

1 AN ACT in relation to child support.

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

4 Section 5. The Illinois Public Aid Code is amended by
5 changing Sections 10-2, 10-8.1, 10-10, and 10-11 as follows:

6 (305 ILCS 5/10-2) (from Ch. 23, par. 10-2)

7 Sec. 10-2. Extent of Liability. A husband is liable for
8 the support of his wife and a wife for the support of her
9 husband. Unless the child is otherwise emancipated, the
10 parents are severally liable for the support of any child
11 under age 18, and for any child aged 18 who is attending high
12 school, until that child graduates from high school, or
13 attains the age of 19, whichever is earlier 21, ~~except that a~~
14 ~~parent is not liable for a child age 18 or over if such child~~
15 ~~is not living with the parent or parents, and a parent is not~~
16 ~~liable for a child of any age if the child has married and is~~
17 ~~not living with the parent or parents. A child shall be~~
18 ~~considered to be living with the parent or parents if such~~
19 ~~child is absent from the parent's or parents' home only in~~
20 ~~order to regularly attend a school, college or university or~~
21 ~~to receive technical training designed for preparation for~~
22 ~~gainful employment.~~ The term "child" includes a child born
23 out of wedlock, or legally adopted child.

24 In addition to the primary obligation of support imposed
25 upon responsible relatives, such relatives, if individually
26 or together in any combination they have sufficient income or
27 other resources to support a needy person, in whole or in
28 part, shall be liable for any financial aid extended under
29 this Code to a person for whose support they are responsible,
30 including amounts expended for funeral and burial costs.

31 (Source: P.A. 89-641, eff. 8-9-96; 90-18, eff. 7-1-97.)

1 (305 ILCS 5/10-8.1)

2 Sec. 10-8.1. Temporary order for child support.
3 Notwithstanding any other law to the contrary, pending the
4 outcome of an administrative determination of parentage, the
5 Illinois Department shall issue a temporary order for child
6 support, upon motion by a party and a showing of clear and
7 convincing evidence of paternity. In determining the amount
8 of the temporary child support award, the Illinois Department
9 shall use the guidelines and standards set forth in
10 subsection (a) of Section 505 and in Section 505.2 of the
11 Illinois Marriage and Dissolution of Marriage Act.

12 Any new or existing support order entered by the Illinois
13 Department under this Section shall be deemed to be a series
14 of judgments against the person obligated to pay support
15 thereunder, each such judgment to be in the amount of each
16 payment or installment of support and each judgment to be
17 deemed entered as of the date the corresponding payment or
18 installment becomes due under the terms of the support order.
19 Each such judgment shall have the full force, effect, and
20 attributes of any other judgment of this State, including the
21 ability to be enforced. Any such judgment is subject to
22 modification or termination only in accordance with Section
23 510 of the Illinois Marriage and Dissolution of Marriage Act.
24 A lien arises by operation of law against the real and
25 personal property of the noncustodial parent for each
26 installment of overdue support owed by the noncustodial
27 parent.

28 All orders for support entered or modified in a case in
29 which a party is receiving child and spouse support services
30 under this Article X shall include a provision requiring the
31 non-custodial parent to notify the Illinois Department,
32 within 7 days, (i) of the name, address, and telephone number
33 of any new employer of the non-custodial parent, (ii) whether
34 the non-custodial parent has access to health insurance

1 coverage through the employer or other group coverage, and,
2 if so, the policy name and number and the names of persons
3 covered under the policy, and (iii) of any new residential or
4 mailing address or telephone number of the non-custodial
5 parent.

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

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

29 (Source: P.A. 90-18, eff. 7-1-97.)

30 (305 ILCS 5/10-10) (from Ch. 23, par. 10-10)

31 Sec. 10-10. Court enforcement; applicability also to
32 persons who are not applicants or recipients. Except where
33 the Illinois Department, by agreement, acts for the local

1 governmental unit, as provided in Section 10-3.1, local
2 governmental units shall refer to the State's Attorney or to
3 the proper legal representative of the governmental unit, for
4 judicial enforcement as herein provided, instances of
5 non-support or insufficient support when the dependents are
6 applicants or recipients under Article VI. The Child and
7 Spouse Support Unit established by Section 10-3.1 may
8 institute in behalf of the Illinois Department any actions
9 under this Section for judicial enforcement of the support
10 liability when the dependents are (a) applicants or
11 recipients under Articles III, IV, V or VII; (b) applicants
12 or recipients in a local governmental unit when the Illinois
13 Department, by agreement, acts for the unit; or (c)
14 non-applicants or non-recipients who are receiving support
15 enforcement services under this Article X, as provided in
16 Section 10-1. Where the Child and Spouse Support Unit has
17 exercised its option and discretion not to apply the
18 provisions of Sections 10-3 through 10-8, the failure by the
19 Unit to apply such provisions shall not be a bar to bringing
20 an action under this Section.

21 Action shall be brought in the circuit court to obtain
22 support, or for the recovery of aid granted during the period
23 such support was not provided, or both for the obtainment of
24 support and the recovery of the aid provided. Actions for
25 the recovery of aid may be taken separately or they may be
26 consolidated with actions to obtain support. Such actions
27 may be brought in the name of the person or persons requiring
28 support, or may be brought in the name of the Illinois
29 Department or the local governmental unit, as the case
30 requires, in behalf of such persons.

31 The court may enter such orders for the payment of moneys
32 for the support of the person as may be just and equitable
33 and may direct payment thereof for such period or periods of
34 time as the circumstances require, including support for a

1 period before the date the order for support is entered. The
2 order may be entered against any or all of the defendant
3 responsible relatives and may be based upon the proportionate
4 ability of each to contribute to the person's support.

5 The Court shall determine the amount of child support
6 (including child support for a period before the date the
7 order for child support is entered) by using the guidelines
8 and standards set forth in subsection (a) of Section 505 and
9 in Section 505.2 of the Illinois Marriage and Dissolution of
10 Marriage Act. For purposes of determining the amount of child
11 support to be paid for a period before the date the order for
12 child support is entered, there is a rebuttable presumption
13 that the responsible relative's net income for that period
14 was the same as his or her net income at the time the order
15 is entered.

