



Rep. Cynthia Soto

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LRB094 03005 AJ0 56207 a

1 AMENDMENT TO HOUSE BILL 2150

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2150, AS AMENDED,  
3 immediately below the enacting clause by inserting the  
4 following:

5 "Section 3. The Illinois Public Aid Code is amended by  
6 changing Section 10-10 as follows:

7 (305 ILCS 5/10-10) (from Ch. 23, par. 10-10)

8 Sec. 10-10. Court enforcement; applicability also to  
9 persons who are not applicants or recipients. Except where the  
10 Illinois Department, by agreement, acts for the local  
11 governmental unit, as provided in Section 10-3.1, local  
12 governmental units shall refer to the State's Attorney or to  
13 the proper legal representative of the governmental unit, for  
14 judicial enforcement as herein provided, instances of  
15 non-support or insufficient support when the dependents are  
16 applicants or recipients under Article VI. The Child and Spouse  
17 Support Unit established by Section 10-3.1 may institute in  
18 behalf of the Illinois Department any actions under this  
19 Section for judicial enforcement of the support liability when  
20 the dependents are (a) applicants or recipients under Articles  
21 III, IV, V or VII; (b) applicants or recipients in a local  
22 governmental unit when the Illinois Department, by agreement,  
23 acts for the unit; or (c) non-applicants or non-recipients who  
24 are receiving child support enforcement services under this

1 Article X, as provided in Section 10-1. Where the Child and  
2 Spouse Support Unit has exercised its option and discretion not  
3 to apply the provisions of Sections 10-3 through 10-8, the  
4 failure by the Unit to apply such provisions shall not be a bar  
5 to bringing an action under this Section.

6 Action shall be brought in the circuit court to obtain  
7 support, or for the recovery of aid granted during the period  
8 such support was not provided, or both for the obtainment of  
9 support and the recovery of the aid provided. Actions for the  
10 recovery of aid may be taken separately or they may be  
11 consolidated with actions to obtain support. Such actions may  
12 be brought in the name of the person or persons requiring  
13 support, or may be brought in the name of the Illinois  
14 Department or the local governmental unit, as the case  
15 requires, in behalf of such persons.

16 The court may enter such orders for the payment of moneys  
17 for the support of the person as may be just and equitable and  
18 may direct payment thereof for such period or periods of time  
19 as the circumstances require, including support for a period  
20 before the date the order for support is entered. The order may  
21 be entered against any or all of the defendant responsible  
22 relatives and may be based upon the proportionate ability of  
23 each to contribute to the person's support.

24 The Court shall determine the amount of child support  
25 (including child support for a period before the date the order  
26 for child support is entered) by using the guidelines and  
27 standards set forth in subsection (a) of Section 505 and in  
28 Section 505.2 of the Illinois Marriage and Dissolution of  
29 Marriage Act. For purposes of determining the amount of child  
30 support to be paid for a period before the date the order for  
31 child support is entered, there is a rebuttable presumption  
32 that the responsible relative's net income for that period was  
33 the same as his or her net income at the time the order is  
34 entered.

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

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

32           The Court shall determine the amount of maintenance using  
33 the standards set forth in Section 504 of the Illinois Marriage  
34 and Dissolution of Marriage Act.

1 Any new or existing support order entered by the court  
2 under this Section shall be deemed to be a series of judgments  
3 against the person obligated to pay support thereunder, each  
4 such judgment to be in the amount of each payment or  
5 installment of support and each such judgment to be deemed  
6 entered as of the date the corresponding payment or installment  
7 becomes due under the terms of the support order. Each such  
8 judgment shall have the full force, effect and attributes of  
9 any other judgment of this State, including the ability to be  
10 enforced. Any such judgment is subject to modification or  
11 termination only in accordance with Section 510 of the Illinois  
12 Marriage and Dissolution of Marriage Act. A lien arises by  
13 operation of law against the real and personal property of the  
14 noncustodial parent for each installment of overdue support  
15 owed by the noncustodial parent.

16 When an order is entered for the support of a minor, the  
17 court may provide therein for reasonable visitation of the  
18 minor by the person or persons who provided support pursuant to  
19 the order. Whoever willfully refuses to comply with such  
20 visitation order or willfully interferes with its enforcement  
21 may be declared in contempt of court and punished therefor.

22 Except where the local governmental unit has entered into  
23 an agreement with the Illinois Department for the Child and  
24 Spouse Support Unit to act for it, as provided in Section  
25 10-3.1, support orders entered by the court in cases involving  
26 applicants or recipients under Article VI shall provide that  
27 payments thereunder be made directly to the local governmental  
28 unit. Orders for the support of all other applicants or  
29 recipients shall provide that payments thereunder be made  
30 directly to the Illinois Department. In accordance with federal  
31 law and regulations, the Illinois Department may continue to  
32 collect current maintenance payments or child support  
33 payments, or both, after those persons cease to receive public  
34 assistance and until termination of services under Article X.

