

1 AN ACT in relation to vehicles.

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

4 Section 5. The Illinois Vehicle Code is amended by
5 adding Article VIII to Chapter 7 as follows:

6 (625 ICLS 5/Ch. 7, Art. VIII heading new)

7 ARTICLE VIII. FAMILY FINANCIAL
8 RESPONSIBILITY REGISTRATION REVOCATION

9 (625 ILCS 5/7-801 new)

10 Sec. 7-801. Findings and purpose. The General Assembly
11 finds that the timely receipt of adequate financial support
12 has the effect of reducing poverty and State expenditures for
13 welfare dependency among children, and that the timely
14 payment of adequate child support demonstrates financial
15 responsibility. Further, the General Assembly finds that the
16 State has a compelling interest in ensuring that drivers
17 within the State demonstrate financial responsibility,
18 including family financial responsibility, in order to safely
19 own and operate a motor vehicle. To this end, the Secretary
20 of State is authorized to establish systems to revoke vehicle
21 registrations for failure to comply with court orders of
22 support.

23 (625 ILCS 5/7-802 new)

24 Sec. 7-802. Revocation of vehicle registration for
25 failure to pay child support.

26 (a) The Secretary of State shall revoke the registration
27 of any vehicle owned and driven by an obligor upon receiving
28 an authenticated report provided for in subsection (a) of
29 Section 7-805, that the person is 90 days or more delinquent

1 in court ordered child support payments or has been
2 adjudicated in arrears in an amount equal to 90 days
3 obligation or more, and has been found in contempt by the
4 court for failure to pay the support.

5 (b) The Secretary of State shall revoke the registration
6 of any vehicle owned and driven by an obligor upon receiving
7 an authenticated document provided for in subsection (b) of
8 Section 7-805, that the person has been adjudicated in
9 arrears in court ordered child support payments in an amount
10 equal to 90 days obligation or more, but has not been held in
11 contempt of court, and that the court has ordered that the
12 registration of any vehicle owned and driven by the person be
13 revoked. The person may not reapply for registration of his
14 or her vehicle until the Secretary of State has received
15 authenticated documentation that the obligor is in compliance
16 with the court order of support. When the obligor complies
17 with the court ordered child support payments, the circuit
18 court shall report the obligor's compliance with the court
19 order of support to the Secretary of State, on a form
20 prescribed by the Secretary of State, and shall order that
21 the obligor be allowed to reapply for registration of his
22 or her vehicle.

23 (625 ILCS 5/7-803 new)

24 Sec. 7-803. Temporary registration. Following the entry
25 of an order that an obligor has been found in contempt by the
26 court for failure to pay court ordered child support payments
27 or upon a motion by the obligor who is subject to having the
28 registration of any vehicle owned and driven by him or her
29 revoked under subsection (b) of Section 7-805, the court may
30 enter an order directing the Secretary of State to issue a
31 certificate of temporary registration for the purpose of
32 providing the obligor the privilege of operating a registered
33 motor vehicle between the obligor's residence and place of

1 employment, or within the scope of employment related duties;
2 or for the purpose of providing transportation for the
3 obligor or a household member to receive alcohol treatment,
4 other drug treatment, or medical care. The court may enter
5 an order directing the issuance of a certificate of temporary
6 registration only if the obligor has proven to the
7 satisfaction of the court that no alternative means of
8 transportation are reasonably available for the above stated
9 purposes.

10 Upon entry of an order granting the issuance of a
11 certificate of temporary registration to an obligor, the
12 court shall report this finding to the Secretary of State on
13 a form prescribed by the Secretary. This form shall state
14 whether the certificate of temporary registration has been
15 granted for employment or medical purposes and the specific
16 days and hours for which temporary registration has been
17 granted.

18 The certificate of temporary registration shall be
19 subject to cancellation, suspension, and revocation by the
20 Secretary of State in the same manner and for the same
21 reasons as any other vehicle registration may be cancelled,
22 suspended, or revoked.

23 The Secretary of State shall, upon receipt of a certified
24 court order from the court of jurisdiction, issue a
25 certificate of temporary registration. In order for this
26 certificate of temporary registration to be issued, an
27 individual's vehicle registration must have been valid before
28 the revocation. This certificate of temporary registration
29 shall be valid only for employment and medical purposes as
30 set forth above. The certificate of temporary registration
31 shall state the days and hours for which temporary
32 registration has been granted.

33 Any submitted court order that contains insufficient data
34 or fails to comply with any provision of this Code shall not

1 be used for issuance of the certificate of temporary
2 registration but shall be returned to the court of
3 jurisdiction indicating why the certificate of temporary
4 registration cannot be issued at that time. The Secretary of
5 State shall also send notice of the return of the court order
6 to the individual requesting the certificate of temporary
7 registration.

