

1 AN ACT concerning children.

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

4 Section 5. The Illinois Public Aid Code is amended by
5 adding Section 10-2.5 as follows:

6 (305 ILCS 5/10-2.5 new)

7 Sec. 10-2.5. Support for non-minor children and
8 educational expenses. If paternity or an order for support has
9 been established under any provision of this Article X, a
10 petition for support and educational expenses for a non-minor
11 child or children may be brought in the circuit court by a
12 parent of the child or children, and not by the Department, in
13 the instances set forth in Section 513 of the Illinois Marriage
14 and Dissolution of Marriage Act. The court shall make its
15 determination under the provisions of that Section.

16 Section 10. The Non-Support Punishment Act is amended by
17 changing Section 20 as follows:

18 (750 ILCS 16/20)

19 Sec. 20. Entry of order for support; income withholding.

20 (a) In a case in which no court or administrative order for
21 support is in effect against the defendant:

22 (1) at any time before the trial, upon motion of the
23 State's Attorney, or of the Attorney General if the action
24 has been instituted by his office, and upon notice to the
25 defendant, or at the time of arraignment or as a condition
26 of postponement of arraignment, the court may enter such
27 temporary order for support as may seem just, providing for
28 the support or maintenance of the spouse or child or
29 children of the defendant, or both, pendente lite; or

30 (2) before trial with the consent of the defendant, or

1 at the trial on entry of a plea of guilty, or after
2 conviction, instead of imposing the penalty provided in
3 this Act, or in addition thereto, the court may enter an
4 order for support, subject to modification by the court
5 from time to time as circumstances may require, directing
6 the defendant to pay a certain sum for maintenance of the
7 spouse, or for support of the child or children, or both.

8 (b) The court shall determine the amount of child support
9 by using the guidelines and standards set forth in subsection
10 (a) of Section 505 and in Section 505.2 of the Illinois
11 Marriage and Dissolution of Marriage Act.

12 If (i) the non-custodial parent was properly served with a
13 request for discovery of financial information relating to the
14 non-custodial parent's ability to provide child support, (ii)
15 the non-custodial parent failed to comply with the request,
16 despite having been ordered to do so by the court, and (iii)
17 the non-custodial parent is not present at the hearing to
18 determine support despite having received proper notice, then
19 any relevant financial information concerning the
20 non-custodial parent's ability to provide support that was
21 obtained pursuant to subpoena and proper notice shall be
22 admitted into evidence without the need to establish any
23 further foundation for its admission.

24 (c) The court shall determine the amount of maintenance
25 using the standards set forth in Section 504 of the Illinois
26 Marriage and Dissolution of Marriage Act.

27 (d) The court may, for violation of any order under this
28 Section, punish the offender as for a contempt of court, but no
29 pendente lite order shall remain in effect longer than 4
30 months, or after the discharge of any panel of jurors summoned
31 for service thereafter in such court, whichever is sooner.

32 (e) Any order for support entered by the court under this
33 Section shall be deemed to be a series of judgments against the
34 person obligated to pay support under the judgments, each such
35 judgment to be in the amount of each payment or installment of
36 support and each judgment to be deemed entered as of the date

1 the corresponding payment or installment becomes due under the
2 terms of the support order. Each judgment shall have the full
3 force, effect, and attributes of any other judgment of this
4 State, including the ability to be enforced. Each judgment is
5 subject to modification or termination only in accordance with
6 Section 510 of the Illinois Marriage and Dissolution of
7 Marriage Act. A lien arises by operation of law against the
8 real and personal property of the noncustodial parent for each
9 installment of overdue support owed by the noncustodial parent.

10 (f) An order for support entered under this Section shall
11 include a provision requiring the obligor to report to the
12 obligee and to the clerk of the court within 10 days each time
13 the obligor obtains new employment, and each time the obligor's
14 employment is terminated for any reason. The report shall be in
15 writing and shall, in the case of new employment, include the
16 name and address of the new employer.

17 Failure to report new employment or the termination of
18 current employment, if coupled with nonpayment of support for a
19 period in excess of 60 days, is indirect criminal contempt. For
20 any obligor arrested for failure to report new employment, bond
21 shall be set in the amount of the child support that should
22 have been paid during the period of unreported employment.

23 An order for support entered under this Section shall also
24 include a provision requiring the obligor and obligee parents
25 to advise each other of a change in residence within 5 days of
26 the change except when the court finds that the physical,
27 mental, or emotional health of a party or of a minor child, or
28 both, would be seriously endangered by disclosure of the
29 party's address.