1 The Illinois Department shall pay the net amount collected to  
2 those persons after deducting any costs incurred in making the  
3 collection or any collection fee from the amount of any  
4 recovery made. In both cases the order shall permit the local  
5 governmental unit or the Illinois Department, as the case may  
6 be, to direct the responsible relative or relatives to make  
7 support payments directly to the needy person, or to some  
8 person or agency in his behalf, upon removal of the person from  
9 the public aid rolls or upon termination of services under  
10 Article X.

11 If the notice of support due issued pursuant to Section  
12 10-7 directs that support payments be made directly to the  
13 needy person, or to some person or agency in his behalf, and  
14 the recipient is removed from the public aid rolls, court  
15 action may be taken against the responsible relative hereunder  
16 if he fails to furnish support in accordance with the terms of  
17 such notice.

18 Actions may also be brought under this Section in behalf of  
19 any person who is in need of support from responsible  
20 relatives, as defined in Section 2-11 of Article II who is not  
21 an applicant for or recipient of financial aid under this Code.  
22 In such instances, the State's Attorney of the county in which  
23 such person resides shall bring action against the responsible  
24 relatives hereunder. If the Illinois Department, as authorized  
25 by Section 10-1, extends the child support enforcement services  
26 provided by this Article to spouses and dependent children who  
27 are not applicants or recipients under this Code, the Child and  
28 Spouse Support Unit established by Section 10-3.1 shall bring  
29 action against the responsible relatives hereunder and any  
30 support orders entered by the court in such cases shall provide  
31 that payments thereunder be made directly to the Illinois  
32 Department.

33 Whenever it is determined in a proceeding to establish or  
34 enforce a child support or maintenance obligation that the

1 person owing a duty of support is unemployed, the court shall,  
2 unless the court makes specific findings about the person based  
3 upon clear and convincing evidence and determines that the  
4 person is incapable of gainful employment because of a physical  
5 or a mental condition, or a combination of conditions, ~~may~~  
6 order the person to seek employment and report periodically to  
7 the court with a diary, listing or other memorandum of his or  
8 her efforts in accordance with such order. Additionally, the  
9 court may order the unemployed person to report to the  
10 Department of Employment Security for job search services or to  
11 make application with the local Job Training Partnership Act  
12 provider or an Illinois Employment and Training Center for  
13 participation in job search, training or work programs and  
14 where the duty of support is owed to a child receiving child  
15 support enforcement services under this Article X, the court  
16 may order the unemployed person to report to the Illinois  
17 Department for participation in job search, training or work  
18 programs established under Section 9-6 and Article IXA of this  
19 Code.

20 Whenever it is determined that a person owes past-due  
21 support for a child receiving assistance under this Code, the  
22 court shall order at the request of the Illinois Department:

23 (1) that the person pay the past-due support in  
24 accordance with a plan approved by the court; or

25 (2) if the person owing past-due support is unemployed,  
26 is subject to such a plan, and is not incapacitated, that  
27 the person participate in such job search, training, or  
28 work programs established under Section 9-6 and Article IXA  
29 of this Code as the court deems appropriate.

30 A determination under this Section shall not be  
31 administratively reviewable by the procedures specified in  
32 Sections 10-12, and 10-13 to 10-13.10. Any determination under  
33 these Sections, if made the basis of court action under this  
34 Section, shall not affect the de novo judicial determination

1 required under this Section.

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

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

26 An order for support shall include a date on which the  
27 current support obligation terminates. The termination date  
28 shall be no earlier than the date on which the child covered by  
29 the order will attain the age of 18. However, if the child will  
30 not graduate from high school until after attaining the age of  
31 18, then the termination date shall be no earlier than the  
32 earlier of the date on which the child's high school graduation  
33 will occur or the date on which the child will attain the age  
34 of 19. The order for support shall state that the termination

1 date does not apply to any arrearage that may remain unpaid on  
2 that date. Nothing in this paragraph shall be construed to  
3 prevent the court from modifying the order or terminating the  
4 order in the event the child is otherwise emancipated.