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

28 An order entered under this Section shall include a
29 provision requiring the obligor to report to the obligee and
30 to the clerk of court within 10 days each time the obligor
31 obtains new employment, and each time the obligor's
32 employment is terminated for any reason. The report shall be
33 in writing and shall, in the case of new employment, include
34 the name and address of the new employer. Failure to report

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

14 The Court shall determine the amount of maintenance using
15 the standards set forth in Section 504 of the Illinois
16 Marriage and Dissolution of Marriage Act.

17 Any new or existing support order entered by the court
18 under this Section shall be deemed to be a series of
19 judgments against the person obligated to pay support
20 thereunder, each such judgment to be in the amount of each
21 payment or installment of support and each such judgment to
22 be deemed entered as of the date the corresponding payment or
23 installment becomes due under the terms of the support order.
24 Each such judgment shall have the full force, effect and
25 attributes of any other judgment of this State, including the
26 ability to be enforced. Any such judgment is subject to
27 modification or termination only in accordance with Section
28 510 of the Illinois Marriage and Dissolution of Marriage Act.
29 A lien arises by operation of law against the real and
30 personal property of the noncustodial parent for each
31 installment of overdue support owed by the noncustodial
32 parent.

33 When an order is entered for the support of a minor, the
34 court may provide therein for reasonable visitation of the

1 minor by the person or persons who provided support pursuant
2 to the order. Whoever willfully refuses to comply with such
3 visitation order or willfully interferes with its enforcement
4 may be declared in contempt of court and punished therefor.

5 Except where the local governmental unit has entered into
6 an agreement with the Illinois Department for the Child and
7 Spouse Support Unit to act for it, as provided in Section
8 10-3.1, support orders entered by the court in cases
9 involving applicants or recipients under Article VI shall
10 provide that payments thereunder be made directly to the
11 local governmental unit. Orders for the support of all other
12 applicants or recipients shall provide that payments
13 thereunder be made directly to the Illinois Department. In
14 accordance with federal law and regulations, the Illinois
15 Department may continue to collect current maintenance
16 payments or child support payments, or both, after those
17 persons cease to receive public assistance and until
18 termination of services under Article X. The Illinois
19 Department shall pay the net amount collected to those
20 persons after deducting any costs incurred in making the
21 collection or any collection fee from the amount of any
22 recovery made. In both cases the order shall permit the
23 local governmental unit or the Illinois Department, as the
24 case may be, to direct the responsible relative or relatives
25 to make support payments directly to the needy person, or to
26 some person or agency in his behalf, upon removal of the
27 person from the public aid rolls or upon termination of
28 services under Article X.

29 If the notice of support due issued pursuant to Section
30 10-7 directs that support payments be made directly to the
31 needy person, or to some person or agency in his behalf, and
32 the recipient is removed from the public aid rolls, court
33 action may be taken against the responsible relative
34 hereunder if he fails to furnish support in accordance with

1 the terms of such notice.

2 Actions may also be brought under this Section in behalf
3 of any person who is in need of support from responsible
4 relatives, as defined in Section 2-11 of Article II who is
5 not an applicant for or recipient of financial aid under this
6 Code. In such instances, the State's Attorney of the county
7 in which such person resides shall bring action against the
8 responsible relatives hereunder. If the Illinois Department,
9 as authorized by Section 10-1, extends the support services
10 provided by this Article to spouses and dependent children
11 who are not applicants or recipients under this Code, the
12 Child and Spouse Support Unit established by Section 10-3.1
13 shall bring action against the responsible relatives
14 hereunder and any support orders entered by the court in such
15 cases shall provide that payments thereunder be made directly
16 to the Illinois Department.

17 Whenever it is determined in a proceeding to establish or
18 enforce a child support or maintenance obligation that the
19 person owing a duty of support is unemployed, the court may
20 order the person to seek employment and report periodically
21 to the court with a diary, listing or other memorandum of his
22 or her efforts in accordance with such order. Additionally,
23 the court may order the unemployed person to report to the
24 Department of Employment Security for job search services or
25 to make application with the local Job Training Partnership
26 Act provider for participation in job search, training or
27 work programs and where the duty of support is owed to a
28 child receiving support services under this Article X, the
29 court may order the unemployed person to report to the
30 Illinois Department for participation in job search, training
31 or work programs established under Section 9-6 and Article
32 IXA of this Code.

33 Whenever it is determined that a person owes past-due
34 support for a child receiving assistance under this Code, the

1 court shall order at the request of the Illinois Department:

2 (1) that the person pay the past-due support in
3 accordance with a plan approved by the court; or

4 (2) if the person owing past-due support is
5 unemployed, is subject to such a plan, and is not
6 incapacitated, that the person participate in such job
7 search, training, or work programs established under
8 Section 9-6 and Article IXA of this Code as the court
9 deems appropriate.

10 A determination under this Section shall not be
11 administratively reviewable by the procedures specified in
12 Sections 10-12, and 10-13 to 10-13.10. Any determination
13 under these Sections, if made the basis of court action under
14 this Section, shall not affect the de novo judicial
15 determination required under this Section.

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

22 All orders for support, when entered or modified, shall
23 include a provision requiring the non-custodial parent to
24 notify the court and, in cases in which a party is receiving
25 child and spouse support services under this Article X, the
26 Illinois Department, within 7 days, (i) of the name, address,
27 and telephone number of any new employer of the non-custodial
28 parent, (ii) whether the non-custodial parent has access to
29 health insurance coverage through the employer or other group
30 coverage and, if so, the policy name and number and the names
31 of persons covered under the policy, and (iii) of any new
32 residential or mailing address or telephone number of the
33 non-custodial parent. In any subsequent action to enforce a
34 support order, upon a sufficient showing that a diligent

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

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

22 Upon notification in writing or by electronic
23 transmission from the Illinois Department to the clerk of the
24 court that a person who is receiving support payments under
25 this Section is receiving services under the Child Support
26 Enforcement Program established by Title IV-D of the Social
27 Security Act, any support payments subsequently received by
28 the clerk of the court shall be transmitted in accordance
29 with the instructions of the Illinois Department until the
30 Illinois Department gives notice to the clerk of the court to
31 cease the transmittal. After providing the notification
32 authorized under this paragraph, the Illinois Department
33 shall be entitled as a party to notice of any further
34 proceedings in the case. The clerk of the court shall file a

1 copy of the Illinois Department's notification in the court
2 file. The clerk's failure to file a copy of the notification
3 in the court file shall not, however, affect the Illinois
4 Department's right to receive notice of further proceedings.

