

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~~ 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  
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. The court's order granting a child's  
6 request for genetic testing must specify the ways in which the  
7 testing results may be used for purposes of protecting the  
8 child's best interests.

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

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

13 (750 ILCS 46/611)

14 Sec. 611. Joinder of proceedings.

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

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

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

2 (750 ILCS 46/622)

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

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

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

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

1           fathering that child.

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

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

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

24           (e) Notwithstanding any provision of the Illinois Marriage  
25 and Dissolution of Marriage Act, the parent, grandparent,  
26 great-grandparent, or sibling of the person described in

1 subsection (a) of this Section does not have standing to bring  
2 an action requesting the allocation of parental  
3 responsibilities ~~custody~~ or parenting time ~~visitation~~ with the  
4 child without the consent of the child's mother or guardian.

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

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

11 (750 ILCS 46/802)

12 Sec. 802. Judgment.

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

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

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

26           (b) In an action brought within 2 years after a child's

1 birth, the judgment or order may direct either parent to pay  
2 the reasonable expenses incurred by either parent or the  
3 Department of Healthcare and Family Services related to the  
4 mother's pregnancy and the delivery of the child.

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

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

25 (e) The court may order child support payments to be made  
26 for a period prior to the commencement of the action. In

1 determining whether and to what extent the payments shall be  
2 made for the prior period, the court shall consider all  
3 relevant facts, including but not limited to:

4 (1) The factors for determining the amount of support  
5 specified in the Illinois Marriage and Dissolution of  
6 Marriage Act.

7 (2) The ~~father's~~ prior knowledge of the person  
8 obligated to pay support of the fact and circumstances of  
9 the child's birth.

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

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

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

20 (6) The extent to which the person obligated to pay  
21 support ~~father~~ would be prejudiced by the delay in bringing  
22 the action.

23 For purposes of determining the amount of child support to  
24 be paid for the period before the date the order for current  
25 child support is entered, there is a rebuttable presumption  
26 that the ~~father's~~ net income of the person obligated to pay



1 support for the prior period was the same as the ~~his~~ net income  
2 of the person obligated to pay support at the time the order  
3 for current child support is entered.

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

19 (f) A new or existing support order entered by the court  
20 under this Section shall be deemed to be a series of judgments  
21 against the person obligated to pay support thereunder, each  
22 judgment to be in the amount of each payment or installment of  
23 support and each judgment to be deemed entered as of the date  
24 the corresponding payment or installment becomes due under the  
25 terms of the support order. Each judgment shall have the full  
26 force, effect, and attributes of any other judgment of this

1 State, including the ability to be enforced. A judgment under  
2 this Section is subject to modification or termination only in  
3 accordance with Section 510 of the Illinois Marriage and  
4 Dissolution of Marriage Act. Notwithstanding any State or local  
5 law to the contrary, a lien arises by operation of law against  
6 the real and personal property of the noncustodial parent for  
7 each installment of overdue support owed by the noncustodial  
8 parent.

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

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

14 (i) After hearing evidence, the court may stay payment of  
15 support during the period of the father's minority or period of  
16 disability.

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

24 (k) An order for support, when entered or modified, shall  
25 include a provision requiring the non-custodial parent to  
26 notify the court and, in cases in which a party is receiving

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

18 (1) An order for support shall include a date on which the  
19 current support obligation terminates. The termination date  
20 shall be no earlier than the date on which the child covered by  
21 the order will attain the age of 18. However, if the child will  
22 not graduate from high school until after attaining the age of  
23 18, then the termination date shall be no earlier than the  
24 earlier of the date on which the child's high school graduation  
25 will occur or the date on which the child will attain the age  
26 of 19. The order for support shall state that the termination

1 date does not apply to any arrearage that may remain unpaid on  
2 that date. Nothing in this subsection shall be construed to  
3 prevent the court from modifying the order or terminating the  
4 order in the event the child is otherwise emancipated.

