



Sen. Laura M. Murphy

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LRB103 26089 LNS 57920 a

1 AMENDMENT TO SENATE BILL 178

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 178 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Marriage and Dissolution of  
5 Marriage Act is amended by changing Section 505 as follows:

6 (750 ILCS 5/505) (from Ch. 40, par. 505)

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

8 (a) In a proceeding for dissolution of marriage, legal  
9 separation, declaration of invalidity of marriage, or  
10 dissolution of a civil union, a proceeding for child support  
11 following a legal separation or dissolution of the marriage or  
12 civil union by a court that lacked personal jurisdiction over  
13 the absent spouse, a proceeding for modification of a previous  
14 order for child support under Section 510 of this Act, or any  
15 proceeding authorized under Section 501 or 601 of this Act,  
16 the court may order either or both parents owing a duty of

1 support to a child of the marriage or civil union to pay an  
2 amount reasonable and necessary for support. The duty of  
3 support owed to a child includes the obligation to provide for  
4 the reasonable and necessary physical, mental and emotional  
5 health needs of the child. For purposes of this Section, the  
6 term "child" shall include any child under age 18 and any child  
7 age 19 or younger who is still attending high school. For  
8 purposes of this Section, the term "obligor" means the parent  
9 obligated to pay support to the other parent.

10 (1) Child support guidelines. The Illinois Department  
11 of Healthcare and Family Services shall adopt rules  
12 establishing child support guidelines which include  
13 worksheets to aid in the calculation of the child support  
14 obligations and a schedule of basic child support  
15 obligations that reflects the percentage of combined net  
16 income that parents living in the same household in this  
17 State ordinarily spend on their child. The child support  
18 guidelines have the following purposes:

19 (A) to establish as State policy an adequate  
20 standard of support for a child, subject to the  
21 ability of parents to pay;

22 (B) to make child support obligations more  
23 equitable by ensuring more consistent treatment of  
24 parents in similar circumstances;

25 (C) to improve the efficiency of the court process  
26 by promoting settlements and giving courts and the

1 parties guidance in establishing levels of child  
2 support;

3 (D) to calculate child support based upon the  
4 parents' combined net income estimated to have been  
5 allocated for the support of the child if the parents  
6 and child were living in an intact household;

7 (E) to adjust child support based upon the needs  
8 of the child; and

9 (F) to allocate the amount of child support to be  
10 paid by each parent based upon a parent's net income  
11 and the child's physical care arrangements.

12 (1.5) Computation of basic child support obligation.  
13 The court shall compute the basic child support obligation  
14 by taking the following steps:

15 (A) determine each parent's monthly net income;

16 (B) add the parents' monthly net incomes together  
17 to determine the combined monthly net income of the  
18 parents;

19 (C) select the corresponding appropriate amount  
20 from the schedule of basic child support obligations  
21 based on the parties' combined monthly net income and  
22 number of children of the parties; and

23 (D) calculate each parent's percentage share of  
24 the basic child support obligation.

25 Although a monetary obligation is computed for each  
26 parent as child support, the receiving parent's share is

1 not payable to the other parent and is presumed to be spent  
2 directly on the child.

3 (2) Duty of support. The court shall determine child  
4 support in each case by applying the child support  
5 guidelines unless the court makes a finding that  
6 application of the guidelines would be inappropriate,  
7 after considering the best interests of the child and  
8 evidence which shows relevant factors including, but not  
9 limited to, one or more of the following:

10 (A) the financial resources and needs of the  
11 child;

12 (B) the financial resources and needs of the  
13 parents;

14 (C) the standard of living the child would have  
15 enjoyed had the marriage or civil union not been  
16 dissolved; and

17 (D) the physical and emotional condition of the  
18 child and his or her educational needs.

19 (2.5) Notice from the court. Whenever the court enters  
20 an order for child support, the court shall verbally  
21 provide notice to the obligor of (i) the obligor's  
22 existing and ongoing obligations to make payment to the  
23 obligee, (ii) the obligor's ability to request a  
24 modification of the order, and (iii) the possible  
25 penalties that may be incurred if the obligor falls into  
26 arrears. Nothing in this paragraph shall require the

1       obligor to begin child support payments at the time the  
2       obligor receives the verbal notice. An obligor shall only  
3       be considered in arrears after the first child support  
4       payment is due, whether by wage garnishment or other  
5       agreed upon method in the order.

