

1 AN ACT concerning families.

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

4 Section 5. The Illinois Parentage Act of 1984 is amended  
5 by changing Sections 14 and 16 and by adding Section 13.5 as  
6 follows:

7 (750 ILCS 45/13.5 new)

8 Sec. 13.5. Injunctive relief.

9 (a) In any action brought under this Act for the initial  
10 determination of custody or visitation of a child or for  
11 modification of a prior custody or visitation order, the  
12 court, upon application of any party, may enjoin a party  
13 having physical possession or custody of a child from  
14 temporarily or permanently removing the child from Illinois  
15 pending the adjudication of the issues of custody and  
16 visitation. When deciding whether to enjoin removal of a  
17 child, the Court shall consider the following factors  
18 including, but not limited to:

19 (1) the extent of previous involvement with the  
20 child by the party seeking to enjoin removal;

21 (2) the likelihood that parentage will be  
22 established; and

23 (3) the impact on the financial, physical, and  
24 emotional health of the party being enjoined from  
25 removing the child.

26 (b) Injunctive relief under this Act shall be governed  
27 by the relevant provisions of the Code of Civil Procedure.

28 (c) Notwithstanding the provisions of subsection (a),  
29 the court may decline to enjoin a domestic violence victim  
30 having physical possession or custody of a child from  
31 temporarily or permanently removing the child from Illinois

1 pending the adjudication of the issues of custody and  
2 visitation. In determining whether a person is a domestic  
3 violence victim, the court shall consider the following  
4 factors:

5 (1) a sworn statement by the person that the person  
6 has good reason to believe that he or she is the victim  
7 of domestic violence or stalking;

8 (2) a sworn statement that the person fears for his  
9 or her safety or the safety of his or her children;

10 (3) evidence from police, court or other government  
11 agency records or files;

12 (4) documentation from a domestic violence program  
13 if the person is alleged to be a victim of domestic  
14 violence;

15 (5) documentation from a legal, clerical, medical,  
16 or other professional from whom the person has sought  
17 assistance in dealing with the alleged domestic violence;  
18 and

19 (6) any other evidence that supports the sworn  
20 statements, such as a statement from any other individual  
21 with knowledge of the circumstances that provides the  
22 basis for the claim, or physical evidence of the act or  
23 acts of domestic violence.

24 (750 ILCS 45/14) (from Ch. 40, par. 2514)

25 Sec. 14. Judgment.

26 (a) (1) The judgment shall contain or explicitly reserve  
27 provisions concerning any duty and amount of child support  
28 and may contain provisions concerning the custody and  
29 guardianship of the child, visitation privileges with the  
30 child, the furnishing of bond or other security for the  
31 payment of the judgment, which the court shall determine in  
32 accordance with the relevant factors set forth in the  
33 Illinois Marriage and Dissolution of Marriage Act and any

1 other applicable law of Illinois, to guide the court in a  
2 finding in the best interests of the child. In determining  
3 custody, joint custody, removal, or visitation, the court  
4 shall apply the relevant standards of the Illinois Marriage  
5 and Dissolution of Marriage Act, including Section 609.  
6 Specifically, in determining the amount of any child support  
7 award, the court shall use the guidelines and standards set  
8 forth in subsection (a) of Section 505 and in Section 505.2  
9 of the Illinois Marriage and Dissolution of Marriage Act.  
10 For purposes of Section 505 of the Illinois Marriage and  
11 Dissolution of Marriage Act, "net income" of the  
12 non-custodial parent shall include any benefits available to  
13 that person under the Illinois Public Aid Code or from other  
14 federal, State or local government-funded programs. The  
15 court shall, in any event and regardless of the amount of the  
16 non-custodial parent's net income, in its judgment order the  
17 non-custodial parent to pay child support to the custodial  
18 parent in a minimum amount of not less than \$10 per month. In  
19 an action brought within 2 years after a child's birth, the  
20 judgment or order may direct either parent to pay the  
21 reasonable expenses incurred by either parent related to the  
22 mother's pregnancy and the delivery of the child. The  
23 judgment or order shall contain the father's social security  
24 number, which the father shall disclose to the court;  
25 however, failure to include the father's social security  
26 number on the judgment or order does not invalidate the  
27 judgment or order.

