



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB2532

by Rep. Kathleen Willis

#### SYNOPSIS AS INTRODUCED:

305 ILCS 5/10-1	from Ch. 23, par. 10-1
305 ILCS 5/10-2	from Ch. 23, par. 10-2
305 ILCS 5/10-17	from Ch. 23, par. 10-17
305 ILCS 5/10-17.05 new	
750 ILCS 5/510	from Ch. 40, par. 510
750 ILCS 5/513.6 new	
750 ILCS 5/513.7 new	
750 ILCS 46/802	
750 ILCS 46/906 new	
750 ILCS 46/907 new	

Amends the Illinois Public Aid Code. In provisions concerning child support obligations, provides that the liability for the support of a child does not require a previous court order for custody and shall be in conjunction with the child support guidelines set forth in the Illinois Marriage and Dissolution of Marriage Act. Provides that the obligation to support, as provided under the Code, shall be concurrent to any other appropriate State law. Provides that an action to establish or enforce a support obligation, under the Code or under any other Act providing for the support of a child, may be brought subsequent to an adjudication dismissing that action based on specified reasons. Provides that in regard to certain cases, actions and remedies under the Code, the Uniform Interstate Family Support Act, or other State laws shall be cumulative and shall be used in conjunction with one another, as appropriate. Makes corresponding and other changes to the Illinois Marriage and Dissolution of Marriage Act and the Illinois Parentage Act of 2015.

LRB101 06653 LNS 51680 b

1 AN ACT concerning 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 10-1, 10-2, and 10-17 and by adding Section  
6 10-17.05 as follows:

7 (305 ILCS 5/10-1) (from Ch. 23, par. 10-1)

8 Sec. 10-1. Declaration of Public Policy - Persons Eligible  
9 for Child Support Enforcement Services - Fees for  
10 Non-Applicants and Non-Recipients.) It is the intent of this  
11 Code that the financial aid and social welfare services herein  
12 provided supplement rather than supplant the primary and  
13 continuing obligation of the family unit for self-support to  
14 the fullest extent permitted by the resources available to it.  
15 This primary and continuing obligation applies whether the  
16 family unit of parents and children or of husband and wife  
17 remains intact and resides in a common household or whether the  
18 unit has been broken by absence of one or more members of the  
19 unit. The obligation of the family unit is particularly  
20 applicable when a member is in necessitous circumstances and  
21 lacks the means of a livelihood compatible with health and  
22 well-being.

23 It is the purpose of this Article to provide for locating

1 an absent parent or spouse, for determining his financial  
2 circumstances, and for enforcing his legal obligation of  
3 support, if he is able to furnish support, in whole or in part.  
4 The Department of Healthcare and Family Services shall give  
5 priority to establishing, enforcing and collecting the current  
6 support obligation, and then to past due support owed to the  
7 family unit, except with respect to collections effected  
8 through the intercept programs provided for in this Article.  
9 Establishment or enforcement actions under this Article do not  
10 require a previous court order for custody or allocation of  
11 parental responsibilities.

12 The child support enforcement services provided hereunder  
13 shall be furnished dependents of an absent parent or spouse who  
14 are applicants for or recipients of financial aid under this  
15 Code. It is not, however, a condition of eligibility for  
16 financial aid that there be no responsible relatives who are  
17 reasonably able to provide support. Nor, except as provided in  
18 Sections 4-1.7 and 10-8, shall the existence of such relatives  
19 or their payment of support contributions disqualify a needy  
20 person for financial aid.

21 By accepting financial aid under this Code, a spouse or a  
22 parent or other person having physical or legal custody of a  
23 child shall be deemed to have made assignment to the Illinois  
24 Department for aid under Articles III, IV, V and VII or to a  
25 local governmental unit for aid under Article VI of any and all  
26 rights, title, and interest in any support obligation,

1 including statutory interest thereon, up to the amount of  
2 financial aid provided. The rights to support assigned to the  
3 Department of Healthcare and Family Services (formerly  
4 Illinois Department of Public Aid) or local governmental unit  
5 shall constitute an obligation owed the State or local  
6 governmental unit by the person who is responsible for  
7 providing the support, and shall be collectible under all  
8 applicable processes.