8 (625 ILCS 5/7-804 new)

9 Sec. 7-804. Written agreement to pay past-due support.

10 (a) An obligor who is presently unable to pay all
11 past-due support and is subject to having the registration of
12 any vehicle owned and driven by him or her revoked under
13 subsection (b) of Section 7-805 may come into compliance with
14 the court order for support by executing a written payment
15 agreement that is approved by the court and by complying with
16 that agreement. A condition of a written payment agreement
17 must be that the obligor pay the current child support when
18 due. Before a written payment agreement is executed, the
19 obligor shall:

20 (1) Disclose fully to the court in writing, on a
21 form prescribed by the court, the obligor's financial
22 circumstances, including income from all sources, assets,
23 liabilities, and work history for the past year; and

24 (2) Provide documentation to the court concerning
25 the obligor's financial circumstances, including copies
26 of the most recent State and federal income tax returns,
27 both personal and business; a copy of a recent pay stub
28 representative of current income; and copies of other
29 records that show the obligor's income and the present
30 level of assets held by the obligor.

31 (b) After full disclosure, the court may determine the
32 ability to pay past-due support and may approve a written
33 payment agreement consistent with the obligor's ability to

1 pay, not to exceed the court-ordered support.

2 (625 ILCS 5/7-805 new)

3 Sec. 7-805. Courts to report non-payment of court
4 ordered support.

5 (a) The clerk of the circuit court, as provided in
6 subsection (b) of Section 505 of the Illinois Marriage and
7 Dissolution of Marriage Act or as provided in Section 15 of
8 the Illinois Parentage Act of 1984, shall forward to the
9 Secretary of State, on a form prescribed by the Secretary, an
10 authenticated document certifying the court's order revoking
11 the registration of any vehicle owned and driven by the
12 obligor. For any such certification, the clerk of the court
13 shall charge the obligor a fee of \$5 as provided in the
14 Clerks of Courts Act.

15 (b) If an obligor has been adjudicated in arrears in
16 court ordered child support payments in an amount equal to 90
17 days obligation or more but has not been held in contempt of
18 court, the circuit court may order that the registration of
19 any vehicle owned and driven by the obligor be revoked. If
20 the circuit court orders that the registration of any vehicle
21 owned and driven by the obligor be revoked, it shall forward
22 to the Secretary of State, on a form prescribed by the
23 Secretary, an authenticated document certifying the court's
24 order revoking the registration of any vehicle owned and
25 driven by the obligor. The authenticated document shall be
26 forwarded to the Secretary of State by the court no later
27 than 45 days after entry of the order revoking the
28 registration of any vehicle owned and driven by the obligor.

29 (625 ILCS 5/7-806 new)

30 Sec. 7-806. Revocation to continue until compliance with
31 court order of support.

32 (a) The obligor may not reapply for registration of any

1 vehicle owned and driven by him or her until the Secretary of
2 State receives authenticated documentation that the obligor
3 is in compliance with a court order of support or that the
4 order has been stayed by a subsequent order of the court. The
5 obligor may not reapply for registration until the Secretary
6 of State until notification of compliance from the court.

7 (b) The circuit clerk shall report the obligor's
8 compliance with a court order of support to the Secretary of
9 State, on a form prescribed by the Secretary.

10 (625 ILCS 5/7-807 new)

11 Sec. 7-807. Notice. The Secretary of State, prior to
12 revoking vehicle registration under this Chapter, shall serve
13 written notice upon an obligor that the the registration of
14 any vehicle owned and driven by the obligor will be revoked
15 in 60 days from the date on the notice unless the obligor
16 satisfies the court order of support and the circuit clerk
17 notifies the Secretary of State of this compliance.

18 (625 ILCS 5/7-808 new)

19 Sec. 7-808. Notice of noncompliance with support order.
20 Before forwarding to the Secretary of State the authenticated
21 document under subsection (b) of Section 7-805, the circuit
22 court must serve notice upon the obligor of its intention to
23 revoke the registration of any vehicle owned and driven by
24 the obligor for being adjudicated in arrears in court ordered
25 child support payments in an amount equal to 90 days
26 obligation. The notice must inform the obligor that:

27 (1) If the obligor is presently unable to pay all
28 past-due support, the obligor may come into compliance
29 with the support order by executing a written payment
30 agreement with the court, as provided in Section 7-804,
31 and by complying with that agreement;

32 (2) The obligor may contest the issue of compliance

1 at a hearing;

2 (3) A request for a hearing must be made in writing
3 and must be received by the clerk of the circuit court;

4 (4) If the obligor does not request a hearing to
5 contest the issue of compliance within 45 days after the
6 notice of noncompliance is mailed, the court may order
7 that the registration of any vehicle owned and driven by
8 the obligor as provided for in subsection (b) of Section
9 7-805;

10 (5) If the circuit court certifies the obligor to
11 the Secretary of State for noncompliance with an order of
12 support, the Secretary of State must revoke the
13 registration of any vehicle owned and driven by the
14 obligor, and the obligor may not reapply for registration
15 of his or her vehicle until the obligor comes into
16 compliance with the order of support;

17 (6) If the obligor files a motion to modify support
18 with the court or requests the court to modify a support
19 obligation, the circuit court shall stay action to
20 certify the obligor to the Secretary of State for
21 noncompliance with an order of support; and

22 (7) The obligor may comply with an order of support
23 by doing all of the following:

24 (A) Paying the current support;

25 (B) Paying all past-due support or, if unable
26 to pay all past-due support and a periodic payment
27 for past-due support has not been ordered by the
28 court, by making periodic payments in accordance
29 with a written payment agreement approved by the
30 court; and

31 (C) Meeting the obligor's health insurance
32 obligation.