6           (3) Income.

7           (A) As used in this Section, "gross income" means  
8       the total of all income from all sources, except  
9       "gross income" does not include (i) benefits received  
10      by the parent from means-tested public assistance  
11      programs, including, but not limited to, Temporary  
12      Assistance for Needy Families, Supplemental Security  
13      Income, and the Supplemental Nutrition Assistance  
14      Program or (ii) benefits and income received by the  
15      parent for other children in the household, including,  
16      but not limited to, child support, survivor benefits,  
17      and foster care payments. Social security disability  
18      and retirement benefits paid for the benefit of the  
19      subject child must be included in the disabled or  
20      retired parent's gross income for purposes of  
21      calculating the parent's child support obligation, but  
22      the parent is entitled to a child support credit for  
23      the amount of benefits paid to the other party for the  
24      child. "Gross income" includes maintenance treated as  
25      taxable income for federal income tax purposes to the  
26      payee and received pursuant to a court order in the

1 pending proceedings or any other proceedings and shall  
2 be included in the payee's gross income for purposes  
3 of calculating the parent's child support obligation.

4 (B) As used in this Section, "net income" means  
5 gross income minus either the standardized tax amount  
6 calculated pursuant to subparagraph (C) of this  
7 paragraph (3) or the individualized tax amount  
8 calculated pursuant to subparagraph (D) of this  
9 paragraph (3), and minus any adjustments pursuant to  
10 subparagraph (F) of this paragraph (3). The  
11 standardized tax amount shall be used unless the  
12 requirements for an individualized tax amount set  
13 forth in subparagraph (E) of this paragraph (3) are  
14 met. "Net income" includes maintenance not includable  
15 in the gross taxable income of the payee for federal  
16 income tax purposes under a court order in the pending  
17 proceedings or any other proceedings and shall be  
18 included in the payee's net income for purposes of  
19 calculating the parent's child support obligation.

20 (C) As used in this Section, "standardized tax  
21 amount" means the total of federal and state income  
22 taxes for a single person claiming the standard tax  
23 deduction, one personal exemption, and the applicable  
24 number of dependency exemptions for the minor child or  
25 children of the parties, and Social Security and  
26 Medicare tax calculated at the Federal Insurance

1 Contributions Act rate.

2 (I) Unless a court has determined otherwise or  
3 the parties otherwise agree, the party with the  
4 majority of parenting time shall be deemed  
5 entitled to claim the dependency exemption for the  
6 parties' minor child.

7 (II) The Illinois Department of Healthcare and  
8 Family Services shall promulgate a standardized  
9 net income conversion table that computes net  
10 income by deducting the standardized tax amount  
11 from gross income.

12 (D) As used in this Section, "individualized tax  
13 amount" means the aggregate of the following taxes:

14 (I) federal income tax (properly calculated  
15 withholding or estimated payments);

16 (II) State income tax (properly calculated  
17 withholding or estimated payments); and

18 (III) Social Security or self-employment tax,  
19 if applicable (or, if none, mandatory retirement  
20 contributions required by law or as a condition of  
21 employment) and Medicare tax calculated at the  
22 Federal Insurance Contributions Act rate.

23 (E) In lieu of a standardized tax amount, a  
24 determination of an individualized tax amount may be  
25 made under items (I), (II), or (III) below. If an  
26 individualized tax amount determination is made under

1           this subparagraph (E), all relevant tax attributes  
2           (including filing status, allocation of dependency  
3           exemptions, and whether a party is to claim the use of  
4           the standard deduction or itemized deductions for  
5           federal income tax purposes) shall be as the parties  
6           agree or as the court determines. To determine a  
7           party's reported income, the court may order the party  
8           to complete an Internal Revenue Service Form 4506-T,  
9           Request for Tax Transcript.

10           (I) Agreement. Irrespective of whether the  
11           parties agree on any other issue before the court,  
12           if they jointly stipulate for the record their  
13           concurrence on a computation method for the  
14           individualized tax amount that is different from  
15           the method set forth under subparagraph (D), the  
16           stipulated method shall be used by the court  
17           unless the court rejects the proposed stipulated  
18           method for good cause.