5 Payments under this Section to the Illinois Department
6 pursuant to the Child Support Enforcement Program established
7 by Title IV-D of the Social Security Act shall be paid into
8 the Child Support Enforcement Trust Fund. All payments under
9 this Section to the Illinois Department of Human Services
10 shall be deposited in the DHS Recoveries Trust Fund.
11 Disbursements from these funds shall be as provided in
12 Sections 12-9.1 and 12-10.2 of this Code. Payments received
13 by a local governmental unit shall be deposited in that
14 unit's General Assistance Fund.

15 To the extent the provisions of this Section are
16 inconsistent with the requirements pertaining to the State
17 Disbursement Unit under Sections 10-10.4 and 10-26 of this
18 Code, the requirements pertaining to the State Disbursement
19 Unit shall apply.

20 (Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99;
21 91-357, eff. 7-29-99; 91-767, eff. 6-9-00; 92-16, eff.
22 6-28-01.)

23 (305 ILCS 5/10-11) (from Ch. 23, par. 10-11)

24 Sec. 10-11. Administrative Orders. In lieu of actions
25 for court enforcement of support under Section 10-10, the
26 Child and Spouse Support Unit of the Illinois Department, in
27 accordance with the rules of the Illinois Department, may
28 issue an administrative order requiring the responsible
29 relative to comply with the terms of the determination and
30 notice of support due, determined and issued under Sections
31 10-6 and 10-7. The Unit may also enter an administrative
32 order under subsection (b) of Section 10-7. The
33 administrative order shall be served upon the responsible

1 relative by United States registered or certified mail. In
2 cases in which the responsible relative appeared at the
3 office of the Child and Spouse Support Unit in response to
4 the notice of support obligation issued under Section 10-4,
5 however, or in cases of default in which the notice was
6 served on the responsible relative by certified mail, return
7 receipt requested, or by any method provided by law for
8 service of summons, the administrative determination of
9 paternity or administrative support order may be sent to the
10 responsible relative by ordinary mail addressed to the
11 responsible relative's last known address.

12 If a responsible relative or a person receiving child and
13 spouse support services under this Article fails to petition
14 the Illinois Department for release from or modification of
15 the administrative order, as provided in Section 10-12 or
16 Section 10-12.1, the order shall become final and there shall
17 be no further administrative or judicial remedy. Likewise a
18 decision by the Illinois Department as a result of an
19 administrative hearing, as provided in Sections 10-13 to
20 10-13.10, shall become final and enforceable if not
21 judicially reviewed under the Administrative Review Law, as
22 provided in Section 10-14.

23 Any new or existing support order entered by the Illinois
24 Department under this Section shall be deemed to be a series
25 of judgments against the person obligated to pay support
26 thereunder, each such judgment to be in the amount of each
27 payment or installment of support and each such judgment to
28 be deemed entered as of the date the corresponding payment or
29 installment becomes due under the terms of the support order.
30 Each such judgment shall have the full force, effect and
31 attributes of any other judgment of this State, including the
32 ability to be enforced. Any such judgment is subject to
33 modification or termination only in accordance with Section
34 510 of the Illinois Marriage and Dissolution of Marriage Act.

1 A lien arises by operation of law against the real and
2 personal property of the noncustodial parent for each
3 installment of overdue support owed by the noncustodial
4 parent.

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

25 A one-time charge of 20% is imposable upon the amount of
26 past-due child support owed on July 1, 1988, which has
27 accrued under a support order entered by the Illinois
28 Department under this Section. The charge shall be imposed
29 in accordance with the provisions of Section 10-21 and shall
30 be enforced by the court in a suit filed under Section 10-15.

31 An order for support shall include a date on which the
32 support obligation terminates. The termination date shall be
33 no earlier than the date on which the child covered by the
34 order will attain the age of 18. However, if the child will

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

11 (Source: P.A. 90-18, eff. 7-1-97; 90-539, eff. 6-1-98;
12 90-655, eff. 7-30-98; 90-790, eff. 8-14-98; 91-212, eff.
13 7-20-99.)

14 Section 10. The Illinois Marriage and Dissolution of
15 Marriage Act is amended by changing Sections 505, 505.2, 510,
16 and 513 as follows:

17 (750 ILCS 5/505) (from Ch. 40, par. 505)

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

19 (a) In a proceeding for dissolution of marriage, legal
20 separation, declaration of invalidity of marriage, a
21 proceeding for child support following dissolution of the
22 marriage by a court which lacked personal jurisdiction over
23 the absent spouse, a proceeding for modification of a
24 previous order for child support under Section 510 of this
25 Act, or any proceeding authorized under Section 501 or 601 of
26 this Act, the court may order either or both parents owing a
27 duty of support to a child of the marriage to pay an amount
28 reasonable and necessary for his support, without regard to
29 marital misconduct. The duty of support owed to a ~~minor~~
30 child includes the obligation to provide for the reasonable
31 and necessary physical, mental and emotional health needs of
32 the child. For purposes of this Section, the term "child"

1 shall include any child under age 18 and any child under age
2 19 who is still attending high school.

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

Number of Children	Percent of Supporting Party's Net Income
1	20%
2	25%
3	32%
4	40%
5	45%
6 or more	50%

13 (2) The above guidelines shall be applied in each
14 case unless the court makes a finding that application of
15 the guidelines would be inappropriate, after considering
16 the best interests of the child in light of evidence
17 including but not limited to one or more of the following
18 relevant factors:

19 (a) the financial resources and needs of the
20 child;

21 (b) the financial resources and needs of the
22 custodial parent;

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

25 (d) the physical and emotional condition of
26 the child, and his educational needs; and

27 (e) the financial resources and needs of the
28 non-custodial parent.

29 If the court deviates from the guidelines, the
30 court's finding shall state the amount of support that
31 would have been required under the guidelines, if
32 determinable. The court shall include the reason or
33 reasons for the variance from the guidelines.

34 (3) "Net income" is defined as the total of all

1 income from all sources, minus the following deductions:

2 (a) Federal income tax (properly calculated
3 withholding or estimated payments);

4 (b) State income tax (properly calculated
5 withholding or estimated payments);

6 (c) Social Security (FICA payments);

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

9 (e) Union dues;

10 (f) Dependent and individual
11 health/hospitalization insurance premiums;

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

14 (h) Expenditures for repayment of debts that
15 represent reasonable and necessary expenses for the
16 production of income, medical expenditures necessary
17 to preserve life or health, reasonable expenditures
18 for the benefit of the child and the other parent,
19 exclusive of gifts. The court shall reduce net
20 income in determining the minimum amount of support
21 to be ordered only for the period that such payments
22 are due and shall enter an order containing
23 provisions for its self-executing modification upon
24 termination of such payment period.

