5 parent.

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

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

11 (i) After hearing evidence, the court may stay payment of
12 support during the period of the father's minority or period of
13 disability.

14 (j) If, upon a showing of proper service, the father fails
15 to appear in court or otherwise appear as provided by law, the
16 court may proceed to hear the cause upon testimony of the
17 mother or other parties taken in open court and shall enter a
18 judgment by default. The court may reserve any order as to the
19 amount of child support until the father has received notice,
20 by regular mail, of a hearing on the matter.

21 (k) An order for support, when entered or modified, shall
22 include a provision requiring the non-custodial parent to
23 notify the court and, in cases in which a party is receiving
24 child support enforcement services under Article X of the
25 Illinois Public Aid Code, the Department of Healthcare and
26 Family Services, within 7 days: (i) of the name and address of

1 any new employer of the non-custodial parent; (ii) whether the
2 non-custodial parent has access to health insurance coverage
3 through the employer or other group coverage and, if so, of the
4 policy name and number and the names of adults and initials of
5 minors covered under the policy; and (iii) of any new
6 residential or mailing address or telephone number of the
7 non-custodial parent. In a subsequent action to enforce a
8 support order, upon a sufficient showing that a diligent effort
9 has been made to ascertain the location of the non-custodial
10 parent, service of process or provision of notice necessary in
11 the case may be made at the last known address of the
12 non-custodial parent in any manner expressly provided by this
13 Act or the Code of Civil Procedure, and shall be sufficient for
14 purposes of due process.

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

1 order in the event the child is otherwise emancipated.

2 (m) If there is an unpaid arrearage or delinquency (as
3 those terms are defined in the Income Withholding for Support
4 Act) equal to at least one month's support obligation on the
5 termination date stated in the order for support or, if there
6 is no termination date stated in the order, on the date the
7 child attains the age of majority or is otherwise emancipated,
8 the periodic amount required to be paid for current support of
9 that child immediately prior to that date shall automatically
10 continue to be an obligation, not as current support but as
11 periodic payment toward satisfaction of the unpaid arrearage or
12 delinquency. The periodic payment shall be in addition to any
13 periodic payment previously required for satisfaction of the
14 arrearage or delinquency. The total periodic amount to be paid
15 toward satisfaction of the arrearage or delinquency may be
16 enforced and collected by any method provided by law for
17 enforcement and collection of child support, including but not
18 limited to income withholding under the Income Withholding for
19 Support Act. Each order for support entered or modified must
20 contain a statement notifying the parties of the requirements
21 of this subsection. Failure to include the statement in the
22 order for support does not affect the validity of the order or
23 the operation of the provisions of this subsection with regard
24 to the order. This subsection shall not be construed to prevent
25 or affect the establishment or modification of an order for
26 support of a minor child or the establishment or modification

1 of an order for support of a non-minor child or educational
2 expenses under Section 513 of the Illinois Marriage and
3 Dissolution of Marriage Act.

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

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

24 (750 ILCS 46/803)

25 Sec. 803. Information to State Case Registry.

1 (a) In this Section:

2 "Order for support", "obligor", "obligee", and "business
3 day" are defined as set forth in the Income Withholding for
4 Support Act.

5 "State Case Registry" means the State Case Registry
6 established under Section 10-27 of the Illinois Public Aid
7 Code.

8 (b) Each order for support entered or modified by the
9 circuit court under this Act shall require that the obligor and
10 obligee file with the clerk of the circuit court (i) the
11 information required by this Section (and any other information
12 required under Title IV, Part D of the Social Security Act or
13 by the federal Department of Health and Human Services) at the
14 time of entry or modification of the order for support; and
15 (ii) updated information within 5 business days of any change.
16 Failure of the obligor or obligee to file or update the
17 required information shall be punishable as in cases of
18 contempt. The failure shall not prevent the court from entering
19 or modifying the order for support, however.