9 The Department of Healthcare and Family Services shall also  
10 furnish the child support enforcement services established  
11 under this Article in behalf of persons who are not applicants  
12 for or recipients of financial aid under this Code in  
13 accordance with the requirements of Title IV, Part D of the  
14 Social Security Act. The Department may establish a schedule of  
15 reasonable fees, to be paid for the services provided and may  
16 deduct a collection fee, not to exceed 10% of the amount  
17 collected, from such collection. The Department of Healthcare  
18 and Family Services shall cause to be published and distributed  
19 publications reasonably calculated to inform the public that  
20 individuals who are not recipients of or applicants for public  
21 aid under this Code are eligible for the child support  
22 enforcement services under this Article X. Such publications  
23 shall set forth an explanation, in plain language, that the  
24 child support enforcement services program is independent of  
25 any public aid program under the Code and that the receiving of  
26 child support enforcement services in no way implies that the

1 person receiving such services is receiving public aid.

2 (Source: P.A. 94-90, eff. 1-1-06; 95-331, eff. 8-21-07.)

3 (305 ILCS 5/10-2) (from Ch. 23, par. 10-2)

4 Sec. 10-2. Extent of Liability. A husband is liable for the  
5 support of his wife and a wife for the support of her husband.  
6 Unless the child is otherwise emancipated, the parents are  
7 severally liable for the support of any child under age 18, and  
8 for any child aged 18 who is attending high school, until that  
9 child graduates from high school, or attains the age of 19,  
10 whichever is earlier. The term "child" includes a child born  
11 out of wedlock, or legally adopted child.

12 The liability for the support of a child provided for in  
13 this Article does not require a previous court order for  
14 custody and shall be in conjunction with the guidelines set  
15 forth in Section 505 of the Illinois Marriage and Dissolution  
16 of Marriage Act, as provided for in Section 10-10 of this  
17 Article. The obligation to support as provided under this  
18 Article shall be concurrent to any other appropriate State law.

19 This Article does not create, enlarge, abrogate, or  
20 diminish parental rights or duties under other laws of this  
21 State, including the common law.

22 An action to establish or enforce a support obligation,  
23 under this Article or under any other Act providing for the  
24 support of a child, may be brought subsequent to an  
25 adjudication dismissing that action based on any of the

1 following reasons: (i) that no duty of support exists under  
2 this Article because this Article requires a previous court  
3 order for custody or for the allocation of parental  
4 responsibilities (as no such requirement exists under this  
5 Article); (ii) that there is no common law duty of support (as  
6 a common law duty of support is recognized as a valid basis for  
7 child support); and (iii) that there is no duty of support  
8 under the Illinois Parentage Act of 2015 because a judgment of  
9 paternity results in a de facto custody order or an order for  
10 the allocation of parental responsibilities (as this ignores  
11 the cumulative nature of the Acts and the plain language of the  
12 statute permitting an explicit reservation of the issue).

13 In addition to the primary obligation of support imposed  
14 upon responsible relatives, such relatives, if individually or  
15 together in any combination they have sufficient income or  
16 other resources to support a needy person, in whole or in part,  
17 shall be liable for any financial aid extended under this Code  
18 to a person for whose support they are responsible, including  
19 amounts expended for funeral and burial costs.

20 (Source: P.A. 92-876, eff. 6-1-03.)

21 (305 ILCS 5/10-17) (from Ch. 23, par. 10-17)

22 Sec. 10-17. Other Actions and Remedies for Support. The  
23 procedures, actions and remedies provided in this Article shall  
24 in no way be exclusive, but shall be available in addition to  
25 other actions and remedies of support, including, but not by

1 way of limitation, the remedies provided in (a) the Illinois  
2 Parentage Act of 2015; (b) ~~the "Non-Support of Spouse and~~  
3 ~~Children Act", approved June 24, 1915, as amended; (b-5) the~~  
4 ~~Non-Support Punishment Act; and (c) the Illinois Marriage and~~  
5 ~~Dissolution of Marriage Act; (d) the Uniform Child-Custody~~  
6 ~~Jurisdiction and Enforcement Act; (e) the Uniform Interstate~~  
7 ~~Family Support Act; and (f) the common law. the "Revised~~  
8 ~~Uniform Reciprocal Enforcement of Support Act", approved~~  
9 ~~August 28, 1969, as amended.~~

10 This Article does not create, enlarge, abrogate, or  
11 diminish parental rights or duties under other laws of this  
12 State, including the common law.