25 (4) In cases where the court order provides for
26 health/hospitalization insurance coverage pursuant to
27 Section 505.2 of this Act, the premiums for that
28 insurance, or that portion of the premiums for which the
29 supporting party is responsible in the case of insurance
30 provided through an employer's health insurance plan
31 where the employer pays a portion of the premiums, shall
32 be subtracted from net income in determining the minimum
33 amount of support to be ordered.

34 (4.5) In a proceeding for child support following

1 dissolution of the marriage by a court that lacked
2 personal jurisdiction over the absent spouse, and in
3 which the court is requiring payment of support for the
4 period before the date an order for current support is
5 entered, there is a rebuttable presumption that the
6 supporting party's net income for the prior period was
7 the same as his or her net income at the time the order
8 for current support is entered.

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

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

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

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

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

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

21 (A) work; or

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

24 The Court may further order any part or all of the
25 earnings of a parent during a sentence of periodic
26 imprisonment paid to the Clerk of the Circuit Court or to the
27 parent having custody or to the guardian having custody of
28 the ~~minor~~ children of the sentenced parent for the support of
29 said ~~minor~~ children until further order of the Court.

30 If there is a unity of interest and ownership sufficient
31 to render no financial separation between a non-custodial
32 parent and another person or persons or business entity, the
33 court may pierce the ownership veil of the person, persons,
34 or business entity to discover assets of the non-custodial

1 parent held in the name of that person, those persons, or
2 that business entity. The following circumstances are
3 sufficient to authorize a court to order discovery of the
4 assets of a person, persons, or business entity and to compel
5 the application of any discovered assets toward payment on
6 the judgment for support:

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

9 (2) the non-custodial parent and the person,
10 persons, or business entity fail to maintain an arms
11 length relationship between themselves with regard to any
12 assets.

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

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

24 The court may also order in cases where the parent is 90
25 days or more delinquent in payment of support or has been
26 adjudicated in arrears in an amount equal to 90 days
27 obligation or more, that the parent's Illinois driving
28 privileges be suspended until the court determines that the
29 parent is in compliance with the order of support. The court
30 may also order that the parent be issued a family financial
31 responsibility driving permit that would allow limited
32 driving privileges for employment and medical purposes in
33 accordance with Section 7-702.1 of the Illinois Vehicle Code.
34 The clerk of the circuit court shall certify the order

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

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

23 A support obligation, or any portion of a support
24 obligation, which becomes due and remains unpaid for 30 days
25 or more shall accrue simple interest at the rate of 9% per
26 annum. An order for support entered or modified on or after
27 January 1, 2002 shall contain a statement that a support
28 obligation required under the order, or any portion of a
29 support obligation required under the order, that becomes due
30 and remains unpaid for 30 days or more shall accrue simple
31 interest at the rate of 9% per annum. Failure to include the
32 statement in the order for support does not affect the
33 validity of the order or the accrual of interest as provided
34 in this Section.

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

7 (d) Any new or existing support order entered by the
8 court under this Section shall be deemed to be a series of
9 judgments against the person obligated to pay support
10 thereunder, each such judgment to be in the amount of each
11 payment or installment of support and each such judgment to
12 be deemed entered as of the date the corresponding payment or
13 installment becomes due under the terms of the support order.
14 Each such judgment shall have the full force, effect and
15 attributes of any other judgment of this State, including the
16 ability to be enforced. A lien arises by operation of law
17 against the real and personal property of the noncustodial
18 parent for each installment of overdue support owed by the
19 noncustodial parent.

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

29 (f) All orders for support, when entered or modified,
30 shall include a provision requiring the obligor to notify the
31 court and, in cases in which a party is receiving child and
32 spouse services under Article X of the Illinois Public Aid
33 Code, the Illinois Department of Public Aid, within 7 days,
34 (i) of the name and address of any new employer of the

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

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

29 (h) An order entered under this Section shall include a
30 provision requiring the obligor to report to the obligee and
31 to the clerk of court within 10 days each time the obligor
32 obtains new employment, and each time the obligor's
33 employment is terminated for any reason. The report shall be
34 in writing and shall, in the case of new employment, include

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

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

20 (Source: P.A. 91-113, eff. 7-15-99; 91-397, eff. 1-1-00;
21 91-655, eff. 6-1-00; 91-767, eff. 6-9-00; 92-16, eff.
22 6-28-01; 92-203, eff. 8-1-01; 92-374, eff. 8-15-01; revised
23 10-15-01.)

24 (750 ILCS 5/505.2) (from Ch. 40, par. 505.2)

25 Sec. 505.2. Health insurance.

26 (a) Definitions. As used in this Section:

27 (1) "Obligee" means the individual to whom the duty
28 of support is owed or the individual's legal
29 representative.

30 (2) "Obligor" means the individual who owes a duty
31 of support pursuant to an order for support.

32 (3) "Public office" means any elected official or
33 any State or local agency which is or may become

1 responsible by law for enforcement of, or which is or may
2 become authorized to enforce, an order for support,
3 including, but not limited to: the Attorney General, the
4 Illinois Department of Public Aid, the Illinois
5 Department of Human Services, the Illinois Department of
6 Children and Family Services, and the various State's
7 Attorneys, Clerks of the Circuit Court and supervisors of
8 general assistance.

9 (4) "Child" shall have the meaning ascribed to it
10 in Section 505.

11 (b) Order.

12 (1) Whenever the court establishes, modifies or
13 enforces an order for child support or for child support
14 and maintenance the court shall include in the order a
15 provision for the health care coverage of the child which
16 shall, upon request of the obligee or Public Office,
17 require that any child covered by the order be named as a
18 beneficiary of any health insurance plan that is
19 available to the obligor through an employer or labor
20 union or trade union. If the court finds that such a
21 plan is not available to the obligor, or that the plan is
22 not accessible to the obligee, the court may, upon
23 request of the obligee or Public Office, order the
24 obligor to name the child covered by the order as a
25 beneficiary of any health insurance plan that is
26 available to the obligor on a group basis, or as a
27 beneficiary of an independent health insurance plan to be
28 obtained by the obligor, after considering the following
29 factors:

30 (A) the medical needs of the child;

31 (B) the availability of a plan to meet those
32 needs; and

33 (C) the cost of such a plan to the obligor.

