

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.)