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

14 (305 ILCS 5/10-17.05 new)

15 Sec. 10-17.05. Actions and remedies for support; other  
16 State laws. In regard to cases filed under the Uniform  
17 Interstate Family Support Act, in order to give full force and  
18 effect to the intent of this Article, the Uniform Interstate  
19 Family Support Act, and other State laws, and notwithstanding  
20 any other State or local law to the contrary, actions and  
21 remedies under this Article, the Uniform Interstate Family  
22 Support Act, or other State laws shall be cumulative and shall  
23 be used in conjunction with one another, as appropriate.  
24 Actions and remedies under the Uniform Interstate Family  
25 Support Act shall not require a custody or visitation

1 determination as a prerequisite to a determination of a support  
2 obligation. If a custody or visitation determination is not  
3 permitted under the Uniform Interstate Family Support Act, this  
4 determination may be made under another appropriate State law,  
5 assuming the court has authority to make the decision under the  
6 appropriate State law.

7 Section 10. The Illinois Marriage and Dissolution of  
8 Marriage Act is amended by changing Section 510 and by adding  
9 Sections 513.6 and 513.7 as follows:

10 (750 ILCS 5/510) (from Ch. 40, par. 510)

11 Sec. 510. Modification and termination of provisions for  
12 maintenance, support, educational expenses, and property  
13 disposition.

14 (a) Except as otherwise provided in paragraph (f) of  
15 Section 502 and in subsection (b), clause (3) of Section 505.2,  
16 the provisions of any judgment respecting maintenance or  
17 support may be modified only as to installments accruing  
18 subsequent to due notice by the moving party of the filing of  
19 the motion for modification. An order for child support may be  
20 modified as follows:

21 (1) upon a showing of a substantial change in  
22 circumstances; and

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



1 (A) upon a showing of an inconsistency of at least  
2 20%, but no less than \$10 per month, between the amount  
3 of the existing order and the amount of child support  
4 that results from application of the guidelines  
5 specified in Section 505 of this Act unless the  
6 inconsistency is due to the fact that the amount of the  
7 existing order resulted from a deviation from the  
8 guideline amount and there has not been a change in the  
9 circumstances that resulted in that deviation; or

10 (B) upon a showing of a need to provide for the  
11 health care needs of the child under the order through  
12 health insurance or other means. ~~In no event shall the~~  
13 ~~eligibility for or receipt of medical assistance be~~  
14 ~~considered to meet the need to provide for the child's~~  
15 ~~health care needs.~~

16 The provisions of subparagraph (a) (2) (A) shall apply only  
17 in cases in which a party is receiving child support  
18 enforcement services from the Department of Healthcare and  
19 Family Services under Article X of the Illinois Public Aid  
20 Code, and only when at least 36 months have elapsed since the  
21 order for child support was entered or last modified.

22 The court may grant a petition for modification that seeks  
23 to apply the changes made to subsection (a) of Section 505 by  
24 Public Act 99-764 to an order entered before the effective date  
25 of Public Act 99-764 only upon a finding of a substantial  
26 change in circumstances that warrants application of the

1 changes. The enactment of Public Act 99-764 itself does not  
2 constitute a substantial change in circumstances warranting a  
3 modification.

4 (a-5) An order for maintenance may be modified or  
5 terminated only upon a showing of a substantial change in  
6 circumstances. The court may grant a petition for modification  
7 that seeks to apply the changes made to Section 504 by this  
8 amendatory Act of the 100th General Assembly to an order  
9 entered before the effective date of this amendatory Act of the  
10 100th General Assembly only upon a finding of a substantial  
11 change in circumstances that warrants application of the  
12 changes. The enactment of this amendatory Act of the 100th  
13 General Assembly itself does not constitute a substantial  
14 change in circumstances warranting a modification. In all such  
15 proceedings, as well as in proceedings in which maintenance is  
16 being reviewed, the court shall consider the applicable factors  
17 set forth in subsection (a) of Section 504 and the following  
18 factors:

19 (1) any change in the employment status of either party  
20 and whether the change has been made in good faith;