34 (2) If the employer or labor union or trade union

1 offers more than one plan, the order shall require the
2 obligor to name the child as a beneficiary of the plan in
3 which the obligor is enrolled.

4 (3) Nothing in this Section shall be construed to
5 limit the authority of the court to establish or modify a
6 support order to provide for payment of expenses,
7 including deductibles, copayments and any other health
8 expenses, which are in addition to expenses covered by an
9 insurance plan of which a child is ordered to be named a
10 beneficiary pursuant to this Section.

11 (c) Implementation and enforcement.

12 (1) When the court order requires that a minor
13 child be named as a beneficiary of a health insurance
14 plan, other than a health insurance plan available
15 through an employer or labor union or trade union, the
16 obligor shall provide written proof to the obligee or
17 Public Office that the required insurance has been
18 obtained, or that application for insurability has been
19 made, within 30 days of receiving notice of the court
20 order. Unless the obligor was present in court when the
21 order was issued, notice of the order shall be given
22 pursuant to Illinois Supreme Court Rules. If an obligor
23 fails to provide the required proof, he may be held in
24 contempt of court.

25 (2) When the court requires that a ~~minor~~ child be
26 named as a beneficiary of a health insurance plan
27 available through an employer or labor union or trade
28 union, the court's order shall be implemented in
29 accordance with the Income Withholding for Support Act.

30 (d) Failure to maintain insurance. The dollar amount of
31 the premiums for court-ordered health insurance, or that
32 portion of the premiums for which the obligor is responsible
33 in the case of insurance provided under a group health
34 insurance plan through an employer or labor union or trade

1 union where the employer or labor union or trade union pays a
2 portion of the premiums, shall be considered an additional
3 child support obligation owed by the obligor. Whenever the
4 obligor fails to provide or maintain health insurance
5 pursuant to an order for support, the obligor shall be liable
6 to the obligee for the dollar amount of the premiums which
7 were not paid, and shall also be liable for all medical
8 expenses incurred by the ~~minor~~ child which would have been
9 paid or reimbursed by the health insurance which the obligor
10 was ordered to provide or maintain. In addition, the obligee
11 may petition the court to modify the order based solely on
12 the obligor's failure to pay the premiums for court-ordered
13 health insurance.

14 (e) Authorization for payment. The signature of the
15 obligee is a valid authorization to the insurer to process a
16 claim for payment under the insurance plan to the provider of
17 the health care services or to the obligee.

18 (f) Disclosure of information. The obligor's employer
19 or labor union or trade union shall disclose to the obligee
20 or Public Office, upon request, information concerning any
21 dependent coverage plans which would be made available to a
22 new employee or labor union member or trade union member.
23 The employer or labor union or trade union shall disclose
24 such information whether or not a court order for medical
25 support has been entered.

26 (g) Employer obligations. If a parent is required by an
27 order for support to provide coverage for a child's health
28 care expenses and if that coverage is available to the parent
29 through an employer who does business in this State, the
30 employer must do all of the following upon receipt of a copy
31 of the order of support or order for withholding:

32 (1) The employer shall, upon the parent's request,
33 permit the parent to include in that coverage a child who
34 is otherwise eligible for that coverage, without regard

1 to any enrollment season restrictions that might
2 otherwise be applicable as to the time period within
3 which the child may be added to that coverage.

4 (2) If the parent has health care coverage through
5 the employer but fails to apply for coverage of the
6 child, the employer shall include the child in the
7 parent's coverage upon application by the child's other
8 parent or the Illinois Department of Public Aid.

9 (3) The employer may not eliminate any child from
10 the parent's health care coverage unless the employee is
11 no longer employed by the employer and no longer covered
12 under the employer's group health plan or unless the
13 employer is provided with satisfactory written evidence
14 of either of the following:

15 (A) The order for support is no longer in
16 effect.

17 (B) The child is or will be included in a
18 comparable health care plan obtained by the parent
19 under such order that is currently in effect or will
20 take effect no later than the date the prior
21 coverage is terminated.

22 The employer may eliminate a child from a parent's
23 health care plan obtained by the parent under such order
24 if the employer has eliminated dependent health care
25 coverage for all of its employees.

26 (Source: P.A. 92-16, eff. 6-28-01)

27 (750 ILCS 5/510) (from Ch. 40, par. 510)

28 Sec. 510. Modification and termination of provisions for
29 maintenance, support, educational expenses, and property
30 disposition.

31 (a) Except as otherwise provided in paragraph (f) of
32 Section 502 and in subsection (b) (d), clause (3) of Section
33 505.2, the provisions of any judgment respecting maintenance

1 or support may be modified only as to installments accruing
2 subsequent to due notice by the moving party of the filing of
3 the motion for modification and, with respect to maintenance,
4 only upon a showing of a substantial change in circumstances.
5 An order for child support may be modified as follows:

6 (1) upon a showing of a substantial change in
7 circumstances; and

8 (2) without the necessity of showing a substantial
9 change in circumstances, as follows:

10 (A) upon a showing of an inconsistency of at
11 least 20%, but no less than \$10 per month, between
12 the amount of the existing order and the amount of
13 child support that results from application of the
14 guidelines specified in Section 505 of this Act
15 unless the inconsistency is due to the fact that the
16 amount of the existing order resulted from a
17 deviation from the guideline amount and there has
18 not been a change in the circumstances that resulted
19 in that deviation; or

20 (B) Upon a showing of a need to provide for
21 the health care needs of the child under the order
22 through health insurance or other means. In no
23 event shall the eligibility for or receipt of
24 medical assistance be considered to meet the need to
25 provide for the child's health care needs.

26 The provisions of subparagraph (a)(2)(A) shall apply only
27 in cases in which a party is receiving child and spouse
28 support services from the Illinois Department of Public Aid
29 under Article X of the Illinois Public Aid Code, and only
30 when at least 36 months have elapsed since the order for
31 child support was entered or last modified.

32 (b) The provisions as to property disposition may not be
33 revoked or modified, unless the court finds the existence of
34 conditions that justify the reopening of a judgment under the

1 laws of this State.