19           (II) Summary hearing. If the court determines  
20           child support in a summary hearing under Section  
21           501 and an eligible party opts in to the  
22           individualized tax amount method under this item  
23           (II), the individualized tax amount shall be  
24           determined by the court on the basis of  
25           information contained in one or both parties'  
26           Supreme Court approved Financial Affidavit (Family



1           & Divorce Cases) and relevant supporting documents  
2           under applicable court rules. No party, however,  
3           is eligible to opt in unless the party, under  
4           applicable court rules, has served the other party  
5           with the required Supreme Court approved Financial  
6           Affidavit (Family & Divorce Cases) and has  
7           substantially produced supporting documents  
8           required by the applicable court rules.

9           (III) Evidentiary hearing. If the court  
10          determines child support in an evidentiary  
11          hearing, whether for purposes of a temporary order  
12          or at the conclusion of a proceeding, item (II) of  
13          this subparagraph (E) does not apply. In each such  
14          case (unless item (I) governs), the individualized  
15          tax amount shall be as determined by the court on  
16          the basis of the record established.

17          (F) Adjustments to income.

18          (I) Multi-family adjustment. If a parent is  
19          also legally responsible for support of a child  
20          not shared with the other parent and not subject  
21          to the present proceeding, there shall be an  
22          adjustment to net income as follows:

23                  (i) Multi-family adjustment with court  
24                  order. The court shall deduct from the  
25                  parent's net income the amount of child  
26                  support actually paid by the parent pursuant

1 to a support order unless the court makes a  
2 finding that it would cause economic hardship  
3 to the child.

4 (ii) Multi-family adjustment without court  
5 order. Upon the request or application of a  
6 parent actually supporting a presumed,  
7 acknowledged, or adjudicated child living in  
8 or outside of that parent's household, there  
9 shall be an adjustment to child support. The  
10 court shall deduct from the parent's net  
11 income the amount of financial support  
12 actually paid by the parent for the child or  
13 75% of the support the parent should pay under  
14 the child support guidelines (before this  
15 adjustment), whichever is less, unless the  
16 court makes a finding that it would cause  
17 economic hardship to the child. The adjustment  
18 shall be calculated using that parent's income  
19 alone.

20 (II) Spousal Maintenance adjustment.  
21 Obligations pursuant to a court order for spousal  
22 maintenance in the pending proceeding actually  
23 paid or payable to the same party to whom child  
24 support is to be payable or actually paid to a  
25 former spouse pursuant to a court order shall be  
26 deducted from the parent's after-tax income,

1 unless the maintenance obligation is tax  
2 deductible to the payor for federal income tax  
3 purposes, in which case it shall be deducted from  
4 the payor's gross income for purposes of  
5 calculating the parent's child support obligation.

6 (3.1) Business income. For purposes of calculating  
7 child support, net business income from the operation of a  
8 business means gross receipts minus ordinary and necessary  
9 expenses required to carry on the trade or business. As  
10 used in this paragraph, "business" includes, but is not  
11 limited to, sole proprietorships, closely held  
12 corporations, partnerships, other flow-through business  
13 entities, and self-employment. The court shall apply the  
14 following:

15 (A) The accelerated component of depreciation and  
16 any business expenses determined either judicially or  
17 administratively to be inappropriate or excessive  
18 shall be excluded from the total of ordinary and  
19 necessary business expenses to be deducted in the  
20 determination of net business income from gross  
21 business income.

22 (B) Any item of reimbursement or in-kind payment  
23 received by a parent from a business, including, but  
24 not limited to, a company car, reimbursed meals, free  
25 housing, or a housing allowance, shall be counted as  
26 income if not otherwise included in the recipient's

1           gross income, if the item is significant in amount and  
2           reduces personal expenses.

3           (3.2) Unemployment or underemployment. If a parent is  
4           voluntarily unemployed or underemployed, child support  
5           shall be calculated based on a determination of potential  
6           income. A determination of potential income shall be made  
7           by determining employment potential and probable earnings  
8           level based on the obligor's work history, occupational  
9           qualifications, prevailing job opportunities, the  
10          ownership by a parent of a substantial non-income  
11          producing asset, and earnings levels in the community. If  
12          there is insufficient work history to determine employment  
13          potential and probable earnings level, there shall be a  
14          rebuttable presumption that the parent's potential income  
15          is 75% of the most recent United States Department of  
16          Health and Human Services Federal Poverty Guidelines for a  
17          family of one person.

