

1 AN ACT regarding 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 10-10 and 10-11 and adding Section 10-10.6
6 as follows:

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

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

31 Action shall be brought in the circuit court to obtain

1 support, or for the recovery of aid granted during the period
2 such support was not provided, or both for the obtainment of
3 support and the recovery of the aid provided. Actions for
4 the recovery of aid may be taken separately or they may be
5 consolidated with actions to obtain support. Such actions
6 may be brought in the name of the person or persons requiring
7 support, or may be brought in the name of the Illinois
8 Department or the local governmental unit, as the case
9 requires, in behalf of such persons.

10 The court may enter such orders for the payment of moneys
11 for the support of the person as may be just and equitable
12 and may direct payment thereof for such period or periods of
13 time as the circumstances require, including support for a
14 period before the date the order for support is entered. The
15 order may be entered against any or all of the defendant
16 responsible relatives and may be based upon the proportionate
17 ability of each to contribute to the person's support.

18 The Court shall determine the amount of child support
19 (including child support for a period before the date the
20 order for child support is entered) by using the guidelines
21 and standards set forth in subsection (a) of Section 505 and
22 in Section 505.2 of the Illinois Marriage and Dissolution of
23 Marriage Act. For purposes of determining the amount of child
24 support to be paid for a period before the date the order for
25 child support is entered, there is a rebuttable presumption
26 that the responsible relative's net income for that period
27 was the same as his or her net income at the time the order
28 is entered.

29 If (i) the responsible relative was properly served with
30 a request for discovery of financial information relating to
31 the responsible relative's ability to provide child support,
32 (ii) the responsible relative failed to comply with the
33 request, despite having been ordered to do so by the court,
34 and (iii) the responsible relative is not present at the

1 hearing to determine support despite having received proper
2 notice, then any relevant financial information concerning
3 the responsible relative's ability to provide child support
4 that was obtained pursuant to subpoena and proper notice
5 shall be admitted into evidence without the need to establish
6 any further foundation for its admission.

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

27 The Court shall determine the amount of maintenance using
28 the standards set forth in Section 504 of the Illinois
29 Marriage and Dissolution of Marriage Act.

30 Any new or existing support order entered by the court
31 under this Section shall be deemed to be a series of
32 judgments against the person obligated to pay support
33 thereunder, each such judgment to be in the amount of each
34 payment or installment of support and each such judgment to

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

12 An order for child support entered under this Section is
13 subject to Section 714 of the Illinois Marriage and
14 Dissolution of Marriage Act.

15 When an order is entered for the support of a minor, the
16 court may provide therein for reasonable visitation of the
17 minor by the person or persons who provided support pursuant
18 to the order. Whoever willfully refuses to comply with such
19 visitation order or willfully interferes with its enforcement
20 may be declared in contempt of court and punished therefor.

21 Except where the local governmental unit has entered into
22 an agreement with the Illinois Department for the Child and
23 Spouse Support Unit to act for it, as provided in Section
24 10-3.1, support orders entered by the court in cases
25 involving applicants or recipients under Article VI shall
26 provide that payments thereunder be made directly to the
27 local governmental unit. Orders for the support of all other
28 applicants or recipients shall provide that payments
29 thereunder be made directly to the Illinois Department. In
30 accordance with federal law and regulations, the Illinois
31 Department may continue to collect current maintenance
32 payments or child support payments, or both, after those
33 persons cease to receive public assistance and until
34 termination of services under Article X. The Illinois

1 Department shall pay the net amount collected to those
2 persons after deducting any costs incurred in making the
3 collection or any collection fee from the amount of any
4 recovery made. In both cases the order shall permit the
5 local governmental unit or the Illinois Department, as the
6 case may be, to direct the responsible relative or relatives
7 to make support payments directly to the needy person, or to
8 some person or agency in his behalf, upon removal of the
9 person from the public aid rolls or upon termination of
10 services under Article X.

11 If the notice of support due issued pursuant to Section
12 10-7 directs that support payments be made directly to the
13 needy person, or to some person or agency in his behalf, and
14 the recipient is removed from the public aid rolls, court
15 action may be taken against the responsible relative
16 hereunder if he fails to furnish support in accordance with
17 the terms of such notice.