2 (c) Unless otherwise agreed by the parties in a written
3 agreement set forth in the judgment or otherwise approved by
4 the court, the obligation to pay future maintenance is
5 terminated upon the death of either party, or the remarriage
6 of the party receiving maintenance, or if the party receiving
7 maintenance cohabits with another person on a resident,
8 continuing conjugal basis.

9 (d) Unless otherwise provided in this Act, or as agreed
10 in writing or expressly provided in the judgment, provisions
11 for the support of a child are terminated by emancipation of
12 the child, or if the child has attained the age of 18 and is
13 still attending high school, provisions for the support of
14 the child are terminated upon the date that the child
15 graduates from high school or the date the child attains the
16 age of 19, whichever is earlier, but not by the death of a
17 parent obligated to support or educate the child. Unless
18 otherwise-agreed--in--writing--or--expressly--provided--in--a
19 judgment,---provisions---for--the--support--of--a--child--are
20 terminated-by-emancipation-of-the-child,--except-as--otherwise
21 provided--herein,--but-not-by-the-death-of-a-parent-obligated
22 to-support-or-educate-the-child. An existing obligation to
23 pay for support or educational expenses, or both, is not
24 terminated by the death of a parent. When a parent obligated
25 to pay support or educational expenses, or both, dies, the
26 amount of support or educational expenses, or both, may be
27 enforced, modified, revoked or commuted to a lump sum
28 payment, as equity may require, and that determination may be
29 provided for at the time of the dissolution of the marriage
30 or thereafter.

31 (e) The right to petition for support or educational
32 expenses, or both, under Sections 505 and 513 is not
33 extinguished by the death of a parent. Upon a petition filed
34 before or after a parent's death, the court may award sums of

1 money out of the decedent's estate for the child's support or
2 educational expenses, or both, as equity may require. The
3 time within which a claim may be filed against the estate of
4 a decedent under Sections 505 and 513 and subsection (d) and
5 this subsection shall be governed by the provisions of the
6 Probate Act of 1975, as a barrable, noncontingent claim.

7 (f) A petition to modify or terminate child support,
8 custody, or visitation shall not delay any child support
9 enforcement litigation or supplementary proceeding on behalf
10 of the obligee, including, but not limited to, a petition for
11 a rule to show cause, for non-wage garnishment, or for a
12 restraining order.

13 (Source: P.A. 92-289, eff. 8-9-01; revised 12-07-01.)

14 (750 ILCS 5/513) (from Ch. 40, par. 513)

15 Sec. 513. Support for Non-minor Children and Educational
16 Expenses.

17 (a) The court may award sums of money out of the
18 property and income of either or both parties or the estate
19 of a deceased parent, as equity may require, for the support
20 of the child or children of the parties who have attained
21 majority in the following instances:

22 (1) When the child is mentally or physically
23 disabled and not otherwise emancipated, an application
24 for support may be made before or after the child has
25 attained majority.

26 (2) The court may also make provision for the
27 educational expenses of the child or children of the
28 parties, whether of minor or majority age, and an
29 application for educational expenses may be made before
30 or after the child has attained majority, or after the
31 death of either parent. The authority under this Section
32 to make provision for educational expenses extends not
33 only to periods of college education or professional or

1 other training after graduation from high school, but
2 also to any period during which the child of the parties
3 is still attending high school, even though he or she
4 attained the age of 19 ±8. The educational expenses may
5 include, but shall not be limited to, room, board, dues,
6 tuition, transportation, books, fees, registration and
7 application costs, medical expenses including medical
8 insurance, dental expenses, and living expenses during
9 the school year and periods of recess, which sums may be
10 ordered payable to the child, to either parent, or to the
11 educational institution, directly or through a special
12 account or trust created for that purpose, as the court
13 sees fit.

14 If educational expenses are ordered payable, each
15 parent and the child shall sign any consents necessary
16 for the educational institution to provide the supporting
17 parent with access to the child's academic transcripts,
18 records, and grade reports. The consents shall not apply
19 to any non-academic records. Failure to execute the
20 required consent may be a basis for a modification or
21 termination of any order entered under this Section.

22 The authority under this Section to make provision
23 for educational expenses, except where the child is
24 mentally or physically disabled and not otherwise
25 emancipated, terminates when the child receives a
26 baccalaureate degree.

27 (b) In making awards under paragraph (1) or (2) of
28 subsection (a), or pursuant to a petition or motion to
29 decrease, modify, or terminate any such award, the court
30 shall consider all relevant factors that appear reasonable
31 and necessary, including:

- 32 (1) The financial resources of both parents.
- 33 (2) The standard of living the child would have
34 enjoyed had the marriage not been dissolved.

1 (3) The financial resources of the child.

2 (4) The child's academic performance.

3 (Source: P.A. 91-204, eff. 1-1-00.)

4 Section 15. The Non-Support Punishment Act is amended by
5 changing Sections 15 and 20 as follows:

6 (750 ILCS 16/15)

7 Sec. 15. Failure to support.

8 (a) A person commits the offense of failure to support
9 when he or she:

10 (1) willfully, without any lawful excuse, refuses
11 to provide for the support or maintenance of his or her
12 spouse, with the knowledge that the spouse is in need of
13 such support or maintenance, or, without lawful excuse,
14 deserts or willfully refuses to provide for the support
15 or maintenance of his or her child or children ~~under--the~~
16 ~~age--of--18--years,~~ in need of support or maintenance and
17 the person has the ability to provide the support; or

18 (2) willfully fails to pay a support obligation
19 required under a court or administrative order for
20 support, if the obligation has remained unpaid for a
21 period longer than 6 months, or is in arrears in an
22 amount greater than \$5,000, and the person has the
23 ability to provide the support; or

24 (3) leaves the State with the intent to evade a
25 support obligation required under a court or
26 administrative order for support, if the obligation,
27 regardless of when it accrued, has remained unpaid for a
28 period longer than 6 months, or is in arrears in an
29 amount greater than \$10,000; or

30 (4) willfully fails to pay a support obligation
31 required under a court or administrative order for
32 support, if the obligation has remained unpaid for a

1 period longer than one year, or is in arrears in an
2 amount greater than \$20,000, and the person has the
3 ability to provide the support.

4 (a-5) Presumption of ability to pay support. The
5 existence of a court or administrative order of support that
6 was not based on a default judgment and was in effect for the
7 time period charged in the indictment or information creates
8 a rebuttable presumption that the obligor has the ability to
9 pay the support obligation for that time period.