18          (3.3) Rebuttable presumption in favor of guidelines.  
19          There is a rebuttable presumption in any judicial or  
20          administrative proceeding for child support that the  
21          amount of the child support obligation that would result  
22          from the application of the child support guidelines is  
23          the correct amount of child support.

24          (3.3a) Minimum child support obligation. There is a  
25          rebuttable presumption that a minimum child support  
26          obligation of \$40 per month, per child, will be entered

1 for an obligor who has actual or imputed gross income at or  
2 less than 75% of the most recent United States Department  
3 of Health and Human Services Federal Poverty Guidelines  
4 for a family of one person, with a maximum total child  
5 support obligation for that obligor of \$120 per month to  
6 be divided equally among all of the obligor's children.

7 (3.3b) Zero dollar child support order. For parents  
8 with no gross income, who receive only means-tested  
9 assistance, or who cannot work due to a medically proven  
10 disability, incarceration, or institutionalization, there  
11 is a rebuttable presumption that the \$40 per month minimum  
12 support order is inapplicable and a zero dollar order  
13 shall be entered.

14 (3.4) Deviation factors. In any action to establish or  
15 modify child support, whether pursuant to a temporary or  
16 final administrative or court order, the child support  
17 guidelines shall be used as a rebuttable presumption for  
18 the establishment or modification of the amount of child  
19 support. The court may deviate from the child support  
20 guidelines if the application would be inequitable,  
21 unjust, or inappropriate. Any deviation from the  
22 guidelines shall be accompanied by written findings by the  
23 court specifying the reasons for the deviation and the  
24 presumed amount under the child support guidelines without  
25 a deviation. These reasons may include:

26 (A) extraordinary medical expenditures necessary

1 to preserve the life or health of a party or a child of  
2 either or both of the parties;

3 (B) additional expenses incurred for a child  
4 subject to the child support order who has special  
5 medical, physical, or developmental needs; and

6 (C) any other factor the court determines should  
7 be applied upon a finding that the application of the  
8 child support guidelines would be inappropriate, after  
9 considering the best interest of the child.

10 (3.5) Income in excess of the schedule of basic child  
11 support obligation. A court may use its discretion to  
12 determine child support if the combined adjusted net  
13 income of the parties exceeds the highest level of the  
14 schedule of basic child support obligation, except that  
15 the basic child support obligation shall not be less than  
16 the highest level of combined net income set forth in the  
17 schedule of basic child support obligation.

18 (3.6) Extracurricular activities and school expenses.  
19 The court, in its discretion, in addition to the basic  
20 child support obligation, may order either or both parents  
21 owing a duty of support to the child to contribute to the  
22 reasonable school and extracurricular activity expenses  
23 incurred which are intended to enhance the educational,  
24 athletic, social, or cultural development of the child.

25 (3.7) Child care expenses. The court, in its  
26 discretion, in addition to the basic child support

1 obligation, may order either or both parents owing a duty  
2 of support to the child to contribute to the reasonable  
3 child care expenses of the child. The child care expenses  
4 shall be made payable directly to a party or directly to  
5 the child care provider at the time of child care  
6 services.

7 (A) "Child care expenses" means actual expenses  
8 reasonably necessary to enable a parent or non-parent  
9 custodian to be employed, to attend educational or  
10 vocational training programs to improve employment  
11 opportunities, or to search for employment. "Child  
12 care expenses" also includes deposits for securing  
13 placement in a child care program, the cost of before  
14 and after school care, and camps when school is not in  
15 session. A child's special needs shall be a  
16 consideration in determining reasonable child care  
17 expenses.

18 (B) Child care expenses shall be prorated in  
19 proportion to each parent's percentage share of  
20 combined net income, and may be added to the basic  
21 child support obligation if not paid directly by each  
22 parent to the provider of child care services. The  
23 obligor's and obligee's portion of actual child care  
24 expenses shall appear in the support order. If  
25 allowed, the value of the federal income tax credit  
26 for child care shall be subtracted from the actual

1 cost to determine the net child care costs.