18 Actions may also be brought under this Section in behalf
19 of any person who is in need of support from responsible
20 relatives, as defined in Section 2-11 of Article II who is
21 not an applicant for or recipient of financial aid under this
22 Code. In such instances, the State's Attorney of the county
23 in which such person resides shall bring action against the
24 responsible relatives hereunder. If the Illinois Department,
25 as authorized by Section 10-1, extends the child support
26 enforcement services provided by this Article to spouses and
27 dependent children who are not applicants or recipients under
28 this Code, the Child and Spouse Support Unit established by
29 Section 10-3.1 shall bring action against the responsible
30 relatives hereunder and any support orders entered by the
31 court in such cases shall provide that payments thereunder be
32 made directly to the Illinois Department.

33 Whenever it is determined in a proceeding to establish or
34 enforce a child support or maintenance obligation that the

1 person owing a duty of support is unemployed, the court may
2 order the person to seek employment and report periodically
3 to the court with a diary, listing or other memorandum of his
4 or her efforts in accordance with such order. Additionally,
5 the court may order the unemployed person to report to the
6 Department of Employment Security for job search services or
7 to make application with the local Job Training Partnership
8 Act provider for participation in job search, training or
9 work programs and where the duty of support is owed to a
10 child receiving child support enforcement services under this
11 Article X, the court may order the unemployed person to
12 report to the Illinois Department for participation in job
13 search, training or work programs established under Section
14 9-6 and Article IXA of this Code.

15 Whenever it is determined that a person owes past-due
16 support for a child receiving assistance under this Code, the
17 court shall order at the request of the Illinois Department:

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

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

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

32 A one-time charge of 20% is imposable upon the amount of
33 past-due child support owed on July 1, 1988 which has accrued
34 under a support order entered by the court. The charge shall

1 be imposed in accordance with the provisions of Section 10-21
2 of this Code and shall be enforced by the court upon
3 petition.

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

23 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
26 by the order will attain the age of majority or 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 paragraph shall
30 be construed to prevent the court from modifying the order.

31 Upon notification in writing or by electronic
32 transmission from the Illinois Department to the clerk of the
33 court that a person who is receiving support payments under
34 this Section is receiving services under the Child Support

1 Enforcement Program established by Title IV-D of the Social
2 Security Act, any support payments subsequently received by
3 the clerk of the court shall be transmitted in accordance
4 with the instructions of the Illinois Department until the
5 Illinois Department gives notice to the clerk of the court to
6 cease the transmittal. After providing the notification
7 authorized under this paragraph, the Illinois Department
8 shall be entitled as a party to notice of any further
9 proceedings in the case. The clerk of the court shall file a
10 copy of the Illinois Department's notification in the court
11 file. The clerk's failure to file a copy of the notification
12 in the court file shall not, however, affect the Illinois
13 Department's right to receive notice of further proceedings.

14 Payments under this Section to the Illinois Department
15 pursuant to the Child Support Enforcement Program established
16 by Title IV-D of the Social Security Act shall be paid into
17 the Child Support Enforcement Trust Fund. All payments under
18 this Section to the Illinois Department of Human Services
19 shall be deposited in the DHS Recoveries Trust Fund.
20 Disbursements from these funds shall be as provided in
21 Sections 12-9.1 and 12-10.2 of this Code. Payments received
22 by a local governmental unit shall be deposited in that
23 unit's General Assistance Fund.

24 To the extent the provisions of this Section are
25 inconsistent with the requirements pertaining to the State
26 Disbursement Unit under Sections 10-10.4 and 10-26 of this
27 Code, the requirements pertaining to the State Disbursement
28 Unit shall apply.

29 (Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99;
30 91-357, eff. 7-29-99; 91-767, eff. 6-9-00; 92-16, eff.
31 6-28-01; 92-590, eff. 7-1-02.)

32 (305 ILCS 5/10-10.6 new)

33 Sec. 10-10.6. Tracking income and assets of obligors.

1 (a) A transfer made by an obligor is fraudulent as to an
2 obligee if the obligor made the transfer:

3 (1) with actual intent to hinder, delay, or defraud
4 any obligee of the obligor; or

5 (2) without receiving a reasonably equivalent value
6 in exchange for the transfer.