10 (b) Sentence. A person convicted of a first offense
11 under subdivision (a)(1) or (a)(2) is guilty of a Class A
12 misdemeanor. A person convicted of an offense under
13 subdivision (a)(3) or (a)(4) or a second or subsequent
14 offense under subdivision (a)(1) or (a)(2) is guilty of a
15 Class 4 felony.

16 (c) Expungement. A person convicted of a first offense
17 under subdivision (a)(1) or (a)(2) who is eligible for the
18 Earnfare program, shall, in lieu of the sentence prescribed
19 in subsection (b), be referred to the Earnfare program. Upon
20 certification of completion of the Earnfare program, the
21 conviction shall be expunged. If the person fails to
22 successfully complete the Earnfare program, he or she shall
23 be sentenced in accordance with subsection (b).

24 (d) Fine. Sentences of imprisonment and fines for
25 offenses committed under this Act shall be as provided under
26 Articles 8 and 9 of Chapter V of the Unified Code of
27 Corrections, except that the court shall order restitution of
28 all unpaid support payments and may impose the following
29 fines, alone, or in addition to a sentence of imprisonment
30 under the following circumstances:

31 (1) from \$1,000 to \$5,000 if the support obligation
32 has remained unpaid for a period longer than 2 years, or
33 is in arrears in an amount greater than \$1,000 and not
34 exceeding \$10,000;

1 (2) from \$5,000 to \$10,000 if the support obligation
 2 has remained unpaid for a period longer than 5 years, or
 3 is in arrears in an amount greater than \$10,000 and not
 4 exceeding \$20,000; or

5 (3) from \$10,000 to \$25,000 if the support
 6 obligation has remained unpaid for a period longer than 8
 7 years, or is in arrears in an amount greater than
 8 \$20,000.

9 (e) Restitution shall be ordered in an amount equal to
 10 the total unpaid support obligation as it existed at the time
 11 of sentencing. Any amounts paid by the obligor shall be
 12 allocated first to current support and then to restitution
 13 ordered and then to fines imposed under this Section.

14 (f) For purposes of this Act, the term "child" shall
 15 have the meaning ascribed to it in Section 505 of the
 16 Illinois Marriage and Dissolution of Marriage Act.

17 (Source: P.A. 91-613, eff. 10-1-99.)

18 (750 ILCS 16/20)

19 Sec. 20. Entry of order for support; income withholding.

20 (a) In a case in which no court or administrative order
 21 for support is in effect against the defendant:

22 (1) at any time before the trial, upon motion of
 23 the State's Attorney, or of the Attorney General if the
 24 action has been instituted by his office, and upon notice
 25 to the defendant, or at the time of arraignment or as a
 26 condition of postponement of arraignment, the court may
 27 enter such temporary order for support as may seem just,
 28 providing for the support or maintenance of the spouse or
 29 child or children of the defendant, or both, pendente
 30 lite; or

31 (2) before trial with the consent of the defendant,
 32 or at the trial on entry of a plea of guilty, or after
 33 conviction, instead of imposing the penalty provided in

1 this Act, or in addition thereto, the court may enter an
2 order for support, subject to modification by the court
3 from time to time as circumstances may require, directing
4 the defendant to pay a certain sum for maintenance of the
5 spouse, or for support of the child or children, or both.

6 (b) The court shall determine the amount of child
7 support by using the guidelines and standards set forth in
8 subsection (a) of Section 505 and in Section 505.2 of the
9 Illinois Marriage and Dissolution of Marriage Act.

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

22 (c) The court shall determine the amount of maintenance
23 using the standards set forth in Section 504 of the Illinois
24 Marriage and Dissolution of Marriage Act.

25 (d) The court may, for violation of any order under this
26 Section, punish the offender as for a contempt of court, but
27 no pendente lite order shall remain in effect longer than 4
28 months, or after the discharge of any panel of jurors
29 summoned for service thereafter in such court, whichever is
30 sooner.

31 (e) Any order for support entered by the court under
32 this Section shall be deemed to be a series of judgments
33 against the person obligated to pay support under the
34 judgments, each such judgment to be in the amount of each

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

13 (f) An order for support entered under this Section
14 shall include a provision requiring the obligor to report to
15 the obligee and to the clerk of the court within 10 days each
16 time the obligor obtains new employment, and each time the
17 obligor's employment is terminated for any reason. The
18 report shall be in writing and shall, in the case of new
19 employment, include the name and address of the new employer.

20 Failure to report new employment or the termination of
21 current employment, if coupled with nonpayment of support for
22 a period in excess of 60 days, is indirect criminal contempt.
23 For any obligor arrested for failure to report new
24 employment, bond shall be set in the amount of the child
25 support that should have been paid during the period of
26 unreported employment.

27 An order for support entered under this Section shall
28 also include a provision requiring the obligor and obligee
29 parents to advise each other of a change in residence within
30 5 days of the change except when the court finds that the
31 physical, mental, or emotional health of a party or of a
32 minor child, or both, would be seriously endangered by
33 disclosure of the party's address.

34 (g) An order for support entered or modified in a case

1 in which a party is receiving child and spouse support
2 services under Article X of the Illinois Public Aid Code
3 shall include a provision requiring the noncustodial parent
4 to notify the Illinois Department of Public Aid, within 7
5 days, of the name and address of any new employer of the
6 noncustodial parent, whether the noncustodial parent has
7 access to health insurance coverage through the employer or
8 other group coverage and, if so, the policy name and number
9 and the names of persons covered under the policy.

10 (h) In any subsequent action to enforce an order for
11 support entered under this Act, upon sufficient showing that
12 diligent effort has been made to ascertain the location of
13 the noncustodial parent, service of process or provision of
14 notice necessary in that action may be made at the last known
15 address of the noncustodial parent, in any manner expressly
16 provided by the Code of Civil Procedure or in this Act, which
17 service shall be sufficient for purposes of due process.

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

33 (j) A support obligation, or any portion of a support
34 obligation, which becomes due and remains unpaid for 30 days

1 or more shall accrue simple interest at the rate of 9% per
2 annum. An order for support entered or modified on or after
3 January 1, 2002 shall contain a statement that a support
4 obligation required under the order, or any portion of a
5 support obligation required under the order, that becomes due
6 and remains unpaid for 30 days or more shall accrue simple
7 interest at the rate of 9% per annum. Failure to include the
8 statement in the order for support does not affect the
9 validity of the order or the accrual of interest as provided
10 in this Section.