20 (c) The obligor shall file the following information: the
21 obligor's name, date ~~year~~ of birth, mailing address, and ~~the~~
22 ~~last 4 digits of~~ the obligor's social security number or tax
23 identification number. If either the obligor or the obligee
24 receives child support enforcement services from the
25 Department of Healthcare and Family Services under Article X of
26 the Illinois Public Aid Code, the obligor shall also file the

1 following information: the obligor's telephone number, ~~the~~
2 ~~last 4 digits of the obligor's~~ driver's license number,
3 residential address (if different from the obligor's mailing
4 address), and the name, address, and telephone number of the
5 obligor's employer or employers.

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

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

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

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

14 (4) The obligee's mailing address.

15 (e) In cases in which the obligee receives child support
16 enforcement services from the Department of Healthcare and
17 Family Services under Article X of the Illinois Public Aid
18 Code, the order for support shall (i) require that the obligee
19 file the information required under subsection (d) with the
20 Department of Healthcare and Family Services for inclusion in
21 the State Case Registry, rather than file the information with
22 the clerk, and (ii) require that the obligee include the
23 following additional information:

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

26 (2) The obligee's residential address, if different

1 from the obligee's mailing address.

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

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

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

12 (g) In a case in which a party is receiving child support
13 enforcement services under Article X of the Illinois Public Aid
14 Code, the clerk of the circuit court shall provide the
15 following additional information to the State Case Registry
16 within 5 business days after entry or modification of an order
17 for support or request from the Department of Healthcare and
18 Family Services:

19 (1) the amount of monthly or other periodic support
20 owed under the order for support and other amounts,
21 including arrearage, interest, or late payment penalties
22 and fees, due or overdue under the order; and

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

25 (h) Information filed by the obligor and obligee under this
26 Section that is not specifically required to be included in the

1 body of an order for support under other laws is not a public
2 record and shall be treated as confidential and subject to
3 disclosure only in accordance with the provisions of this
4 Section, Section 10-27 of the Illinois Public Aid Code, and
5 Title IV, Part D of the Social Security Act.

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

7 (750 ILCS 46/805)

8 Sec. 805. Enforcement of judgment or order.

9 (a) If the existence of the parent-child relationship is
10 declared, or if parentage or a duty of support has been
11 established under this Act or under prior law or under the law
12 of any other jurisdiction, the judgment rendered thereunder may
13 be enforced in the same or in other proceedings by any party or
14 any person or agency that has furnished or may furnish
15 financial assistance or services to the child. The Income
16 Withholding for Support Act and Sections 802 and 808 of this
17 Act shall also be applicable with respect to the entry,
18 modification, and enforcement of a support judgment entered
19 under the Paternity Act, approved July 5, 1957 and repealed
20 July 1, 1985.

21 (b) Failure to comply with an order of the court shall be
22 punishable as contempt as in other cases of failure to comply
23 under the Illinois Marriage and Dissolution of Marriage Act. In
24 addition to other penalties provided by law, the court may,
25 after finding the party guilty of contempt, take the following

1 action:

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

4 (2) Order that the party be sentenced to periodic
5 imprisonment for a period not to exceed 6 months. However,
6 the court may permit the party to be released for periods
7 of time during the day or night to work, conduct business,
8 or engage in other self-employed occupation. The court may
9 further order any part of all the earnings of a party
10 during a sentence of periodic imprisonment to be paid to
11 the clerk of the circuit court or to the person or parent
12 having custody of or having been allocated parental
13 responsibilities for ~~custody of~~ the minor child for the
14 support of the child until further order of the court.

15 (3) Pierce the ownership veil of a person, persons, or
16 business entity to discover assets of a non-custodial
17 parent held in the name of that person, those persons, or
18 that business entity, if there is a unity of interest and
19 ownership sufficient to render no financial separation
20 between the non-custodial parent and that person, those
21 persons, or the business entity. The following
22 circumstances are sufficient for a court to order discovery
23 of the assets of a person, persons, or business entity and
24 to compel the application of any discovered assets toward
25 payment of the judgment for support:

26 (A) the non-custodial parent and the person,

1 persons, or business entity maintain records together.