7 (b) In determining actual intent under paragraph (1) of
8 subsection (a), consideration may be given, among other
9 factors, to whether:

10 (1) the transfer was to an insider;

11 (2) the obligor retained possession or control of
12 the property transferred after the transfer;

13 (3) the transfer was disclosed or concealed;

14 (4) before the transfer was made, the obligor had
15 been sued or threatened with suit;

16 (5) the transfer was of substantially all the
17 obligor's assets;

18 (6) the obligor absconded;

19 (7) the obligor removed or concealed assets;

20 (8) the value of the consideration received by the
21 obligor was reasonably equivalent to the value of the
22 asset transferred;

23 (9) the obligor was insolvent or became insolvent
24 shortly after the transfer was made;

25 (10) the transfer occurred shortly before or
26 shortly after a substantial debt was incurred; and

27 (11) the obligor transferred the essential assets
28 of a business to a lienor who transferred the assets to
29 an insider of the obligor.

30 (c) In an action for relief against a transfer by a
31 child support obligor under this Act, the State's Attorney,
32 on behalf of a child support obligee, may obtain:

33 (1) avoidance of the transfer to the extent
34 necessary to satisfy the obligee's claim;

1 (2) an attachment or other provisional remedy
2 against the asset transferred or other property of the
3 transferee in accordance with the procedure prescribed by
4 the Code of Civil Procedure;

5 (3) subject to applicable principles of equity and
6 in accordance with applicable rules of civil procedure:

7 (A) an injunction against further disposition
8 by the obligor or a transferee, or both, of the
9 asset transferred or of other property;

10 (B) appointment of a receiver to take charge
11 of the asset transferred or of other property of the
12 transferee; or

13 (C) any other relief the circumstances may
14 require.

15 (d) If an obligee has obtained a judgment on a claim
16 against the obligor, the State's Attorney, if the court so
17 orders, may levy execution on the asset transferred or its
18 proceeds.

19 (305 ILCS 5/10-11) (from Ch. 23, par. 10-11)

20 Sec. 10-11. Administrative Orders. In lieu of actions
21 for court enforcement of support under Section 10-10, the
22 Child and Spouse Support Unit of the Illinois Department, in
23 accordance with the rules of the Illinois Department, may
24 issue an administrative order requiring the responsible
25 relative to comply with the terms of the determination and
26 notice of support due, determined and issued under Sections
27 10-6 and 10-7. The Unit may also enter an administrative
28 order under subsection (b) of Section 10-7. The
29 administrative order shall be served upon the responsible
30 relative by United States registered or certified mail. In
31 cases in which the responsible relative appeared at the
32 office of the Child and Spouse Support Unit in response to
33 the notice of support obligation issued under Section 10-4,

1 however, or in cases of default in which the notice was
2 served on the responsible relative by certified mail, return
3 receipt requested, or by any method provided by law for
4 service of summons, the administrative determination of
5 paternity or administrative support order may be sent to the
6 responsible relative by ordinary mail addressed to the
7 responsible relative's last known address.

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

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

1 An order for child support entered under this Section is
2 subject to Section 714 of the Illinois Marriage and
3 Dissolution of Marriage Act.

4 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 A one-time charge of 20% is imposable upon the amount of
25 past-due child support owed on July 1, 1988, which has
26 accrued under a support order entered by the Illinois
27 Department under this Section. The charge shall be imposed
28 in accordance with the provisions of Section 10-21 and shall
29 be enforced by the court in a suit filed under Section 10-15.
30 (Source: P.A. 91-212, eff. 7-20-99; 92-590, eff. 7-1-02.)

31 Section 10. The Illinois Marriage and Dissolution of
32 Marriage Act is amended by adding Sections 505.4, 714, and
33 715 as follows:

1 (750 ILCS 5/505.4 new)

2 Sec. 505.4. Tracking income and assets of obligors.

3 (a) A transfer made by an obligor is fraudulent as to an
4 obligee if the obligor made the transfer:

5 (1) with actual intent to hinder, delay, or defraud
6 any obligee of the obligor; or

7 (2) without receiving a reasonably equivalent value
8 in exchange for the transfer.