11 (Source: P.A. 91-613, eff. 10-1-99; 91-767, eff. 6-9-00;
12 92-374, eff. 8-15-01.)

13 Section 20. The Illinois Parentage Act of 1984 is
14 amended by changing Section 14 as follows:

15 (750 ILCS 45/14) (from Ch. 40, par. 2514)

16 Sec. 14. Judgment.

17 (a) (1) The judgment shall contain or explicitly reserve
18 provisions concerning any duty and amount of child support
19 and may contain provisions concerning the custody and
20 guardianship of the child, visitation privileges with the
21 child, the furnishing of bond or other security for the
22 payment of the judgment, which the court shall determine in
23 accordance with the relevant factors set forth in the
24 Illinois Marriage and Dissolution of Marriage Act and any
25 other applicable law of Illinois, to guide the court in a
26 finding in the best interests of the child. In determining
27 custody, joint custody, or visitation, the court shall apply
28 the relevant standards of the Illinois Marriage and
29 Dissolution of Marriage Act. Specifically, in determining the
30 amount of any child support award, the court shall use the
31 guidelines and standards set forth in subsection (a) of
32 Section 505 and in Section 505.2 of the Illinois Marriage and

1 Dissolution of Marriage Act. For purposes of Section 505 of
2 the Illinois Marriage and Dissolution of Marriage Act, "net
3 income" of the non-custodial parent shall include any
4 benefits available to that person under the Illinois Public
5 Aid Code or from other federal, State or local
6 government-funded programs. The court shall, in any event
7 and regardless of the amount of the non-custodial parent's
8 net income, in its judgment order the non-custodial parent to
9 pay child support to the custodial parent in a minimum amount
10 of not less than \$10 per month. In an action brought within 2
11 years after a child's birth, the judgment or order may direct
12 either parent to pay the reasonable expenses incurred by
13 either parent related to the mother's pregnancy and the
14 delivery of the child. The judgment or order shall contain
15 the father's social security number, which the father shall
16 disclose to the court; however, failure to include the
17 father's social security number on the judgment or order does
18 not invalidate the judgment or order.

19 (2) If a judgment of parentage contains no explicit
20 award of custody, the establishment of a support obligation
21 or of visitation rights in one parent shall be considered a
22 judgment granting custody to the other parent. If the
23 parentage judgment contains no such provisions, custody shall
24 be presumed to be with the mother; however, the presumption
25 shall not apply if the father has had physical custody for at
26 least 6 months prior to the date that the mother seeks to
27 enforce custodial rights.

28 (b) The court shall order all child support payments,
29 determined in accordance with such guidelines, to commence
30 with the date summons is served. The level of current
31 periodic support payments shall not be reduced because of
32 payments set for the period prior to the date of entry of the
33 support order. The Court may order any child support
34 payments to be made for a period prior to the commencement of

1 the action. In determining whether and the extent to which
2 the payments shall be made for any prior period, the court
3 shall consider all relevant facts, including the factors for
4 determining the amount of support specified in the Illinois
5 Marriage and Dissolution of Marriage Act and other equitable
6 factors including but not limited to:

7 (1) The father's prior knowledge of the fact and
8 circumstances of the child's birth.

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

11 (3) The extent to which the mother or the public
12 agency bringing the action previously informed the father
13 of the child's needs or attempted to seek or require his
14 help in raising or supporting the child.

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

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

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

25 If (i) the non-custodial parent was properly served with
26 a request for discovery of financial information relating to
27 the non-custodial parent's ability to provide child support,
28 (ii) the non-custodial parent failed to comply with the
29 request, despite having been ordered to do so by the court,
30 and (iii) the non-custodial parent is not present at the
31 hearing to determine support despite having received proper
32 notice, then any relevant financial information concerning
33 the non-custodial parent's ability to provide child support
34 that was obtained pursuant to subpoena and proper notice

1 shall be admitted into evidence without the need to establish
2 any further foundation for its admission.

3 (c) Any new or existing support order entered by the
4 court under this Section shall be deemed to be a series of
5 judgments against the person obligated to pay support
6 thereunder, each judgment to be in the amount of each payment
7 or installment of support and each such judgment to be deemed
8 entered as of the date the corresponding payment or
9 installment becomes due under the terms of the support order.
10 Each judgment shall have the full force, effect and
11 attributes of any other judgment of this State, including the
12 ability to be enforced. A lien arises by operation of law
13 against the real and personal property of the noncustodial
14 parent for each installment of overdue support owed by the
15 noncustodial parent.

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

20 (e) On request of the mother and the father, the court
21 shall order a change in the child's name. After hearing
22 evidence the court may stay payment of support during the
23 period of the father's minority or period of disability.

24 (f) If, upon a showing of proper service, the father
25 fails to appear in court, or otherwise appear as provided by
26 law, the court may proceed to hear the cause upon testimony
27 of the mother or other parties taken in open court and shall
28 enter a judgment by default. The court may reserve any order
29 as to the amount of child support until the father has
30 received notice, by regular mail, of a hearing on the matter.

31 (g) A one-time charge of 20% is imposable upon the
32 amount of past-due child support owed on July 1, 1988 which
33 has accrued under a support order entered by the court. The
34 charge shall be imposed in accordance with the provisions of

1 Section 10-21 of the Illinois Public Aid Code and shall be
2 enforced by the court upon petition.

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

23 (i) An order for support shall include a date on which
24 the current support obligation terminates. The termination
25 date shall be no earlier than the date on which the child
26 covered by the order will attain the age of 18. However, if
27 the child will not graduate from high school until after
28 attaining the age of 18, then the termination date shall be
29 no earlier than the earlier of the date on which the child's
30 high school graduation will occur or the date on which the
31 child will attain the age of 19 majority-or-is-otherwise
32 emaneipated. The order for support shall state that the
33 termination date does not apply to any arrearage that may
34 remain unpaid on that date. Nothing in this subsection shall

1 be construed to prevent the court from modifying the order or
2 terminating the order in the event the child is otherwise
3 emancipated.

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

24 (Source: P.A. 90-18, eff. 7-1-97; 90-539, eff. 6-1-98;
25 90-655, eff. 7-30-98; 91-767, eff. 6-9-00.)