21 (2) the efforts, if any, made by the party receiving  
22 maintenance to become self-supporting, and the  
23 reasonableness of the efforts where they are appropriate;

24 (3) any impairment of the present and future earning  
25 capacity of either party;

26 (4) the tax consequences of the maintenance payments

1 upon the respective economic circumstances of the parties;

2 (5) the duration of the maintenance payments  
3 previously paid (and remaining to be paid) relative to the  
4 length of the marriage;

5 (6) the property, including retirement benefits,  
6 awarded to each party under the judgment of dissolution of  
7 marriage, judgment of legal separation, or judgment of  
8 declaration of invalidity of marriage and the present  
9 status of the property;

10 (7) the increase or decrease in each party's income  
11 since the prior judgment or order from which a review,  
12 modification, or termination is being sought;

13 (8) the property acquired and currently owned by each  
14 party after the entry of the judgment of dissolution of  
15 marriage, judgment of legal separation, or judgment of  
16 declaration of invalidity of marriage; and

17 (9) any other factor that the court expressly finds to  
18 be just and equitable.

19 (a-6) (Blank).

20 (b) The provisions as to property disposition may not be  
21 revoked or modified, unless the court finds the existence of  
22 conditions that justify the reopening of a judgment under the  
23 laws of this State.

24 (c) Unless otherwise agreed by the parties in a written  
25 agreement set forth in the judgment or otherwise approved by  
26 the court, the obligation to pay future maintenance is

1 terminated upon the death of either party, or the remarriage of  
2 the party receiving maintenance, or if the party receiving  
3 maintenance cohabits with another person on a resident,  
4 continuing conjugal basis. An obligor's obligation to pay  
5 maintenance or unallocated maintenance terminates by operation  
6 of law on the date the obligee remarries or the date the court  
7 finds cohabitation began. The obligor is entitled to  
8 reimbursement for all maintenance paid from that date forward.  
9 Any termination of an obligation for maintenance as a result of  
10 the death of the obligor, however, shall be inapplicable to any  
11 right of the other party or such other party's designee to  
12 receive a death benefit under such insurance on the obligor's  
13 life. An obligee must advise the obligor of his or her  
14 intention to marry at least 30 days before the remarriage,  
15 unless the decision is made within this time period. In that  
16 event, he or she must notify the obligor within 72 hours of  
17 getting married.

18 (c-5) In an adjudicated case, the court shall make specific  
19 factual findings as to the reason for the modification as well  
20 as the amount, nature, and duration of the modified maintenance  
21 award.

22 (d) Unless otherwise provided in this Act, or as agreed in  
23 writing or expressly provided in the judgment, provisions for  
24 the support of a child are terminated by emancipation of the  
25 child, or if the child has attained the age of 18 and is still  
26 attending high school, provisions for the support of the child

1 are terminated upon the date that the child graduates from high  
2 school or the date the child attains the age of 19, whichever  
3 is earlier, but not by the death of a parent obligated to  
4 support or educate the child. An existing obligation to pay for  
5 support or educational expenses, or both, is not terminated by  
6 the death of a parent. When a parent obligated to pay support  
7 or educational expenses, or both, dies, the amount of support  
8 or educational expenses, or both, may be enforced, modified,  
9 revoked or commuted to a lump sum payment, as equity may  
10 require, and that determination may be provided for at the time  
11 of the dissolution of the marriage or thereafter.

12 (e) The right to petition for support or educational  
13 expenses, or both, under Sections 505, 513, and 513.5 is not  
14 extinguished by the death of a parent. Upon a petition filed  
15 before or after a parent's death, the court may award sums of  
16 money out of the decedent's estate for the child's support or  
17 educational expenses, or both, as equity may require. The time  
18 within which a claim may be filed against the estate of a  
19 decedent under Sections 505 and 513 and subsection (d) and this  
20 subsection shall be governed by the provisions of the Probate  
21 Act of 1975, as a barrable, noncontingent claim.

22 (f) A petition to modify or terminate child support or the  
23 allocation of parental responsibilities, including parenting  
24 time, shall not delay any child support enforcement litigation  
25 or supplementary proceeding on behalf of the obligee,  
26 including, but not limited to, a petition for a rule to show

1 cause, for non-wage garnishment, or for a restraining order.