9 (b) In determining actual intent under paragraph (1) of
10 subsection (a), consideration may be given, among other
11 factors, to whether:

12 (1) the transfer was to an insider;

13 (2) the obligor retained possession or control of
14 the property transferred after the transfer;

15 (3) the transfer was disclosed or concealed;

16 (4) before the transfer was made, the obligor had
17 been sued or threatened with suit;

18 (5) the transfer was of substantially all the
19 obligor's assets;

20 (6) the obligor absconded;

21 (7) the obligor removed or concealed assets;

22 (8) the value of the consideration received by the
23 obligor was reasonably equivalent to the value of the
24 asset transferred;

25 (9) the obligor was insolvent or became insolvent
26 shortly after the transfer was made;

27 (10) the transfer occurred shortly before or
28 shortly after a substantial debt was incurred; and

29 (11) the obligor transferred the essential assets
30 of a business to a lienor who transferred the assets to
31 an insider of the obligor.

32 (c) In an action for relief against a transfer by a
33 child support obligor under this Act, the State's Attorney,
34 on behalf of a child support obligee, may obtain:

1 (1) avoidance of the transfer to the extent
2 necessary to satisfy the obligee's claim;

3 (2) an attachment or other provisional remedy
4 against the asset transferred or other property of the
5 transferee in accordance with the procedure prescribed by
6 the Code of Civil Procedure;

7 (3) subject to applicable principles of equity and
8 in accordance with applicable rules of civil procedure:

9 (A) an injunction against further disposition
10 by the obligor or a transferee, or both, of the
11 asset transferred or of other property;

12 (B) appointment of a receiver to take charge
13 of the asset transferred or of other property of the
14 transferee; or

15 (C) any other relief the circumstances may
16 require.

17 (d) If an obligee has obtained a judgment on a claim
18 against the obligor, the State's Attorney, if the court so
19 orders, may levy execution on the asset transferred or its
20 proceeds.

21 (750 ILCS 5/714 new)

22 Sec. 714. Willful default on support; penalties. A
23 person who willfully defaults on an order for child support
24 issued by an Illinois court or authorized administrative
25 tribunal may be subject to summary criminal contempt
26 proceedings.

27 In addition to other remedies provided by law regarding
28 the suspension of professional and occupational licenses,
29 recreational licenses, and driver's licenses, the State
30 licensing agency may withhold, suspend, or restrict the use
31 of driver's licenses, professional and occupational licenses
32 or certificates, and recreational licenses of individuals
33 owing overdue support or failing, after receiving appropriate

1 notice, to comply with subpoenas or warrants relating to
2 paternity or child support proceedings. The suspension shall
3 remain in effect until all defaults on an order for child
4 support are satisfied.

5 This Section applies to an order for child support issued
6 under the Illinois Public Aid Code, the Illinois Marriage and
7 Dissolution of Marriage Act, the Non-Support of Spouse and
8 Children Act, the Non-Support Punishment Act, the Illinois
9 Parentage Act of 1984, the Revised Uniform Reciprocal
10 Enforcement of Support Act, or the Uniform Interstate Family
11 Support Act.

12 (750 ILCS 5/715 new)

13 Sec. 715. Information to locate support obligors and
14 putative fathers. The Illinois Department of Public Aid's
15 Child and Spouse Support Unit, the State's Attorney, or any
16 other appropriate State official may request and is entitled
17 to receive from employers, labor unions, telephone companies,
18 and utility companies location information concerning
19 putative fathers and noncustodial parents for the purpose of
20 establishing a child's paternity or establishing, enforcing,
21 or modifying a child support obligation. In this Section,
22 "location information" means information about (i) the
23 physical whereabouts of a putative father or noncustodial
24 parent, (ii) the putative father or noncustodial parent's
25 employer, or (iii) the salary, wages, and other compensation
26 paid and the health insurance coverage provided to the
27 putative father or noncustodial parent by an employer or by a
28 labor union of which the putative father or noncustodial
29 parent is a member.

