

1 AN ACT concerning parentage.

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 Section 14 as follows:

6 (750 ILCS 45/14) (from Ch. 40, par. 2514)

7 Sec. 14. Judgment.

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

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

13 (2) If a judgment of parentage contains no explicit
14 award of custody, the establishment of a support obligation
15 or of visitation rights in one parent shall be considered a
16 judgment granting custody to the other parent. If the
17 parentage judgment contains no such provisions, custody shall
18 be presumed to be with the mother; however, the presumption
19 shall not apply if the father has had physical custody for at
20 least 6 months prior to the date that the mother seeks to
21 enforce custodial rights. The parent without custody of the
22 child is entitled to reasonable visitation rights unless the
23 court finds, after a hearing, that visitation would endanger
24 seriously the child's physical, mental, moral, or emotional
25 health.

26 (3) A party may not remove a child from the State of
27 Illinois without first obtaining leave of Court to do so.
28 The court may grant leave to any party having custody of any
29 minor child or children to remove the child or children from
30 Illinois under the standards contained in Section 609 of the
31 Illinois Marriage and Dissolution of Marriage Act. Section
32 609 of the Illinois Marriage and Dissolution of Marriage Act
33 shall apply to matters concerning the removal of a child or
34 children from Illinois.

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

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

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

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

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

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

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

32 If (i) the non-custodial parent was properly served with
33 a request for discovery of financial information relating to
34 the non-custodial parent's ability to provide child support,

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

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

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

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

31 (f) If, upon a showing of proper service, the father
32 fails to appear in court, or otherwise appear as provided by
33 law, the court may proceed to hear the cause upon testimony
34 of the mother or other parties taken in open court and shall

1 enter a judgment by default. The court may reserve any order
2 as to the amount of child support until the father has
3 received notice, by regular mail, of a hearing on the matter.

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

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

30 (i) An order for support shall include a date on which
31 the current support obligation terminates. The termination
32 date shall be no earlier than the date on which the child
33 covered by the order will attain the age of 18. However, if
34 the child will not graduate from high school until after

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

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

30 (Source: P.A. 91-767, eff. 6-9-00; 92-590, eff. 7-1-02;
31 92-876, eff. 6-1-03; revised 1-14-03.)