2 (C) The amount of child care expenses shall be  
3 adequate to obtain reasonable and necessary child  
4 care. The actual child care expenses shall be used to  
5 calculate the child care expenses, if available. When  
6 actual child care expenses vary, the actual child care  
7 expenses may be averaged over the most recent 12-month  
8 period. When a parent is temporarily unemployed or  
9 temporarily not attending educational or vocational  
10 training programs, future child care expenses shall be  
11 based upon prospective expenses to be incurred upon  
12 return to employment or educational or vocational  
13 training programs.

14 (D) An order for child care expenses may be  
15 modified upon a showing of a substantial change in  
16 circumstances. The party incurring child care expenses  
17 shall notify the other party within 14 days of any  
18 change in the amount of child care expenses that would  
19 affect the annualized child care amount as determined  
20 in the support order.

21 (3.8) Shared physical care. If each parent exercises  
22 146 or more overnights per year with the child, the basic  
23 child support obligation is multiplied by 1.5 to calculate  
24 the shared care child support obligation. The court shall  
25 determine each parent's share of the shared care child  
26 support obligation based on the parent's percentage share



1 of combined net income. The child support obligation is  
2 then computed for each parent by multiplying that parent's  
3 portion of the shared care support obligation by the  
4 percentage of time the child spends with the other parent.  
5 The respective child support obligations are then offset,  
6 with the parent owing more child support paying the  
7 difference between the child support amounts. The Illinois  
8 Department of Healthcare and Family Services shall  
9 promulgate a worksheet to calculate child support in cases  
10 in which the parents have shared physical care and use the  
11 standardized tax amount to determine net income.

12 (3.9) Split physical care. When there is more than one  
13 child and each parent has physical care of at least one but  
14 not all of the children, the support is calculated by  
15 using 2 child support worksheets to determine the support  
16 each parent owes the other. The support shall be  
17 calculated as follows:

18 (A) compute the support the first parent would owe  
19 to other parent as if the child in his or her care was  
20 the only child of the parties; then

21 (B) compute the support the other parent would owe  
22 to the first parent as if the child in his or her care  
23 were the only child of the parties; then

24 (C) subtract the lesser support obligation from  
25 the greater.

26 The parent who owes the greater obligation shall be

1 ordered to pay the difference in support to the other  
2 parent, unless the court determines, pursuant to other  
3 provisions of this Section, that it should deviate from  
4 the guidelines.

5 (4) Health care to be addressed by the court.

6 (A) A portion of the basic child support  
7 obligation is intended to cover basic ordinary  
8 out-of-pocket medical expenses. The court, in its  
9 discretion, in addition to the basic child support  
10 obligation, shall also provide for the child's current  
11 and future medical needs by ordering either or both  
12 parents to initiate health insurance coverage for the  
13 child through currently effective health insurance  
14 policies held by the parent or parents, purchase one  
15 or more or all health, dental, or vision insurance  
16 policies for the child, or provide for the child's  
17 current and future medical needs through some other  
18 manner.

19 (B) The court, in its discretion, may order either  
20 or both parents to contribute to the reasonable health  
21 care needs of the child not covered by insurance,  
22 including, but not limited to, unreimbursed medical,  
23 dental, orthodontic, or vision expenses and any  
24 prescription medication for the child not covered  
25 under the child's health insurance.

26 (C) If neither parent has access to appropriate

1 private health insurance coverage, the court may  
2 order:

3 (I) one or both parents to provide health  
4 insurance coverage at any time it becomes  
5 available at a reasonable cost; or

6 (II) the parent or non-parent custodian with  
7 primary physical responsibility for the child to  
8 apply for public health insurance coverage for the  
9 child and require either or both parents to pay a  
10 reasonable amount of the cost of health insurance  
11 for the child.

12 The order may also provide that any time private  
13 health insurance coverage is available at a reasonable  
14 cost to that party it will be provided instead of cash  
15 medical support. As used in this Section, "cash  
16 medical support" means an amount ordered to be paid  
17 toward the cost of health insurance provided by a  
18 public entity or by another person through employment  
19 or otherwise or for other medical costs not covered by  
20 insurance.

21 (D) The amount to be added to the basic child  
22 support obligation shall be the actual amount of the  
23 total health insurance premium that is attributable to  
24 the child who is the subject of the order. If this  
25 amount is not available or cannot be verified, the  
26 total cost of the health insurance premium shall be

1           divided by the total number of persons covered by the  
2           policy. The cost per person derived from this  
3           calculation shall be multiplied by the number of  
4           children who are the subject of the order and who are  
5           covered under the health insurance policy. This amount  
6           shall be added to the basic child support obligation  
7           and shall be allocated between the parents in  
8           proportion to their respective net incomes.