30 Section 15. The Non-Support Punishment Act is amended by
31 changing Section 20 and adding Section 32 as follows:

1 (750 ILCS 16/20)

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

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

5 (1) at any time before the trial, upon motion of
6 the State's Attorney, or of the Attorney General if the
7 action has been instituted by his office, and upon notice
8 to the defendant, or at the time of arraignment or as a
9 condition of postponement of arraignment, the court may
10 enter such temporary order for support as may seem just,
11 providing for the support or maintenance of the spouse or
12 child or children of the defendant, or both, pendente
13 lite; or

14 (2) before trial with the consent of the defendant,
15 or at the trial on entry of a plea of guilty, or after
16 conviction, instead of imposing the penalty provided in
17 this Act, or in addition thereto, the court may enter an
18 order for support, subject to modification by the court
19 from time to time as circumstances may require, directing
20 the defendant to pay a certain sum for maintenance of the
21 spouse, or for support of the child or children, or both.

22 (b) The court shall determine the amount of child
23 support by using the guidelines and standards set forth in
24 subsection (a) of Section 505 and in Section 505.2 of the
25 Illinois Marriage and Dissolution of Marriage Act.

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

1 was obtained pursuant to subpoena and proper notice shall be
2 admitted into evidence without the need to establish any
3 further foundation for its admission.

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

7 (d) The court may, for violation of any order under this
8 Section, punish the offender as for a contempt of court, but
9 no pendente lite order shall remain in effect longer than 4
10 months, or after the discharge of any panel of jurors
11 summoned for service thereafter in such court, whichever is
12 sooner.

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

29 (e-5) An order for child support entered under this
30 Section is subject to Section 714 of the Illinois Marriage
31 and Dissolution of Marriage Act.

32 (f) An order for support entered under this Section
33 shall include a provision requiring the obligor to report to
34 the obligee and to the clerk of the court within 10 days each

1 time the obligor obtains new employment, and each time the
2 obligor's employment is terminated for any reason. The
3 report shall be in writing and shall, in the case of new
4 employment, include the name and address of the new employer.

5 Failure to report new employment or the termination of
6 current employment, if coupled with nonpayment of support for
7 a period in excess of 60 days, is indirect criminal contempt.
8 For any obligor arrested for failure to report new
9 employment, bond shall be set in the amount of the child
10 support that should have been paid during the period of
11 unreported employment.

12 An order for support entered under this Section shall
13 also include a provision requiring the obligor and obligee
14 parents to advise each other of a change in residence within
15 5 days of the change except when the court finds that the
16 physical, mental, or emotional health of a party or of a
17 minor child, or both, would be seriously endangered by
18 disclosure of the party's address.

19 (g) An order for support entered or modified in a case
20 in which a party is receiving child support enforcement
21 services under Article X of the Illinois Public Aid Code
22 shall include a provision requiring the noncustodial parent
23 to notify the Illinois Department of Public Aid, within 7
24 days, of the name and address of any new employer of the
25 noncustodial parent, whether the noncustodial parent has
26 access to health insurance coverage through the employer or
27 other group coverage and, if so, the policy name and number
28 and the names of persons covered under the policy.

29 (h) In any subsequent action to enforce an order for
30 support entered under this Act, upon sufficient showing that
31 diligent effort has been made to ascertain the location of
32 the noncustodial parent, service of process or provision of
33 notice necessary in that action may be made at the last known
34 address of the noncustodial parent, in any manner expressly

1 provided by the Code of Civil Procedure or in this Act, which
2 service shall be sufficient for purposes of due process.

3 (i) An order for support shall include a date on which
4 the current support obligation terminates. The termination
5 date shall be no earlier than the date on which the child
6 covered by the order will attain the age of majority or is
7 otherwise emancipated. The order for support shall state that
8 the termination date does not apply to any arrearage that may
9 remain unpaid on that date. Nothing in this subsection shall
10 be construed to prevent the court from modifying the order.

11 (j) A support obligation, or any portion of a support
12 obligation, which becomes due and remains unpaid for 30 days
13 or more shall accrue simple interest at the rate of 9% per
14 annum. An order for support entered or modified on or after
15 January 1, 2002 shall contain a statement that a support
16 obligation required under the order, or any portion of a
17 support obligation required under the order, that becomes due
18 and remains unpaid for 30 days or more shall accrue simple
19 interest at the rate of 9% per annum. Failure to include the
20 statement in the order for support does not affect the
21 validity of the order or the accrual of interest as provided
22 in this Section.