33 (b) The notice must include the address and telephone
34 number of the clerk of the circuit court. The clerk of the

1 circuit court shall attach a copy of the obligor's order of
2 support to the notice. The notice must be served by
3 certified mail, return receipt requested, by service in hand,
4 or as specified in the Code of Civil Procedure.

5 (625 ILCS 5/7-809 new)

6 Sec. 7-809. Administrative hearing.

7 (a) A driver may contest this vehicle registration
8 sanction by requesting an administrative hearing in
9 accordance with Section 2-118 of this Code. If a written
10 request for this hearing is received prior to the effective
11 date of the revocation, the revocation shall be stayed. If a
12 stay of the revocation is granted, it shall remain in effect
13 until a hearing decision is entered.

14 (b) At the conclusion of this hearing, the Secretary of
15 State may rescind or impose the vehicle registration
16 revocation. If the revocation is upheld, it shall become
17 effective 10 days from the date the hearing decision is
18 entered. If the decision is to rescind the revocation, no
19 revocation of vehicle registration shall be entered.

20 (c) The scope of this hearing shall be limited to the
21 following issues:

22 (1) Whether the vehicle's owner and driver is the
23 obligor covered by the court order of support.

24 (2) Whether the authenticated document of a court
25 order of support indicates that the obligor is 90 days or
26 more delinquent or has been adjudicated in arrears in an
27 amount equal to 90 days obligation or more and has been
28 found in contempt of court for failure to pay child
29 support.

30 (3) Whether a superseding authenticated document of
31 any court order of support has been entered.

32 (625 ILCS 5/7-810 new)

1 Sec. 7-810. Hearing for compliance with support order.

2 (a) An obligor may request in writing to the clerk of
3 the circuit court a hearing to contest the claim of
4 noncompliance with an order of support and his or her
5 subsequent registration revocation under subsection (b) of
6 Section 7-802.

7 (b) If a written request for a hearing is received by
8 the clerk of the circuit court, the clerk of the circuit
9 court shall set the hearing before the circuit court.

10 (c) Upon the obligor's written request, the court must
11 set a date for a hearing and afford the obligor an
12 opportunity for a hearing as early as practical.

13 (d) The scope of this hearing is limited to the
14 following issues:

15 (1) Whether the obligor is required to pay child
16 support under an order of support.

17 (2) Whether the obligor has been adjudicated in
18 arrears in court ordered child support payments in an
19 amount equal to 90 days obligation or more.

20 (3) Any additional issues raised by the obligor,
21 including the reasonableness of a payment agreement in
22 light of the obligor's current financial circumstances,
23 to be preserved for appeal.

24 (e) All hearings and hearing procedures shall comply
25 with requirements of the Illinois Constitution and the United
26 States Constitution, so that no person is deprived of due
27 process of law nor denied equal protection of the laws. All
28 hearings shall be held before a judge of the circuit court in
29 the county in which the support order has been entered.
30 Appropriate records of the hearings shall be kept. Where a
31 transcript of the hearing is taken, the person requesting the
32 hearing shall have the opportunity to order a copy of the
33 transcript at his or her own expense.

34 (f) The action of the circuit court resulting in the

1 revocation of any vehicle registration shall be a final
2 judgment for purposes of appellate review.

3 (625 ILCS 5/7-811 new)

4 Sec. 7-811. Reapplication for registration. When an
5 obligor receives notice from the Secretary of State that the
6 Secretary has received notification from the circuit clerk of
7 the obligor's compliance with a court order of support, the
8 obligor may reapply for registration of his or her vehicle.

9 (625 ILCS 5/7-812 new)

10 Sec. 7-812. Rules. The Secretary of State shall adopt
11 any rules necessary to establish standards, policies, and
12 procedures for the revocation of vehicle registrations for
13 non-compliance with a court order of support.

14 Section 10. The Illinois Marriage and Dissolution of
15 Marriage Act is amended by changing Section 505 as follows:

16 (750 ILCS 5/505) (from Ch. 40, par. 505)

17 (Text of Section before amendment by P.A. 92-876)

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

19 (a) In a proceeding for dissolution of marriage, legal
20 separation, declaration of invalidity of marriage, a
21 proceeding for child support following dissolution of the
22 marriage by a court which lacked personal jurisdiction over
23 the absent spouse, a proceeding for modification of a
24 previous order for child support under Section 510 of this
25 Act, or any proceeding authorized under Section 501 or 601 of
26 this Act, the court may order either or both parents owing a
27 duty of support to a child of the marriage to pay an amount
28 reasonable and necessary for his support, without regard to
29 marital misconduct. The duty of support owed to a minor
30 child includes the obligation to provide for the reasonable

1 and necessary physical, mental and emotional health needs of
2 the child.

