

HB0173



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB0173

Introduced 1/11/2005, by Rep. Suzanne Bassi

SYNOPSIS AS INTRODUCED:

750 ILCS 28/20

Amends the Income Withholding for Support Act. Provides that the court, at its discretion, may withhold the Social Security Numbers of the child or children from being disclosed in the income withholding notice.

LRB094 04153 LCB 34174 b

A BILL FOR

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 Income Withholding for Support Act is
5 amended by changing Section 20 as follows:

6 (750 ILCS 28/20)

7 Sec. 20. Entry of order for support containing income
8 withholding provisions; income withholding notice.

9 (a) In addition to any content required under other laws,
10 every order for support entered on or after July 1, 1997,
11 shall:

12 (1) Require an income withholding notice to be prepared
13 and served immediately upon any payor of the obligor by the
14 obligee or public office, unless a written agreement is
15 reached between and signed by both parties providing for an
16 alternative arrangement, approved and entered into the
17 record by the court, which ensures payment of support. In
18 that case, the order for support shall provide that an
19 income withholding notice is to be prepared and served only
20 if the obligor becomes delinquent in paying the order for
21 support; and

22 (2) Contain a dollar amount to be paid until payment in
23 full of any delinquency that accrues after entry of the
24 order for support. The amount for payment of delinquency
25 shall not be less than 20% of the total of the current
26 support amount and the amount to be paid periodically for
27 payment of any arrearage stated in the order for support;
28 and

29 (3) Include the obligor's Social Security Number,
30 which the obligor shall disclose to the court. If the
31 obligor is not a United States citizen, the obligor shall
32 disclose to the court, and the court shall include in the

1 order for support, the obligor's alien registration
2 number, passport number, and home country's social
3 security or national health number, if applicable.

4 (b) At the time the order for support is entered, the Clerk
5 of the Circuit Court shall provide a copy of the order to the
6 obligor and shall make copies available to the obligee and
7 public office.

8 (c) The income withholding notice shall:

9 (1) be in the standard format prescribed by the federal
10 Department of Health and Human Services; and

11 (1.1) state the date of entry of the order for support
12 upon which the income withholding notice is based; and

13 (2) direct any payor to withhold the dollar amount
14 required for current support under the order for support;
15 and

16 (3) direct any payor to withhold the dollar amount
17 required to be paid periodically under the order for
18 support for payment of the amount of any arrearage stated
19 in the order for support; and

20 (4) direct any payor or labor union or trade union to
21 enroll a child as a beneficiary of a health insurance plan
22 and withhold or cause to be withheld, if applicable, any
23 required premiums; and

24 (5) state the amount of the payor income withholding
25 fee specified under this Section; and

26 (6) state that the amount actually withheld from the
27 obligor's income for support and other purposes, including
28 the payor withholding fee specified under this Section, may
29 not be in excess of the maximum amount permitted under the
30 federal Consumer Credit Protection Act; and

31 (7) state the duties of the payor and the fines and
32 penalties for failure to withhold and pay over income and
33 for discharging, disciplining, refusing to hire, or
34 otherwise penalizing the obligor because of the duty to
35 withhold and pay over income under this Section; and

36 (8) state the rights, remedies, and duties of the

1 obligor under this Section; and

2 (9) include the Social Security Numbers of the obligor,
3 the obligee, and the child or children included in the
4 order for support; and

5 (10) include the date that withholding for current
6 support terminates, which shall be the date of termination
7 of the current support obligation set forth in the order
8 for support, however, the Social Security Numbers of the
9 child or children may be withheld at the discretion of the
10 court; and

11 (11) contain the signature of the obligee or the
12 printed name and telephone number of the authorized
13 representative of the public office, except that the
14 failure to contain the signature of the obligee or the
15 printed name and telephone number of the authorized
16 representative of the public office shall not affect the
17 validity of the income withholding notice; and

18 (12) direct any payor to pay over amounts withheld for
19 payment of support to the State Disbursement Unit.

20 (d) The accrual of a delinquency as a condition for service
21 of an income withholding notice, under the exception to
22 immediate withholding in subsection (a) of this Section, shall
23 apply only to the initial service of an income withholding
24 notice on a payor of the obligor.

25 (e) Notwithstanding the exception to immediate withholding
26 contained in subsection (a) of this Section, if the court finds
27 at the time of any hearing that an arrearage has accrued, the
28 court shall order immediate service of an income withholding
29 notice upon the payor.

30 (f) If the order for support, under the exception to
31 immediate withholding contained in subsection (a) of this
32 Section, provides that an income withholding notice is to be
33 prepared and served only if the obligor becomes delinquent in
34 paying the order for support, the obligor may execute a written
35 waiver of that condition and request immediate service on the
36 payor.

1 (g) The obligee or public office may serve the income
2 withholding notice on the payor or its superintendent, manager,
3 or other agent by ordinary mail or certified mail return
4 receipt requested, by facsimile transmission or other
5 electronic means, by personal delivery, or by any method
6 provided by law for service of a summons. At the time of
7 service on the payor and as notice that withholding has
8 commenced, the obligee or public office shall serve a copy of
9 the income withholding notice on the obligor by ordinary mail
10 addressed to his or her last known address. A copy of the
11 income withholding notice together with proofs of service on
12 the payor and the obligor shall be filed with the Clerk of the
13 Circuit Court.

14 (h) At any time after the initial service of an income
15 withholding notice, any other payor of the obligor may be
16 served with the same income withholding notice without further
17 notice to the obligor. A copy of the income withholding notice
18 together with a proof of service on the other payor shall be
19 filed with the Clerk of the Circuit Court.

20 (i) New service of an income withholding notice is not
21 required in order to resume withholding of income in the case
22 of an obligor with respect to whom an income withholding notice
23 was previously served on the payor if withholding of income was
24 terminated because of an interruption in the obligor's
25 employment of less than 180 days.

26 (Source: P.A. 90-673, eff. 1-1-99; incorporates P.A. 90-790,
27 eff. 8-14-98; 91-212, eff. 7-20-99; 91-357, eff. 7-29-99.)