9           (E) After the health insurance premium for the  
10          child is added to the basic child support obligation  
11          and allocated between the parents in proportion to  
12          their respective incomes for child support purposes,  
13          if the obligor is paying the premium, the amount  
14          calculated for the obligee's share of the health  
15          insurance premium for the child shall be deducted from  
16          the obligor's share of the total child support  
17          obligation. If the obligee is paying for private  
18          health insurance for the child, the child support  
19          obligation shall be increased by the obligor's share  
20          of the premium payment. The obligor's and obligee's  
21          portion of health insurance costs shall appear in the  
22          support order.

23          (F) Prior to allowing the health insurance  
24          adjustment, the parent requesting the adjustment must  
25          submit proof that the child has been enrolled in a  
26          health insurance plan and must submit proof of the

1 cost of the premium. The court shall require the  
2 parent receiving the adjustment to annually submit  
3 proof of continued coverage of the child to the other  
4 parent, or as designated by the court.

5 (G) A reasonable cost for providing health  
6 insurance coverage for the child may not exceed 5% of  
7 the providing parent's gross income. Parents with a  
8 net income below 133% of the most recent United States  
9 Department of Health and Human Services Federal  
10 Poverty Guidelines or whose child is covered by  
11 Medicaid based on that parent's income may not be  
12 ordered to contribute toward or provide private  
13 coverage, unless private coverage is obtainable  
14 without any financial contribution by that parent.

15 (H) If dental or vision insurance is included as  
16 part of the employer's medical plan, the coverage  
17 shall be maintained for the child. If not included in  
18 the employer's medical plan, adding the dental or  
19 vision insurance for the child is at the discretion of  
20 the court.

21 (I) If a parent has been directed to provide  
22 health insurance pursuant to this paragraph and that  
23 parent's spouse or legally recognized partner provides  
24 the insurance for the benefit of the child either  
25 directly or through employment, a credit on the child  
26 support worksheet shall be given to that parent in the

1 same manner as if the premium were paid by that parent.

2 (4.5) In a proceeding for child support following  
3 dissolution of the marriage or civil union by a court that  
4 lacked personal jurisdiction over the absent spouse, and  
5 in which the court is requiring payment of support for the  
6 period before the date an order for current support is  
7 entered, there is a rebuttable presumption that the  
8 obligor's net income for the prior period was the same as  
9 his or her net income at the time the order for current  
10 support is entered.

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

23 (6) If (i) the obligor was properly served with a  
24 request for discovery of financial information relating to  
25 the obligor's ability to provide child support, (ii) the  
26 obligor failed to comply with the request, despite having

1           been ordered to do so by the court, and (iii) the obligor  
2           is not present at the hearing to determine support despite  
3           having received proper notice, then any relevant financial  
4           information concerning the obligor's ability to provide  
5           child support that was obtained pursuant to subpoena and  
6           proper notice shall be admitted into evidence without the  
7           need to establish any further foundation for its  
8           admission.

9           (a-3) Life insurance to secure support. At the discretion  
10          of the court, a child support obligation pursuant to this  
11          Section and Sections 510, 513, and 513.5 of this Act may be  
12          secured, in whole or in part, by reasonably affordable life  
13          insurance on the life of one or both parents on such terms as  
14          the parties agree or as the court orders. The court may require  
15          such insurance remain in full force and effect until the  
16          termination of all obligations of support, subject to the  
17          following:

18                 (1) Existing life insurance. The court shall be  
19                 apprised through evidence, stipulation, or otherwise as to  
20                 the level, ownership, and type of existing life insurance  
21                 death benefit coverage available to one or both parents,  
22                 the cost of the premiums, cost ratings, and escalations  
23                 and assignment of the policy, if applicable, and all other  
24                 relevant circumstances. The court shall make findings  
25                 relative thereto.