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

1 to the order. This subsection shall not be construed to prevent  
2 or affect the establishment or modification of an order for  
3 support of a minor child or the establishment or modification  
4 of an order for support of a non-minor child or educational  
5 expenses under Section 513 of the Illinois Marriage and  
6 Dissolution of Marriage Act.

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

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

1 (750 ILCS 46/803)

2 Sec. 803. Information to State Case Registry.

3 (a) In this Section:

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

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

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

22 (c) The obligor shall file the following information: the  
23 obligor's name, date ~~year~~ of birth, mailing address, and ~~the~~  
24 ~~last 4 digits of~~ the obligor's social security number or tax  
25 identification number. If either the obligor or the obligee

1 receives child support enforcement services from the  
2 Department of Healthcare and Family Services under Article X of  
3 the Illinois Public Aid Code, the obligor shall also file the  
4 following information: the obligor's telephone number, ~~the~~  
5 ~~last 4 digits of the obligor's~~ driver's license number,  
6 residential address (if different from the obligor's mailing  
7 address), and the name, address, and telephone number of the  
8 obligor's employer or employers.

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

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

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

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

17 (4) The obligee's mailing address.

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

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

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

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

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

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

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

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

26                 (2) any amounts that have been received by the clerk,



1 and the distribution of those amounts by the clerk.

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

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

10 (750 ILCS 46/805)

11 Sec. 805. Enforcement of judgment or order.

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

24 (b) Failure to comply with an order of the court shall be  
25 punishable as contempt as in other cases of failure to comply

1 under the Illinois Marriage and Dissolution of Marriage Act. In  
2 addition to other penalties provided by law, the court may,  
3 after finding the party guilty of contempt, take the following  
4 action:

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

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

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

1 to compel the application of any discovered assets toward  
2 payment of the judgment for support:

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

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

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

21 (4) Order that, in cases where the party is 90 days or  
22 more delinquent in payment of support or has been  
23 adjudicated in arrears in an amount equal to 90 days  
24 obligation or more, the party's Illinois driving  
25 privileges be suspended until the court determines that the  
26 party is in compliance with the judgment or duty of

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

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

1 work program under Section 806 of this Act.

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

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

6 (750 ILCS 46/808)

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

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

19 (750 ILCS 46/809)

20 Sec. 809. Right to counsel.

21 (a) Any party may be represented by counsel at all  
22 proceedings under this Act. Except as otherwise provided in  
23 this Act, the court may order, in accordance with the relevant  
24 factors specified in Section 508 of the Illinois Marriage and

1 Dissolution of Marriage Act, reasonable fees of counsel,  
2 experts, and other costs of the action, pre-trial proceedings,  
3 post-judgment proceedings to enforce or modify the judgment,  
4 and the appeal or the defense of an appeal of the judgment to  
5 be paid by the parties. The court may not order payment by the  
6 Department of Healthcare and Family Services in cases in which  
7 the Department is providing child support enforcement services  
8 under Article X of the Illinois Public Aid Code.

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

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

17 (750 ILCS 46/903)

18 Sec. 903. Transitional provision. A proceeding to  
19 adjudicate parentage which was commenced before the effective  
20 date of this Act is governed by the law in effect at the time  
21 the proceeding was commenced, except that this Act applies to  
22 all pending actions and proceedings commenced before January 1,  
23 2016 with respect to issues on which a judgment has not been  
24 entered.

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

1 (750 ILCS 46/904)

2 Sec. 904. Savings provision. The repeal of the Illinois  
3 Parentage Act of 1984 ~~and the Illinois Parentage Act~~ shall not  
4 affect rights or liabilities under that Act ~~those Acts~~ which  
5 have been determined, settled, or adjudicated prior to the  
6 effective date of this Act ~~or which are the subject of~~  
7 ~~proceedings pending on the effective date of this Act~~. This Act  
8 shall not be construed to bar an action which would have been  
9 barred because the action had not been filed within a time  
10 limitation under the Illinois Parentage Act of 1984 ~~and the~~  
11 ~~Illinois Parentage Act~~, or which could not have been maintained  
12 under that Act ~~those Acts~~, as long as the action is not barred  
13 by a limitations period set forth in this Act.

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