23 (Source: P.A. 91-613, eff. 10-1-99; 91-767, eff. 6-9-00;
24 92-374, eff. 8-15-01; 92-590, eff. 7-1-02.)

25 (750 ILCS 16/32 new)

26 Sec. 32. Tracking income and assets of obligors.

27 (a) A transfer made by an obligor is fraudulent as to an
28 obligee if the obligor made the transfer:

29 (1) with actual intent to hinder, delay, or defraud
30 any obligee of the obligor; or

31 (2) without receiving a reasonably equivalent value
32 in exchange for the transfer.

33 (b) In determining actual intent under paragraph (1) of

1 subsection (a), consideration may be given, among other
2 factors, to whether:

3 (1) the transfer was to an insider;

4 (2) the obligor retained possession or control of
5 the property transferred after the transfer;

6 (3) the transfer was disclosed or concealed;

7 (4) before the transfer was made, the obligor had
8 been sued or threatened with suit;

9 (5) the transfer was of substantially all the
10 obligor's assets;

11 (6) the obligor absconded;

12 (7) the obligor removed or concealed assets;

13 (8) the value of the consideration received by the
14 obligor was reasonably equivalent to the value of the
15 asset transferred;

16 (9) the obligor was insolvent or became insolvent
17 shortly after the transfer was made;

18 (10) the transfer occurred shortly before or
19 shortly after a substantial debt was incurred; and

20 (11) the obligor transferred the essential assets
21 of a business to a lienor who transferred the assets to
22 an insider of the obligor.

23 (c) In an action for relief against a transfer by a
24 child support obligor under this Act, the State's Attorney,
25 on behalf of a child support obligee, may obtain:

26 (1) avoidance of the transfer to the extent
27 necessary to satisfy the obligee's claim;

28 (2) an attachment or other provisional remedy
29 against the asset transferred or other property of the
30 transferee in accordance with the procedure prescribed by
31 the Code of Civil Procedure;

32 (3) subject to applicable principles of equity and
33 in accordance with applicable rules of civil procedure:

34 (A) an injunction against further disposition

1 by the obligor or a transferee, or both, of the
2 asset transferred or of other property;

3 (B) appointment of a receiver to take charge
4 of the asset transferred or of other property of the
5 transferee; or

6 (C) any other relief the circumstances may
7 require.

8 (d) If an obligee has obtained a judgment on a claim
9 against the obligor, the State's Attorney, if the court so
10 orders, may levy execution on the asset transferred or its
11 proceeds.

12 Section 20. The Uniform Interstate Family Support Act is
13 amended by changing Sections 318 and 401 as follows:

14 (750 ILCS 22/318)

15 Sec. 318. Assistance with discovery. A tribunal of this
16 State may:

17 (1) request a tribunal of another state to assist in
18 obtaining discovery; and

19 (2) upon request, compel a person over whom it has
20 jurisdiction to respond to a discovery order issued by a
21 tribunal of another state;

22 (3) upon request by a tribunal of another state, issue a
23 subpoena or a subpoena duces tecum (in the case of a
24 tribunal authorized to issue subpoenas) or direct the clerk
25 of the circuit court to issue a subpoena or a subpoena duces
26 tecum (in the case of the circuit court) requiring a person
27 in this State to appear at a deposition or before a tribunal
28 and answer questions or produce documents or other tangible
29 things for the purpose of obtaining information regarding
30 the person's assets, income, and ability to pay a support
31 order or judgment entered in the other state; and

32 (4) request a tribunal of another state to issue or

1 cause to be issued a subpoena or a subpoena duces tecum
2 requiring a person in the other state to appear at a
3 deposition or before a tribunal in that state and answer
4 questions or produce documents or other tangible things for
5 the purpose of obtaining information regarding the person's
6 assets, income, and ability to pay a support order or
7 judgment entered in this State.

8 The clerk of the circuit court shall issue a subpoena or
9 a subpoena duces tecum when directed to do so by the circuit
10 court in accordance with this Section.

11 (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96
12 by P.A. 88-691.)