28 (2) If a judgment of parentage contains no explicit  
29 award of custody, the establishment of a support obligation  
30 or of visitation rights in one parent shall be considered a  
31 judgment granting custody to the other parent. If the  
32 parentage judgment contains no such provisions, custody shall  
33 be presumed to be with the mother; however, the presumption  
34 shall not apply if the father has had physical custody for at

1 least 6 months prior to the date that the mother seeks to  
2 enforce custodial rights.

3 (b) The court shall order all child support payments,  
4 determined in accordance with such guidelines, to commence  
5 with the date summons is served. The level of current  
6 periodic support payments shall not be reduced because of  
7 payments set for the period prior to the date of entry of the  
8 support order. The Court may order any child support  
9 payments to be made for a period prior to the commencement of  
10 the action. In determining whether and the extent to which  
11 the payments shall be made for any prior period, the court  
12 shall consider all relevant facts, including the factors for  
13 determining the amount of support specified in the Illinois  
14 Marriage and Dissolution of Marriage Act and other equitable  
15 factors including but not limited to:

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

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

20 (3) The extent to which the mother or the public  
21 agency bringing the action previously informed the father  
22 of the child's needs or attempted to seek or require his  
23 help in raising or supporting the child.

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

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

28 For purposes of determining the amount of child support  
29 to be paid for any period before the date the order for  
30 current child support is entered, there is a rebuttable  
31 presumption that the father's net income for the prior period  
32 was the same as his net income at the time the order for  
33 current child support is entered.

34 If (i) the non-custodial parent was properly served with

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

12 (c) Any new or existing support order entered by the  
13 court under this Section shall be deemed to be a series of  
14 judgments against the person obligated to pay support  
15 thereunder, each judgment to be in the amount of each payment  
16 or 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 judgment shall have the full force, effect and  
20 attributes of any other judgment of this State, including the  
21 ability to be enforced. A lien arises by operation of law  
22 against the real and personal property of the noncustodial  
23 parent for each installment of overdue support owed by the  
24 noncustodial parent.

25 (d) If the judgment or order of the court is at variance  
26 with the child's birth certificate, the court shall order  
27 that a new birth certificate be issued under the Vital  
28 Records Act.

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

33 (f) If, upon a showing of proper service, the father  
34 fails to appear in court, or otherwise appear as provided by

1 law, the court may proceed to hear the cause upon testimony  
2 of the mother or other parties taken in open court and shall  
3 enter a judgment by default. The court may reserve any order  
4 as to the amount of child support until the father has  
5 received notice, by regular mail, of a hearing on the matter.

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

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

32 (i) An order for support shall include a date on which  
33 the current support obligation terminates. The termination  
34 date shall be no earlier than the date on which the child

1 covered by the order will attain the age of majority or is  
2 otherwise emancipated. The order for support shall state  
3 that the termination date does not apply to any arrearage  
4 that may remain unpaid on that date. Nothing in this  
5 subsection shall be construed to prevent the court from  
6 modifying the order.

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

28 (750 ILCS 45/16) (from Ch. 40, par. 2516)

29 Sec. 16. Modification of Judgment. The court has  
30 continuing jurisdiction to modify an order for support,  
31 custody, ~~or~~ visitation, or removal included in a judgment  
32 entered under this Act. Any custody, ~~or~~ visitation, or  
33 removal judgment modification shall be in accordance with the

1 relevant factors specified in the "Illinois Marriage and  
2 Dissolution of Marriage Act, including Section 609"~~7~~-approved  
3 ~~September--22, 1977, as now or hereafter amended~~. Any support  
4 judgment is subject to modification or termination only in  
5 accordance with Section 510 of the Illinois Marriage and  
6 Dissolution of Marriage Act.

7 (Source: P.A. 85-2.)

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law.