26                 (2) New life insurance. The court shall be apprised

1 through evidence, stipulation, or otherwise as to the  
2 availability of obtaining reasonably affordable new life  
3 insurance. To the extent the court determines that the  
4 support obligations should be secured, in whole or in  
5 part, by new life insurance on the life of one or both  
6 parents, the court may order that one or both parents  
7 comply with all requirements to obtain such new life  
8 insurance through employment, trade union, fraternal  
9 organizations, associations, or individual means.

10 In determining the level and type of death benefits  
11 coverage to be obtained by a parent, the court shall  
12 consider access and availability of life insurance to that  
13 parent, the cost of the premium, cost ratings, and  
14 escalations, if applicable, and all other relevant  
15 circumstances.

16 (3) Other security. If life insurance is unavailable  
17 to a parent, the court, in its discretion, or as agreed to  
18 by the parties, may order other equitable and reasonable  
19 means to secure a child support obligation.

20 (a-5) In an action to enforce an order for child support  
21 based on the obligor's failure to make support payments as  
22 required by the order, notice of proceedings to hold the  
23 obligor in contempt for that failure may be served on the  
24 obligor by personal service or by regular mail addressed to  
25 the last known address of the obligor. The last known address  
26 of the obligor may be determined from records of the clerk of



1 the court, from the Federal Case Registry of Child Support  
2 Orders, or by any other reasonable means.

3 (b) Failure of either parent to comply with an order to pay  
4 support shall be punishable as in other cases of contempt. In  
5 addition to other penalties provided by law the court may,  
6 after finding the parent guilty of contempt, order that the  
7 parent be:

8 (1) placed on probation with such conditions of  
9 probation as the court deems advisable;

10 (2) sentenced to periodic imprisonment for a period  
11 not to exceed 6 months; provided, however, that the court  
12 may permit the parent to be released for periods of time  
13 during the day or night to:

14 (A) work; or

15 (B) conduct a business or other self-employed  
16 occupation.

17 The court may further order any part or all of the earnings  
18 of a parent during a sentence of periodic imprisonment paid to  
19 the Clerk of the Circuit Court or to the parent having physical  
20 possession of the child or to the non-parent custodian having  
21 custody of the child of the sentenced parent for the support of  
22 the child until further order of the court.

23 If a parent who is found guilty of contempt for failure to  
24 comply with an order to pay support is a person who conducts a  
25 business or who is self-employed, the court in addition to  
26 other penalties provided by law may order that the parent do

1 one or more of the following: (i) provide to the court monthly  
2 financial statements showing income and expenses from the  
3 business or the self-employment; (ii) seek employment and  
4 report periodically to the court with a diary, listing, or  
5 other memorandum of his or her employment search efforts; or  
6 (iii) report to the Department of Employment Security for job  
7 search services to find employment that will be subject to  
8 withholding for child support.

9 If there is a unity of interest and ownership sufficient  
10 to render no financial separation between an obligor and  
11 another person or persons or business entity, the court may  
12 pierce the ownership veil of the person, persons, or business  
13 entity to discover assets of the obligor held in the name of  
14 that person, those persons, or that business entity. The  
15 following circumstances are sufficient to authorize a court to  
16 order discovery of the assets of a person, persons, or  
17 business entity and to compel the application of any  
18 discovered assets toward payment on the judgment for support:

19 (1) the obligor and the person, persons, or business  
20 entity maintain records together.

21 (2) the obligor and the person, persons, or business  
22 entity fail to maintain an arm's length relationship  
23 between themselves with regard to any assets.

24 (3) the obligor transfers assets to the person,  
25 persons, or business entity with the intent to perpetrate  
26 a fraud on the obligee.

1           With respect to assets which are real property, no order  
2 entered under this paragraph shall affect the rights of bona  
3 fide purchasers, mortgagees, judgment creditors, or other lien  
4 holders who acquire their interests in the property prior to  
5 the time a notice of lis pendens pursuant to the Code of Civil  
6 Procedure or a copy of the order is placed of record in the  
7 office of the recorder of deeds for the county in which the  
8 real property is located.

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

1 7-702.1 of the Illinois Vehicle Code, issue a family financial  
2 responsibility driving permit to the parent.