13 (750 ILCS 22/401)

14 Sec. 401. Petition to establish support order.

15 (a) If a support order entitled to recognition under
16 this Act has not been issued, a responding tribunal of this
17 State may issue a support order if:

18 (1) the individual seeking the order resides in
19 another state; or

20 (2) the support enforcement agency seeking the
21 order is located in another state.

22 (b) The tribunal may issue a temporary child-support
23 order if:

24 (1) the respondent has signed a verified statement
25 acknowledging parentage;

26 (2) the respondent has been determined by or
27 pursuant to law to be the parent; or

28 (3) there is other clear and convincing evidence
29 that the respondent is the child's parent.

30 (c) Upon finding, after notice and opportunity to be
31 heard, that a respondent owes a duty of support, the tribunal
32 shall issue a support order directed to the respondent and
33 may issue other orders pursuant to Section 305.

1 (d) A child support order entered under this Section is
2 subject to Section 714 of the Illinois Marriage and
3 Dissolution of Marriage Act.

4 (Source: P.A. 90-240, eff. 7-28-97.)

5 Section 25. The Illinois Parentage Act of 1984 is
6 amended by changing Section 14 and adding Section 14.2 as
7 follows:

8 (750 ILCS 45/14) (from Ch. 40, par. 2514)

9 Sec. 14. Judgment.

10 (a) (1) The judgment shall contain or explicitly reserve
11 provisions concerning any duty and amount of child support
12 and may contain provisions concerning the custody and
13 guardianship of the child, visitation privileges with the
14 child, the furnishing of bond or other security for the
15 payment of the judgment, which the court shall determine in
16 accordance with the relevant factors set forth in the
17 Illinois Marriage and Dissolution of Marriage Act and any
18 other applicable law of Illinois, to guide the court in a
19 finding in the best interests of the child. In determining
20 custody, joint custody, or visitation, the court shall apply
21 the relevant standards of the Illinois Marriage and
22 Dissolution of Marriage Act. Specifically, in determining the
23 amount of any child support award, the court shall use the
24 guidelines and standards set forth in subsection (a) of
25 Section 505 and in Section 505.2 of the Illinois Marriage and
26 Dissolution of Marriage Act. For purposes of Section 505 of
27 the Illinois Marriage and Dissolution of Marriage Act, "net
28 income" of the non-custodial parent shall include any
29 benefits available to that person under the Illinois Public
30 Aid Code or from other federal, State or local
31 government-funded programs. The court shall, in any event
32 and regardless of the amount of the non-custodial parent's

1 net income, in its judgment order the non-custodial parent to
2 pay child support to the custodial parent in a minimum amount
3 of not less than \$10 per month. In an action brought within 2
4 years after a child's birth, the judgment or order may direct
5 either parent to pay the reasonable expenses incurred by
6 either parent related to the mother's pregnancy and the
7 delivery of the child. The judgment or order shall contain
8 the father's social security number, which the father shall
9 disclose to the court; however, failure to include the
10 father's social security number on the judgment or order does
11 not invalidate the judgment or order.

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

21 (b) The court shall order all child support payments,
22 determined in accordance with such guidelines, to commence
23 with the date summons is served. The level of current
24 periodic support payments shall not be reduced because of
25 payments set for the period prior to the date of entry of the
26 support order. The Court may order any child support
27 payments to be made for a period prior to the commencement of
28 the action. In determining whether and the extent to which
29 the payments shall be made for any prior period, the court
30 shall consider all relevant facts, including the factors for
31 determining the amount of support specified in the Illinois
32 Marriage and Dissolution of Marriage Act and other equitable
33 factors including but not limited to:

34 (1) The father's prior knowledge of the fact and

1 circumstances of the child's birth.

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

4 (3) The extent to which the mother or the public
5 agency bringing the action previously informed the father
6 of the child's needs or attempted to seek or require his
7 help in raising or supporting the child.

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

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

12 For purposes of determining the amount of child support
13 to be paid for any period before the date the order for
14 current child support is entered, there is a rebuttable
15 presumption that the father's net income for the prior period
16 was the same as his net income at the time the order for
17 current child support is entered.