3 (1) The Court shall determine the minimum amount of
4 support by using the following guidelines:

Number of Children	Percent of Supporting Party's Net Income
1	20%
2	25%
3	32%
4	40%
5	45%
6 or more	50%

13 (2) The above guidelines shall be applied in each
14 case unless the court makes a finding that application of
15 the guidelines would be inappropriate, after considering
16 the best interests of the child in light of evidence
17 including but not limited to one or more of the following
18 relevant factors:

19 (a) the financial resources and needs of the
20 child;

21 (b) the financial resources and needs of the
22 custodial parent;

23 (c) the standard of living the child would
24 have enjoyed had the marriage not been dissolved;

25 (d) the physical and emotional condition of
26 the child, and his educational needs; and

27 (e) the financial resources and needs of the
28 non-custodial parent.

29 If the court deviates from the guidelines, the
30 court's finding shall state the amount of support that
31 would have been required under the guidelines, if
32 determinable. The court shall include the reason or
33 reasons for the variance from the guidelines.

34 (3) "Net income" is defined as the total of all

1 income from all sources, minus the following deductions:

2 (a) Federal income tax (properly calculated
3 withholding or estimated payments);

4 (b) State income tax (properly calculated
5 withholding or estimated payments);

6 (c) Social Security (FICA payments);

7 (d) Mandatory retirement contributions
8 required by law or as a condition of employment;

9 (e) Union dues;

10 (f) Dependent and individual
11 health/hospitalization insurance premiums;

12 (g) Prior obligations of support or
13 maintenance actually paid pursuant to a court order;

14 (h) Expenditures for repayment of debts that
15 represent reasonable and necessary expenses for the
16 production of income, medical expenditures necessary
17 to preserve life or health, reasonable expenditures
18 for the benefit of the child and the other parent,
19 exclusive of gifts. The court shall reduce net
20 income in determining the minimum amount of support
21 to be ordered only for the period that such payments
22 are due and shall enter an order containing
23 provisions for its self-executing modification upon
24 termination of such payment period.

25 (4) In cases where the court order provides for
26 health/hospitalization insurance coverage pursuant to
27 Section 505.2 of this Act, the premiums for that
28 insurance, or that portion of the premiums for which the
29 supporting party is responsible in the case of insurance
30 provided through an employer's health insurance plan
31 where the employer pays a portion of the premiums, shall
32 be subtracted from net income in determining the minimum
33 amount of support to be ordered.

34 (4.5) In a proceeding for child support following

1 dissolution of the marriage by a court that lacked
2 personal jurisdiction over the absent spouse, and in
3 which the court is requiring payment of support for the
4 period before the date an order for current support is
5 entered, there is a rebuttable presumption that the
6 supporting party's net income for the prior period was
7 the same as his or her net income at the time the order
8 for current support is entered.

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

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

1 (a-5) In an action to enforce an order for support based
2 on the respondent's failure to make support payments as
3 required by the order, notice of proceedings to hold the
4 respondent in contempt for that failure may be served on the
5 respondent by personal service or by regular mail addressed
6 to the respondent's last known address. The respondent's last
7 known address may be determined from records of the clerk of
8 the court, from the Federal Case Registry of Child Support
9 Orders, or by any other reasonable means.

10 (b) Failure of either parent to comply with an order to
11 pay support shall be punishable as in other cases of
12 contempt. In addition to other penalties provided by law the
13 Court may, after finding the parent guilty of contempt, order
14 that the parent be:

15 (1) placed on probation with such conditions of
16 probation as the Court deems advisable;

17 (2) sentenced to periodic imprisonment for a period
18 not to exceed 6 months; provided, however, that the Court
19 may permit the parent to be released for periods of time
20 during the day or night to:

21 (A) work; or

22 (B) conduct a business or other self-employed
23 occupation.

24 The Court may further order any part or all of the
25 earnings of a parent during a sentence of periodic
26 imprisonment paid to the Clerk of the Circuit Court or to the
27 parent having custody or to the guardian having custody of
28 the minor children of the sentenced parent for the support of
29 said minor children until further order of the Court.

30 If there is a unity of interest and ownership sufficient
31 to render no financial separation between a non-custodial
32 parent and another person or persons or business entity, the
33 court may pierce the ownership veil of the person, persons,
34 or business entity to discover assets of the non-custodial

1 parent held in the name of that person, those persons, or
2 that business entity. The following circumstances are
3 sufficient to authorize a court to order discovery of the
4 assets of a person, persons, or business entity and to compel
5 the application of any discovered assets toward payment on
6 the judgment for support:

7 (1) the non-custodial parent and the person,
8 persons, or business entity maintain records together.

9 (2) the non-custodial parent and the person,
10 persons, or business entity fail to maintain an arms
11 length relationship between themselves with regard to any
12 assets.

13 (3) the non-custodial parent transfers assets to
14 the person, persons, or business entity with the intent
15 to perpetrate a fraud on the custodial parent.