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

16 A support obligation, or any portion of a support  
17 obligation, which becomes due and remains unpaid as of the end  
18 of each month, excluding the child support that was due for  
19 that month to the extent that it was not paid in that month,  
20 shall accrue simple interest as set forth in Section 12-109 of  
21 the Code of Civil Procedure. An order for support entered or  
22 modified on or after January 1, 2006 shall contain a statement  
23 that a support obligation required under the order, or any  
24 portion of a support obligation required under the order, that  
25 becomes due and remains unpaid as of the end of each month,  
26 excluding the child support that was due for that month to the

1 extent that it was not paid in that month, shall accrue simple  
2 interest as set forth in Section 12-109 of the Code of Civil  
3 Procedure. Failure to include the statement in the order for  
4 support does not affect the validity of the order or the  
5 accrual of interest as provided in this Section.

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

12 (d) Any new or existing support order entered by the court  
13 under this Section shall be deemed to be a series of judgments  
14 against the person obligated to pay support thereunder, each  
15 such judgment to be in the amount of each payment or  
16 installment of support and each such judgment to be deemed  
17 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. Notwithstanding any other State or  
22 local law to the contrary, a lien arises by operation of law  
23 against the real and personal property of the obligor for each  
24 installment of overdue support owed by the obligor.

25 (e) When child support is to be paid through the Clerk of  
26 the Court in a county of 500,000 inhabitants or less, the order

1 shall direct the obligor to pay to the Clerk, in addition to  
2 the child support payments, all fees imposed by the county  
3 board under paragraph (4) of subsection (bb) of Section 27.1a  
4 of the Clerks of Courts Act. When child support is to be paid  
5 through the clerk of the court in a county of more than 500,000  
6 but less than 3,000,000 inhabitants, the order shall direct  
7 the obligor to pay to the clerk, in addition to the child  
8 support payments, all fees imposed by the county board under  
9 paragraph (4) of subsection (bb) of Section 27.2 of the Clerks  
10 of Courts Act. Unless paid pursuant to an Income Withholding  
11 Order/Notice for Support, the payment of the fee shall be by  
12 payment acceptable to the clerk and shall be made to the order  
13 of the Clerk.

14 (f) All orders for support, when entered or modified,  
15 shall include a provision requiring the obligor to notify the  
16 court and, in cases in which a party is receiving child and  
17 spouse services under Article X of the Illinois Public Aid  
18 Code, the Department of Healthcare and Family Services, within  
19 7 days, (i) of the name and address of any new employer of the  
20 obligor, (ii) whether the obligor has access to health  
21 insurance coverage through the employer or other group  
22 coverage and, if so, the policy name and number and the names  
23 of persons covered under the policy, except only the initials  
24 of any covered minors shall be included, and (iii) of any new  
25 residential or mailing address or telephone number of the  
26 obligor. In any subsequent action to enforce a support order,

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

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

21 (g-5) If there is an unpaid arrearage or delinquency (as  
22 those terms are defined in the Income Withholding for Support  
23 Act) equal to at least one month's support obligation on the  
24 termination date stated in the order for support or, if there  
25 is no termination date stated in the order, on the date the  
26 child attains the age of majority or is otherwise emancipated,

1 the periodic amount required to be paid for current support of  
2 that child immediately prior to that date shall automatically  
3 continue to be an obligation, not as current support but as  
4 periodic payment toward satisfaction of the unpaid arrearage  
5 or delinquency. That periodic payment shall be in addition to  
6 any periodic payment previously required for satisfaction of  
7 the arrearage or delinquency. The total periodic amount to be  
8 paid toward satisfaction of the arrearage or delinquency may  
9 be enforced and collected by any method provided by law for  
10 enforcement and collection of child support, including but not  
11 limited to income withholding under the Income Withholding for  
12 Support Act. Each order for support entered or modified on or  
13 after January 1, 2005 (the effective date of Public Act  
14 93-1061) must contain a statement notifying the parties of the  
15 requirements of this subsection. Failure to include the  
16 statement in the order for support does not affect the  
17 validity of the order or the operation of the provisions of  
18 this subsection with regard to the order. This subsection  
19 shall not be construed to prevent or affect the establishment  
20 or modification of an order for support of a minor child or the  
21 establishment or modification of an order for support of a  
22 non-minor child or educational expenses under Section 513 of  
23 this Act.

24 (h) An order entered under this Section shall include a  
25 provision requiring either parent to report to the other  
26 parent and to the Clerk of Court within 10 days each time



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

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

23 (Source: P.A. 102-823, eff. 5-13-22.)".