30 (g) An order for support entered or modified in a case in
31 which a party is receiving child support enforcement services
32 under Article X of the Illinois Public Aid Code shall include a
33 provision requiring the noncustodial parent to notify the
34 Illinois Department of Public Aid, within 7 days, of the name
35 and address of any new employer of the noncustodial parent,
36 whether the noncustodial parent has access to health insurance

1 coverage through the employer or other group coverage and, if
2 so, the policy name and number and the names of persons covered
3 under the policy.

4 (h) In any subsequent action to enforce an order for
5 support entered under this Act, upon sufficient showing that
6 diligent effort has been made to ascertain the location of the
7 noncustodial parent, service of process or provision of notice
8 necessary in that action may be made at the last known address
9 of the noncustodial parent, in any manner expressly provided by
10 the Code of Civil Procedure or in this Act, which service shall
11 be sufficient for purposes of due process.

12 (i) An order for support shall include a date on which the
13 current support obligation terminates. The termination date
14 shall be no earlier than the date on which the child covered by
15 the order will attain the age of 18. However, if the child will
16 not graduate from high school until after attaining the age of
17 18, then the termination date shall be no earlier than the
18 earlier of the date on which the child's high school graduation
19 will occur or the date on which the child will attain the age
20 of 19. The order for support shall state that the termination
21 date does not apply to any arrearage that may remain unpaid on
22 that date. Nothing in this subsection shall be construed to
23 prevent the court from modifying the order or terminating the
24 order in the event the child is otherwise emancipated.

25 (i-5) If there is an unpaid arrearage or delinquency (as
26 those terms are defined in the Income Withholding for Support
27 Act) equal to at least one month's support obligation on the
28 termination date stated in the order for support or, if there
29 is no termination date stated in the order, on the date the
30 child attains the age of majority or is otherwise emancipated,
31 the periodic amount required to be paid for current support of
32 that child immediately prior to that date shall automatically
33 continue to be an obligation, not as current support but as
34 periodic payment toward satisfaction of the unpaid arrearage or
35 delinquency. That periodic payment shall be in addition to any
36 periodic payment previously required for satisfaction of the

1 arrearage or delinquency. The total periodic amount to be paid
2 toward satisfaction of the arrearage or delinquency may be
3 enforced and collected by any method provided by law for
4 enforcement and collection of child support, including but not
5 limited to income withholding under the Income Withholding for
6 Support Act. Each order for support entered or modified on or
7 after the effective date of this amendatory Act of the 93rd
8 General Assembly must contain a statement notifying the parties
9 of the requirements of this subsection. Failure to include the
10 statement in the order for support does not affect the validity
11 of the order or the operation of the provisions of this
12 subsection with regard to the order. This subsection shall not
13 be construed to prevent or affect the establishment or
14 modification of an order for support of a minor child or the
15 establishment or modification of an order for support of a
16 non-minor child or educational expenses under Section 513 of
17 the Illinois Marriage and Dissolution of Marriage Act.

18 (j) A support obligation, or any portion of a support
19 obligation, which becomes due and remains unpaid for 30 days or
20 more shall accrue simple interest at the rate of 9% per annum.
21 An order for support entered or modified on or after January 1,
22 2002 shall contain a statement that a support obligation
23 required under the order, or any portion of a support
24 obligation required under the order, that becomes due and
25 remains unpaid for 30 days or more shall accrue simple interest
26 at the rate of 9% per annum. Failure to include the statement
27 in the order for support does not affect the validity of the
28 order or the accrual of interest as provided in this Section.

29 (k) Issues of support and educational expenses for a
30 non-minor child or children shall be determined by the court
31 under the provisions of Section 513 of the Illinois Marriage
32 and Dissolution of Marriage Act.

33 (Source: P.A. 92-374, eff. 8-15-01; 92-590, eff. 7-1-02;
34 92-876, eff. 6-1-03; 93-1061, eff. 1-1-05.)

35 Section 15. The Illinois Parentage Act of 1984 is amended

1 by changing Section 16 as follows:

2 (750 ILCS 45/16) (from Ch. 40, par. 2516)

3 Sec. 16. Modification of Judgment. The court has continuing
4 jurisdiction to modify an order for support, custody,
5 visitation, or removal included in a judgment entered under
6 this Act. Any custody, visitation, or removal judgment
7 modification shall be in accordance with the relevant factors
8 specified in the Illinois Marriage and Dissolution of Marriage
9 Act, including Section 609. Any support judgment is subject to
10 modification or termination only in accordance with Section 510
11 of the Illinois Marriage and Dissolution of Marriage Act.

12 Issues of support and educational expenses for a non-minor
13 child or children shall be determined by the court under the
14 provisions of Section 513 of the Illinois Marriage and
15 Dissolution of Marriage Act.

16 (Source: P.A. 93-139, eff. 7-10-03.)