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

30 (c) Any new or existing support order entered by the
31 court under this Section shall be deemed to be a series of
32 judgments against the person obligated to pay support
33 thereunder, each judgment to be in the amount of each payment
34 or installment of support and each such judgment to be deemed

1 entered as of the date the corresponding payment or
2 installment becomes due under the terms of the support order.
3 Each judgment shall have the full force, effect and
4 attributes of any other judgment of this State, including the
5 ability to be enforced. A lien arises by operation of law
6 against the real and personal property of the noncustodial
7 parent for each installment of overdue support owed by the
8 noncustodial parent.

9 (c-5) An order for child support entered under this
10 Section is subject to Section 714 of the Illinois Marriage
11 and Dissolution of Marriage Act.

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

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

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

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

33 (h) All orders for support, when entered or modified,
34 shall include a provision requiring the non-custodial parent

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

19 (i) An order for support shall include a date on which
20 the current support obligation terminates. The termination
21 date shall be no earlier than the date on which the child
22 covered by the order will attain the age of majority or is
23 otherwise emancipated. The order for support shall state
24 that the termination date does not apply to any arrearage
25 that may remain unpaid on that date. Nothing in this
26 subsection shall be construed to prevent the court from
27 modifying the order.

28 (j) 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 (Source: P.A. 91-767, eff. 6-9-00, 92-590, eff. 7-1-02.)

15 (750 ILCS 45/14.2 new)

16 Sec. 14.2. Tracking income and assets of obligors.

17 (a) A transfer made by an obligor is fraudulent as to an
 18 obligee if the obligor made the transfer:

19 (1) with actual intent to hinder, delay, or defraud
 20 any obligee of the obligor; or

21 (2) without receiving a reasonably equivalent value
 22 in exchange for the transfer.

23 (b) In determining actual intent under paragraph (1) of
 24 subsection (a), consideration may be given, among other
 25 factors, to whether:

26 (1) the transfer was to an insider;

27 (2) the obligor retained possession or control of
 28 the property transferred after the transfer;

29 (3) the transfer was disclosed or concealed;

30 (4) before the transfer was made, the obligor had
 31 been sued or threatened with suit;

32 (5) the transfer was of substantially all the
 33 obligor's assets;

1 (6) the obligor absconded;

2 (7) the obligor removed or concealed assets;

3 (8) the value of the consideration received by the
4 obligor was reasonably equivalent to the value of the
5 asset transferred;

6 (9) the obligor was insolvent or became insolvent
7 shortly after the transfer was made;

8 (10) the transfer occurred shortly before or
9 shortly after a substantial debt was incurred; and

10 (11) the obligor transferred the essential assets
11 of a business to a lienor who transferred the assets to
12 an insider of the obligor.

13 (c) In an action for relief against a transfer by a
14 child support obligor under this Act, the State's Attorney,
15 on behalf of a child support obligee, may obtain:

16 (1) avoidance of the transfer to the extent
17 necessary to satisfy the obligee's claim;

18 (2) an attachment or other provisional remedy
19 against the asset transferred or other property of the
20 transferee in accordance with the procedure prescribed by
21 the Code of Civil Procedure;

22 (3) subject to applicable principles of equity and
23 in accordance with applicable rules of civil procedure:

24 (A) an injunction against further disposition
25 by the obligor or a transferee, or both, of the
26 asset transferred or of other property;

27 (B) appointment of a receiver to take charge
28 of the asset transferred or of other property of the
29 transferee; or

30 (C) any other relief the circumstances may
31 require.

32 (d) If an obligee has obtained a judgment on a claim
33 against the obligor, the State's Attorney, if the court so
34 orders, may levy execution on the asset transferred or its

1 proceeds.

2 Section 99. Effective date. This Act takes effect upon

3 becoming law.

1		INDEX
2		Statutes amended in order of appearance
3	305 ILCS 5/10-10	from Ch. 23, par. 10-10
4	305 ILCS 5/10-10.6 new	
5	305 ILCS 5/10-11	from Ch. 23, par. 10-11
6	750 ILCS 5/505.4 new	
7	750 ILCS 5/714 new	
8	750 ILCS 5/715 new	
9	750 ILCS 16/20	
10	750 ILCS 16/32 new	
11	750 ILCS 22/318	
12	750 ILCS 22/401	
13	750 ILCS 45/14	from Ch. 40, par. 2514
14	750 ILCS 45/14.2 new	