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

6 (C) the non-custodial parent transfers assets to
7 the person, persons, or business entity with the intent
8 to perpetrate a fraud on the custodial parent. With
9 respect to assets which are real property, no order
10 entered under this subdivision (3) shall affect the
11 rights of bona fide purchasers, mortgagees, judgment
12 creditors, or other lien holders who acquire their
13 interests in the property prior to the time a notice of
14 lis pendens under the Code of Civil Procedure or a copy
15 of the order is placed of record in the office of the
16 recorder of deeds for the county in which the real
17 property is located.

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

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

13 In addition to the penalties or punishment that may be
14 imposed under this Section, a person whose conduct constitutes
15 a violation of Section 15 of the Non-Support Punishment Act may
16 be prosecuted under that Act, and a person convicted under that
17 Act may be sentenced in accordance with that Act. The sentence
18 may include, but need not be limited to, a requirement that the
19 person perform community service under Section 50 of that Act
20 or participate in a work alternative program under Section 50
21 of that Act. A person may not be required to participate in a
22 work alternative program under Section 50 of the Non-Support
23 Punishment Act if the person is currently participating in a
24 work program under Section 806 of this Act.

25 (c) In a post-judgment proceeding to enforce or modify the
26 judgment, the parties shall continue to be designated as in the

1 original proceeding.

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

3 (750 ILCS 46/808)

4 Sec. 808. Modification of judgment. The court has
5 continuing jurisdiction to modify an order for child support,
6 allocation of parental responsibilities ~~custody~~, parenting
7 time, or relocation ~~removal~~ included in a judgment entered
8 under this Act. Any allocation of parental responsibilities
9 ~~custody~~, parenting time, or relocation ~~removal~~ judgment
10 modification shall be in accordance with the relevant factors
11 specified in the Illinois Marriage and Dissolution of Marriage
12 Act. Any support judgment is subject to modification or
13 termination only in accordance with Section 510 of the Illinois
14 Marriage and Dissolution of Marriage Act.

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

16 (750 ILCS 46/809)

17 Sec. 809. Right to counsel.

18 (a) Any party may be represented by counsel at all
19 proceedings under this Act. Except as otherwise provided in
20 this Act, the court may order, in accordance with the relevant
21 factors specified in Section 508 of the Illinois Marriage and
22 Dissolution of Marriage Act, reasonable fees of counsel,
23 experts, and other costs of the action, pre-trial proceedings,
24 post-judgment proceedings to enforce or modify the judgment,

1 and the appeal or the defense of an appeal of the judgment to
2 be paid by the parties. The court may not order payment by the
3 Department of Healthcare and Family Services in cases in which
4 the Department is providing child support enforcement services
5 under Article X of the Illinois Public Aid Code.

6 (b) In any proceedings involving the support, allocation of
7 parental responsibilities ~~custody~~, parenting time, education,
8 parentage, property interest, relocation, or general welfare
9 of a minor or dependent child, the court may, on its own motion
10 or that of any party, appoint an attorney to serve in one of
11 the capacities specified in Section 506 of the Illinois
12 Marriage and Dissolution of Marriage Act.

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

14 (750 ILCS 46/903)

15 Sec. 903. Transitional provision. A proceeding to
16 adjudicate parentage which was commenced before the effective
17 date of this Act is governed by the law in effect at the time
18 the proceeding was commenced, except that this Act applies to
19 all pending actions and proceedings commenced before January 1,
20 2016 with respect to issues on which a judgment has not been
21 entered.

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

23 (750 ILCS 46/904)

24 Sec. 904. Savings provision. The repeal of the Illinois

1 Parentage Act of 1984 ~~and the Illinois Parentage Act~~ shall not
2 affect rights or liabilities under that Act ~~those Acts~~ which
3 have been determined, settled, or adjudicated prior to the
4 effective date of this Act ~~or which are the subject of~~
5 ~~proceedings pending on the effective date of this Act~~. This Act
6 shall not be construed to bar an action which would have been
7 barred because the action had not been filed within a time
8 limitation under the Illinois Parentage Act of 1984 ~~and the~~
9 ~~Illinois Parentage Act~~, or which could not have been maintained
10 under that Act ~~those Acts~~, as long as the action is not barred
11 by a limitations period set forth in this Act.

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