2 (Source: P.A. 99-90, eff. 1-1-16; 99-764, eff. 7-1-17; 100-15,  
3 eff. 7-1-17; 100-201, eff. 8-18-17; 100-923, eff. 1-1-19.)

4 (750 ILCS 5/513.6 new)

5 Sec. 513.6. Other actions and remedies for support. The  
6 procedures, actions, and remedies provided in this Act shall in  
7 no way be exclusive, but shall be available in addition to  
8 other actions and remedies of support, including, but not by  
9 way of limitation, the remedies provided in (i) the Illinois  
10 Parentage Act of 2015; (ii) the Non-Support Punishment Act;  
11 (iii) the Illinois Public Aid Code; (iv) the Uniform  
12 Child-Custody Jurisdiction and Enforcement Act; (v) the  
13 Uniform Interstate Family Support Act; and (vi) the common law.

14 This Act does not create, enlarge, abrogate, or diminish  
15 parental rights or duties under other laws of this State,  
16 including the common law.

17 (750 ILCS 5/513.7 new)

18 Sec. 513.7. Actions and remedies for support; other State  
19 laws. In regard to cases filed under the Uniform Interstate  
20 Family Support Act, in order to give full force and effect to  
21 the intent of this Act, the Uniform Interstate Family Support  
22 Act, and other State laws, and notwithstanding any other State  
23 or local law to the contrary, actions and remedies under this  
24 Act, the Uniform Interstate Family Support Act, or other State

1 laws shall be cumulative and shall be used in conjunction with  
2 one another, as appropriate. Actions and remedies under the  
3 Uniform Interstate Family Support Act shall not require a  
4 custody or visitation determination as a prerequisite to a  
5 determination of a support obligation. If a custody or  
6 visitation determination is not permitted under the Uniform  
7 Interstate Family Support Act, this determination may be made  
8 under another appropriate State law, assuming the court has  
9 authority to make the decision under the appropriate State law.

10 Section 15. The Illinois Parentage Act of 2015 is amended  
11 by changing Section 802 and by adding Sections 906 and 907 as  
12 follows:

13 (750 ILCS 46/802)

14 Sec. 802. Judgment.

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

19 The court may assess filing fees, reasonable attorney's  
20 fees, fees for genetic testing, other costs, necessary travel  
21 expenses, and other reasonable expenses incurred in a  
22 proceeding under this Act. The court may award attorney's fees,  
23 which may be paid directly to the attorney, who may enforce the  
24 order in the attorney's own name. The court may not assess

1 fees, costs, or expenses against the support-enforcement  
2 agency of this State or another state, except as provided by  
3 other law.

4 The judgment shall contain or explicitly reserve  
5 provisions concerning any duty and amount of child support and  
6 may contain or explicitly reserve provisions concerning the  
7 allocation of parental responsibilities or guardianship of the  
8 child, parenting time privileges with the child, and the  
9 furnishing of bond or other security for the payment of the  
10 judgment, which the court shall determine in accordance with  
11 the relevant factors set forth in the Illinois Marriage and  
12 Dissolution of Marriage Act and any other applicable law of  
13 this State, to guide the court in a finding in the best  
14 interests of the child. In determining the allocation of  
15 parental responsibilities, relocation, parenting time,  
16 parenting time interference, support for a non-minor disabled  
17 child, educational expenses for a non-minor child, and related  
18 post-judgment issues, the court shall apply the relevant  
19 standards of the Illinois Marriage and Dissolution of Marriage  
20 Act. Specifically, in determining the amount of a child support  
21 award, the court shall use the guidelines and standards set  
22 forth in subsection (a) of Section 505 and in Section 505.2 of  
23 the Illinois Marriage and Dissolution of Marriage Act. The  
24 court shall order all child support payments, determined in  
25 accordance with such guidelines, to commence with the date  
26 summons is served. The level of current periodic support



1 payments shall not be reduced because of payments set for the  
2 period prior to the date of entry of the support order.