16 With respect to assets which are real property, no order
17 entered under this paragraph shall affect the rights of bona
18 fide purchasers, mortgagees, judgment creditors, or other
19 lien holders who acquire their interests in the property
20 prior to the time a notice of lis pendens pursuant to the
21 Code of Civil Procedure or a copy of the order is placed of
22 record in the office of the recorder of deeds for the county
23 in which the real property is located.

24 The court may also order in cases where the parent is 90
25 days or more delinquent in payment of support or has been
26 adjudicated in arrears in an amount equal to 90 days
27 obligation or more, that the parent's Illinois driving
28 privileges be suspended, and the registration of any vehicle
29 owned and driven by him or her be revoked, until the court
30 determines that the parent is in compliance with the order of
31 support. The court may also order that the parent be issued a
32 family financial responsibility driving permit, and a
33 certificate of temporary registration if requested, that
34 would allow limited driving privileges, and temporary

1 registration if requested, for employment and medical
2 purposes in accordance with Sections Section 7-702.1 and
3 7-803 of the Illinois Vehicle Code. The clerk of the circuit
4 court shall certify the order suspending the driving
5 privileges of the parent, revoking the registration of any
6 vehicle owned and driven by him or her, or granting the
7 issuance of a family financial responsibility driving permit,
8 and a certificate of temporary registration if requested, to
9 the Secretary of State on forms prescribed by the Secretary.
10 Upon receipt of the authenticated documents, the Secretary of
11 State shall suspend the parent's driving privileges until
12 further order of the court, shall revoke the registration of
13 any vehicle owned by him or her, and shall, if ordered by the
14 court, subject to the provisions of Sections Section 7-702.1
15 and 7-803 of the Illinois Vehicle Code, issue a family
16 financial responsibility driving permit, and a certificate of
17 temporary registration if requested, to the parent.

18 In addition to the penalties or punishment that may be
19 imposed under this Section, any person whose conduct
20 constitutes a violation of Section 15 of the Non-Support
21 Punishment Act may be prosecuted under that Act, and a person
22 convicted under that Act may be sentenced in accordance with
23 that Act. The sentence may include but need not be limited
24 to a requirement that the person perform community service
25 under Section 50 of that Act or participate in a work
26 alternative program under Section 50 of that Act. A person
27 may not be required to participate in a work alternative
28 program under Section 50 of that Act if the person is
29 currently participating in a work program pursuant to Section
30 505.1 of this Act.

31 A support obligation, or any portion of a support
32 obligation, which becomes due and remains unpaid for 30 days
33 or more shall accrue simple interest at the rate of 9% per
34 annum. An order for support entered or modified on or after

1 January 1, 2002 shall contain a statement that a support
2 obligation required under the order, or any portion of a
3 support obligation required under the order, that becomes due
4 and remains unpaid for 30 days or more shall accrue simple
5 interest at the rate of 9% per annum. Failure to include the
6 statement in the order for support does not affect the
7 validity of the order or the accrual of interest as provided
8 in this Section.

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

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

28 (e) When child support is to be paid through the clerk
29 of the court in a county of 1,000,000 inhabitants or less,
30 the order shall direct the obligor to pay to the clerk, in
31 addition to the child support payments, all fees imposed by
32 the county board under paragraph (3) of subsection (u) of
33 Section 27.1 of the Clerks of Courts Act. Unless paid in
34 cash or pursuant to an order for withholding, the payment of

1 the fee shall be by a separate instrument from the support
2 payment and shall be made to the order of the Clerk.

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

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

30 (h) An order entered under this Section shall include a
31 provision requiring the obligor to report to the obligee and
32 to the clerk of court within 10 days each time the obligor
33 obtains new employment, and each time the obligor's
34 employment is terminated for any reason. The report shall be

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

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

21 (Source: P.A. 91-113, eff. 7-15-99; 91-397, eff. 1-1-00;
22 91-655, eff. 6-1-00; 91-767, eff. 6-9-00; 92-16, eff.
23 6-28-01; 92-203, eff. 8-1-01; 92-374, eff. 8-15-01; 92-651,
24 eff. 7-11-02.)

25 (Text of Section after amendment by P.A. 92-876)

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

27 (a) In a proceeding for dissolution of marriage, legal
28 separation, declaration of invalidity of marriage, a
29 proceeding for child support following dissolution of the
30 marriage by a court which lacked personal jurisdiction over
31 the absent spouse, a proceeding for modification of a
32 previous order for child support under Section 510 of this
33 Act, or any proceeding authorized under Section 501 or 601 of
34 this Act, the court may order either or both parents owing a

1 duty of support to a child of the marriage to pay an amount
 2 reasonable and necessary for his support, without regard to
 3 marital misconduct. The duty of support owed to a child
 4 includes the obligation to provide for the reasonable and
 5 necessary physical, mental and emotional health needs of the
 6 child. For purposes of this Section, the term "child" shall
 7 include any child under age 18 and any child under age 19 who
 8 is still attending high school.