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

8 (c) In the absence of an explicit order or judgment for the  
9 allocation of parental responsibilities, to the extent the  
10 court has authority under the Uniform Child-Custody  
11 Jurisdiction and Enforcement Act or any other appropriate State  
12 law, the establishment of a child support obligation or the  
13 allocation of parenting time to one parent shall be construed  
14 as an order or judgment allocating all parental  
15 responsibilities to the other parent. If the parentage order or  
16 judgment contains no such provisions, all parental  
17 responsibilities shall be presumed to be allocated to the  
18 mother; however, the presumption shall not apply if the child  
19 has resided primarily with the other parent for at least 6  
20 months prior to the date that the mother seeks to enforce the  
21 order or judgment of parentage.

22 (c-5) Notwithstanding the limitations regarding the  
23 establishment of custody under the Uniform Interstate Family  
24 Support Act, that Act is not exclusive, and custody or  
25 allocation of parental responsibilities may be determined  
26 concurrently under other appropriate State laws, where this

1 determination may be validly made.

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

8 (e) The court may order child support payments to be made  
9 for a period prior to the commencement of the action. In  
10 determining whether and to what extent the payments shall be  
11 made for the prior period, the court shall consider all  
12 relevant facts, including but not limited to:

13 (1) The factors for determining the amount of support  
14 specified in the Illinois Marriage and Dissolution of  
15 Marriage Act.

16 (2) The prior knowledge of the person obligated to pay  
17 support of the fact and circumstances of the child's birth.

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

20 (4) The extent to which the mother or the public agency  
21 bringing the action previously informed the person  
22 obligated to pay support of the child's needs or attempted  
23 to seek or require the help of the person obligated to pay  
24 support in raising or supporting the child.

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

1           (6) The extent to which the person obligated to pay  
2           support would be prejudiced by the delay in bringing the  
3           action.

4           For purposes of determining the amount of child support to  
5           be paid for the period before the date the order for current  
6           child support is entered, there is a rebuttable presumption  
7           that the net income of the person obligated to pay support for  
8           the prior period was the same as the net income of the person  
9           obligated to pay support at the time the order for current  
10          child support is entered.

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

24          (f) A new or existing support order entered by the court  
25          under this Section shall be deemed to be a series of judgments  
26          against the person obligated to pay support thereunder, each

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

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

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

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

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

1 amount of child support until the father has received notice,  
2 by regular mail, of a hearing on the matter.

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

23 (l) An order for support shall include a date on which the  
24 current support obligation terminates. The termination date  
25 shall be no earlier than the date on which the child covered by  
26 the order will attain the age of 18. However, if the child will

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

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

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

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

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

5 (Source: P.A. 99-85, eff. 1-1-16; 99-769, eff. 1-1-17.)

6 (750 ILCS 46/906 new)

7 Sec. 906. Other actions and remedies for support. The  
8 procedures, actions, and remedies provided in this Act shall in  
9 no way be exclusive, but shall be available in addition to  
10 other actions and remedies of support, including, but not by  
11 way of limitation, the remedies provided in (i) the Illinois  
12 Parentage Act of 2015; (ii) the Non-Support Punishment Act;  
13 (iii) the Illinois Public Aid Code; (iv) the Uniform  
14 Child-Custody Jurisdiction and Enforcement Act; (v) the  
15 Uniform Interstate Family Support Act; and (vi) the common law.

16 This Act does not create, enlarge, abrogate, or diminish  
17 parental rights or duties under other laws of this State,  
18 including the common law.

19 (750 ILCS 46/907 new)

20 Sec. 907. Actions and remedies for support; other State  
21 laws. In regard to cases filed under the Uniform Interstate  
22 Family Support Act, in order to give full force and effect to  
23 the intent of this Act, the Uniform Interstate Family Support  
24 Act, and other State laws, and notwithstanding any other State



1 or local law to the contrary, actions and remedies under this  
2 Act, the Uniform Interstate Family Support Act, or other State  
3 laws shall be cumulative and shall be used in conjunction with  
4 one another, as appropriate. Actions and remedies under the  
5 Uniform Interstate Family Support Act shall not require a  
6 custody or visitation determination as a prerequisite to a  
7 determination of a support obligation. If a custody or  
8 visitation determination is not permitted under the Uniform  
9 Interstate Family Support Act, this determination may be made  
10 under another appropriate State law, assuming the court has  
11 authority to make the decision under the appropriate State law.