9 (1) The Court shall determine the minimum amount of
 10 support by using the following guidelines:

Number of Children	Percent of Supporting Party's Net Income
1	20%
2	25%
3	32%
4	40%
5	45%
6 or more	50%

19 (2) The above guidelines shall be applied in each
 20 case unless the court makes a finding that application of
 21 the guidelines would be inappropriate, after considering
 22 the best interests of the child in light of evidence
 23 including but not limited to one or more of the following
 24 relevant factors:

- 25 (a) the financial resources and needs of the
26 child;
- 27 (b) the financial resources and needs of the
28 custodial parent;
- 29 (c) the standard of living the child would
30 have enjoyed had the marriage not been dissolved;
- 31 (d) the physical and emotional condition of
32 the child, and his educational needs; and
- 33 (e) the financial resources and needs of the
34 non-custodial parent.

1 If the court deviates from the guidelines, the
2 court's finding shall state the amount of support that
3 would have been required under the guidelines, if
4 determinable. The court shall include the reason or
5 reasons for the variance from the guidelines.

6 (3) "Net income" is defined as the total of all
7 income from all sources, minus the following deductions:

8 (a) Federal income tax (properly calculated
9 withholding or estimated payments);

10 (b) State income tax (properly calculated
11 withholding or estimated payments);

12 (c) Social Security (FICA payments);

13 (d) Mandatory retirement contributions
14 required by law or as a condition of employment;

15 (e) Union dues;

16 (f) Dependent and individual
17 health/hospitalization insurance premiums;

18 (g) Prior obligations of support or
19 maintenance actually paid pursuant to a court order;

20 (h) Expenditures for repayment of debts that
21 represent reasonable and necessary expenses for the
22 production of income, medical expenditures necessary
23 to preserve life or health, reasonable expenditures
24 for the benefit of the child and the other parent,
25 exclusive of gifts. The court shall reduce net
26 income in determining the minimum amount of support
27 to be ordered only for the period that such payments
28 are due and shall enter an order containing
29 provisions for its self-executing modification upon
30 termination of such payment period.

31 (4) In cases where the court order provides for
32 health/hospitalization insurance coverage pursuant to
33 Section 505.2 of this Act, the premiums for that
34 insurance, or that portion of the premiums for which the

1 supporting party is responsible in the case of insurance
2 provided through an employer's health insurance plan
3 where the employer pays a portion of the premiums, shall
4 be subtracted from net income in determining the minimum
5 amount of support to be ordered.

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

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

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

1 determine support despite having received proper notice,
2 then any relevant financial information concerning the
3 non-custodial parent'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
6 establish any further foundation for its admission.

7 (a-5) In an action to enforce an order for support based
8 on the respondent's failure to make support payments as
9 required by the order, notice of proceedings to hold the
10 respondent in contempt for that failure may be served on the
11 respondent by personal service or by regular mail addressed
12 to the respondent's last known address. The respondent's last
13 known address may be determined from records of the clerk of
14 the court, from the Federal Case Registry of Child Support
15 Orders, or by any other reasonable means.

16 (b) Failure of either parent to comply with an order to
17 pay support shall be punishable as in other cases of
18 contempt. In addition to other penalties provided by law the
19 Court may, after finding the parent guilty of contempt, order
20 that the parent be:

21 (1) placed on probation with such conditions of
22 probation as the Court deems advisable;

23 (2) sentenced to periodic imprisonment for a period
24 not to exceed 6 months; provided, however, that the Court
25 may permit the parent to be released for periods of time
26 during the day or night to:

27 (A) work; or

28 (B) conduct a business or other self-employed
29 occupation.

30 The Court may further order any part or all of the
31 earnings of a parent during a sentence of periodic
32 imprisonment paid to the Clerk of the Circuit Court or to the
33 parent having custody or to the guardian having custody of
34 the children of the sentenced parent for the support of said

1 children until further order of the Court.

2 If there is a unity of interest and ownership sufficient
3 to render no financial separation between a non-custodial
4 parent and another person or persons or business entity, the
5 court may pierce the ownership veil of the person, persons,
6 or business entity to discover assets of the non-custodial
7 parent held in the name of that person, those persons, or
8 that business entity. The following circumstances are
9 sufficient to authorize a court to order discovery of the
10 assets of a person, persons, or business entity and to compel
11 the application of any discovered assets toward payment on
12 the judgment for support:

13 (1) the non-custodial parent and the person,
14 persons, or business entity maintain records together.

15 (2) the non-custodial parent and the person,
16 persons, or business entity fail to maintain an arms
17 length relationship between themselves with regard to any
18 assets.

19 (3) the non-custodial parent transfers assets to
20 the person, persons, or business entity with the intent
21 to perpetrate a fraud on the custodial parent.

22 With respect to assets which are real property, no order
23 entered under this paragraph shall affect the rights of bona
24 fide purchasers, mortgagees, judgment creditors, or other
25 lien holders who acquire their interests in the property
26 prior to the time a notice of lis pendens pursuant to the
27 Code of Civil Procedure or a copy of the order is placed of
28 record in the office of the recorder of deeds for the county
29 in which the real property is located.

30 The court may also order in cases where the parent is 90
31 days or more delinquent in payment of support or has been
32 adjudicated in arrears in an amount equal to 90 days
33 obligation or more, that the parent's Illinois driving
34 privileges be suspended, and the registration of any vehicle

1 owned and driven by him or her be revoked, until the court
2 determines that the parent is in compliance with the order of
3 support. The court may also order that the parent be issued
4 a family financial responsibility driving permit, and a
5 certificate of temporary registration if requested, that
6 would allow limited driving privileges, and temporary
7 registration if requested, for employment and medical
8 purposes in accordance with Sections ~~Section~~ 7-702.1 and
9 7-803 of the Illinois Vehicle Code. The clerk of the circuit
10 court shall certify the order suspending the driving
11 privileges of the parent, revoking the registration of any
12 vehicle owned and driven by him or her, or granting the
13 issuance of a family financial responsibility driving permit,
14 and a temporary registration if requested, to the Secretary
15 of State on forms prescribed by the Secretary. Upon receipt
16 of the authenticated documents, the Secretary of State shall
17 suspend the parent's driving privileges until further order
18 of the court, shall revoke the registration of any vehicle
19 owned by him or her, and shall, if ordered by the court,
20 subject to the provisions of Sections ~~Section~~ 7-702.1 and
21 7-803 of the Illinois Vehicle Code, issue a family financial
22 responsibility driving permit, and a certificate of temporary
23 registration if requested, to the parent.

24 In addition to the penalties or punishment that may be
25 imposed under this Section, any person whose conduct
26 constitutes a violation of Section 15 of the Non-Support
27 Punishment Act may be prosecuted under that Act, and a person
28 convicted under that Act may be sentenced in accordance with
29 that Act. The sentence may include but need not be limited
30 to a requirement that the person perform community service
31 under Section 50 of that Act or participate in a work
32 alternative program under Section 50 of that Act. A person
33 may not be required to participate in a work alternative
34 program under Section 50 of that Act if the person is

1 currently participating in a work program pursuant to Section
2 505.1 of this Act.

3 A support obligation, or any portion of a support
4 obligation, which becomes due and remains unpaid for 30 days
5 or more shall accrue simple interest at the rate of 9% per
6 annum. An order for support entered or modified on or after
7 January 1, 2002 shall contain a statement that a support
8 obligation required under the order, or any portion of a
9 support obligation required under the order, that becomes due
10 and remains unpaid for 30 days or more shall accrue simple
11 interest at the rate of 9% per annum. Failure to include the
12 statement in the order for support does not affect the
13 validity of the order or the accrual of interest as provided
14 in this Section.

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

21 (d) Any new or existing support order entered by the
22 court under this Section shall be deemed to be a series of
23 judgments against the person obligated to pay support
24 thereunder, each such judgment to be in the amount of each
25 payment or installment of support and each such judgment to
26 be deemed entered as of the date the corresponding payment or
27 installment becomes due under the terms of the support order.
28 Each such judgment shall have the full force, effect and
29 attributes of any other judgment of this State, including the
30 ability to be enforced. A lien arises by operation of law
31 against the real and personal property of the noncustodial
32 parent for each installment of overdue support owed by the
33 noncustodial parent.

34 (e) When child support is to be paid through the clerk

1 of the court in a county of 1,000,000 inhabitants or less,
2 the order shall direct the obligor to pay to the clerk, in
3 addition to the child support payments, all fees imposed by
4 the county board under paragraph (3) of subsection (u) of
5 Section 27.1 of the Clerks of Courts Act. Unless paid in
6 cash or pursuant to an order for withholding, the payment of
7 the fee shall be by a separate instrument from the support
8 payment and shall be made to the order of the Clerk.

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

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

1 high school graduation will occur or the date on which the
2 child will attain the age of 19. The order for support shall
3 state that the termination date does not apply to any
4 arrearage that may remain unpaid on that date. Nothing in
5 this subsection shall be construed to prevent the court from
6 modifying the order or terminating the order in the event the
7 child is otherwise emancipated.

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

28 (i) The court does not lose the powers of contempt,
29 driver's license suspension, or other child support
30 enforcement mechanisms, including, but not limited to,
31 criminal prosecution as set forth in this Act, upon the
32 emancipation of the minor child or children.

33 (Source: P.A. 91-113, eff. 7-15-99; 91-397, eff. 1-1-00;
34 91-655, eff. 6-1-00; 91-767, eff. 6-9-00; 92-16, eff.

1 6-28-01; 92-203, eff. 8-1-01; 92-374, eff. 8-15-01; 92-651,
2 eff. 7-11-02; 92-876, eff. 6-1-03.)

3 Section 15. The Illinois Parentage Act of 1984 is
4 amended by changing Section 15 as follows:

5 (750 ILCS 45/15) (from Ch. 40, par. 2515)

6 Sec. 15. Enforcement of Judgment or Order.

7 (a) If existence of the parent and child relationship is
8 declared, or paternity or duty of support has been
9 established under this Act or under prior law or under the
10 law of any other jurisdiction, the judgment rendered
11 thereunder may be enforced in the same or other proceedings
12 by any party or any person or agency that has furnished or
13 may furnish financial assistance or services to the child.
14 The Income Withholding for Support Act and Sections 14 and 16
15 of this Act shall also be applicable with respect to entry,
16 modification and enforcement of any support judgment entered
17 under provisions of the "Paternity Act", approved July 5,
18 1957, as amended, repealed July 1, 1985.

19 (b) Failure to comply with any order of the court shall
20 be punishable as contempt as in other cases of failure to
21 comply under the "Illinois Marriage and Dissolution of
22 Marriage Act", as now or hereafter amended. In addition to
23 other penalties provided by law, the court may, after finding
24 the party guilty of contempt, order that the party be:

25 (1) Placed on probation with such conditions of
26 probation as the court deems advisable;

27 (2) Sentenced to periodic imprisonment for a period
28 not to exceed 6 months. However, the court may permit
29 the party to be released for periods of time during the
30 day or night to work or conduct business or other
31 self-employed occupation. The court may further order
32 any part of all the earnings of a party during a sentence

1 of periodic imprisonment to be paid to the Clerk of the
2 Circuit Court or to the person or parent having custody
3 of the minor child for the support of said child until
4 further order of the court.

5 (2.5) The court may also pierce the ownership veil
6 of a person, persons, or business entity to discover
7 assets of a non-custodial parent held in the name of that
8 person, those persons, or that business entity if there
9 is a unity of interest and ownership sufficient to render
10 no financial separation between the non-custodial parent
11 and that person, those persons, or the business entity.
12 The following circumstances are sufficient for a court to
13 order discovery of the assets of a person, persons, or
14 business entity and to compel the application of any
15 discovered assets toward payment on the judgment for
16 support:

17 (A) the non-custodial parent and the person,
18 persons, or business entity maintain records
19 together.

20 (B) the non-custodial parent and the person,
21 persons, or business entity fail to maintain an arms
22 length relationship between themselves with regard
23 to any assets.

24 (C) the non-custodial parent transfers assets
25 to the person, persons, or business entity with the
26 intent to perpetrate a fraud on the custodial
27 parent.

28 With respect to assets which are real property, no
29 order entered under this subdivision (2.5) shall affect
30 the rights of bona fide purchasers, mortgagees, judgment
31 creditors, or other lien holders who acquire their
32 interests in the property prior to the time a notice of
33 lis pendens pursuant to the Code of Civil Procedure or a
34 copy of the order is placed of record in the office of

1 the recorder of deeds for the county in which the real
2 property is located.

3 (3) The court may also order that in cases where
4 the party is 90 days or more delinquent in payment of
5 support or has been adjudicated in arrears in an amount
6 equal to 90 days obligation or more, that the party's
7 Illinois driving privileges be suspended, and the
8 registration of any vehicle driven by him or her be
9 revoked, until the court determines that the party is in
10 compliance with the judgement or duty of support. The
11 court may also order that the parent be issued a family
12 financial responsibility driving permit, and a
13 certificate of temporary registration if requested, that
14 would allow limited driving privileges, and temporary
15 registration if requested, for employment and medical
16 purposes in accordance with Sections Section 7-702.1 and
17 7-803 of the Illinois Vehicle Code. The clerk of the
18 circuit court shall certify the order suspending the
19 driving privileges of the parent, revoking the
20 registration of any vehicle owned and driven by him or
21 her, or granting the issuance of a family financial
22 responsibility driving permit, and a certificate of
23 temporary registration if requested, to the Secretary of
24 State on forms prescribed by the Secretary. Upon receipt
25 of the authenticated documents, the Secretary of State
26 shall suspend the party's driving privileges until
27 further order of the court, shall revoke the registration
28 of any vehicle owned and driven by him or her, and shall,
29 if ordered by the court, subject to the provisions of
30 Sections Section 7-702.1 and 7-803 of the Illinois
31 Vehicle Code, issue a family financial responsibility
32 driving permit, and a certificate of temporary
33 registration if requested, to the parent.

34 In addition to the penalties or punishment that may be

1 imposed under this Section, any person whose conduct
2 constitutes a violation of Section 15 of the Non-Support
3 Punishment Act may be prosecuted under that Act, and a person
4 convicted under that Act may be sentenced in accordance with
5 that Act. The sentence may include but need not be limited
6 to a requirement that the person perform community service
7 under Section 50 of that Act or participate in a work
8 alternative program under Section 50 of that Act. A person
9 may not be required to participate in a work alternative
10 program under Section 50 of that Act if the person is
11 currently participating in a work program pursuant to Section
12 15.1 of this Act.

13 (c) In any post-judgment proceeding to enforce or modify
14 the judgment the parties shall continue to be designated as
15 in the original proceeding.

16 (Source: P.A. 91-357, eff. 7-29-99; 92-16, eff. 6-28-01.)

17 Section 95. No acceleration or delay. Where this Act
18 makes changes in a statute that is represented in this Act by
19 text that is not yet or no longer in effect (for example, a
20 Section represented by multiple versions), the use of that
21 text does not accelerate or delay the taking effect of (i)
22 the changes made by this Act or (ii) provisions derived from
23 any other Public Act.

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.