5 If there is an unpaid arrearage or delinquency (as those  
6 terms are defined in the Income Withholding for Support Act)  
7 equal to at least one month's support obligation on the  
8 termination date stated in the order for support or, if there  
9 is no termination date stated in the order, on the date the  
10 child attains the age of majority or is otherwise emancipated,  
11 then the periodic amount required to be paid for current  
12 support of that child immediately prior to that date shall  
13 automatically continue to be an obligation, not as current  
14 support but as periodic payment toward satisfaction of the  
15 unpaid arrearage or delinquency. That periodic payment shall be  
16 in addition to any periodic payment previously required for  
17 satisfaction of the arrearage or delinquency. The total  
18 periodic amount to be paid toward satisfaction of the arrearage  
19 or delinquency may be enforced and collected by any method  
20 provided by law for the enforcement and collection of child  
21 support, including but not limited to income withholding under  
22 the Income Withholding for Support Act. Each order for support  
23 entered or modified on or after the effective date of this  
24 amendatory Act of the 93rd General Assembly must contain a  
25 statement notifying the parties of the requirements of this  
26 paragraph. Failure to include the statement in the order for  
27 support does not affect the validity of the order or the  
28 operation of the provisions of this paragraph with regard to  
29 the order. This paragraph shall not be construed to prevent or  
30 affect the establishment or modification of an order for the  
31 support of a minor child or the establishment or modification  
32 of an order for the support of a non-minor child or educational  
33 expenses under Section 513 of the Illinois Marriage and  
34 Dissolution of Marriage Act.



1           Payments under this Section to the Illinois Department  
2 pursuant to the Child Support Enforcement Program established  
3 by Title IV-D of the Social Security Act shall be paid into the  
4 Child Support Enforcement Trust Fund. All payments under this  
5 Section to the Illinois Department of Human Services shall be  
6 deposited in the DHS Recoveries Trust Fund. Disbursements from  
7 these funds shall be as provided in Sections 12-9.1 and 12-10.2  
8 of this Code. Payments received by a local governmental unit  
9 shall be deposited in that unit's General Assistance Fund.

10           To the extent the provisions of this Section are  
11 inconsistent with the requirements pertaining to the State  
12 Disbursement Unit under Sections 10-10.4 and 10-26 of this  
13 Code, the requirements pertaining to the State Disbursement  
14 Unit shall apply.

15           (Source: P.A. 93-1061, eff. 1-1-05; 94-88, eff. 1-1-06; revised  
16 8-9-05.)"; and

17 after the end of Section 5, by inserting the following:

18           "Section 10. The Non-Support Punishment Act is amended by  
19 changing Section 60 as follows:

20           (750 ILCS 16/60)

21           Sec. 60. Unemployed persons owing duty of support.

22           (a) Whenever it is determined in a proceeding to establish  
23 or enforce a child support or maintenance obligation that the  
24 person owing a duty of support is unemployed, the court shall,  
25 unless the court makes specific findings about the person based  
26 upon clear and convincing evidence and determines that the  
27 person is incapable of gainful employment because of a physical  
28 or a mental condition, or a combination of conditions, may  
29 order the person to seek employment and report periodically to  
30 the court with a diary, listing or other memorandum of his or  
31 her efforts in accordance with such order. Additionally, the

1 court may order the unemployed person to report to the  
2 Department of Employment Security for job search services or to  
3 make application with the local Job Training Partnership Act  
4 provider or an Illinois Employment and Training Center for  
5 participation in job search, training, or work programs and  
6 where the duty of support is owed to a child receiving child  
7 support enforcement services under Article X of the Illinois  
8 Public Aid Code the court may order the unemployed person to  
9 report to the ~~Illinois~~ Department of Healthcare and Family  
10 Services ~~Public Aid~~ for participation in job search, training,  
11 or work programs established under Section 9-6 and Article IXA  
12 of that Code.

13 (b) Whenever it is determined that a person owes past due  
14 support for a child or for a child and the parent with whom the  
15 child is living, and the child is receiving assistance under  
16 the Illinois Public Aid Code, the court shall order at the  
17 request of the ~~Illinois~~ Department of Healthcare and Family  
18 Services ~~Public Aid~~:

19 (1) that the person pay the past-due support in  
20 accordance with a plan approved by the court; or

21 (2) if the person owing past-due support is unemployed,  
22 is subject to such a plan, and is not incapacitated, that  
23 the person participate in such job search, training, or  
24 work programs established under Section 9-6 and Article IXA  
25 of the Illinois Public Aid Code as the court deems  
26 appropriate.

27 (Source: P.A. 91-613, eff. 10-1-99; 92-16, eff. 6-28-01;  
28 92-590, eff. 7-1-02; revised 12-15-05.)

29 Section 15. The Illinois Parentage Act of 1984 is amended  
30 by changing Section 15.1 as follows:

31 (750 ILCS 45/15.1) (from Ch. 40, par. 2515.1)

32 Sec. 15.1. (a) Whenever it is determined in a proceeding to

1 establish or enforce a child support obligation that the person  
2 owing a duty of support is unemployed, the court shall, unless  
3 the court makes specific findings about the person based upon  
4 clear and convincing evidence and determines that the person is  
5 incapable of gainful employment because of a physical or a  
6 mental condition, or a combination of conditions, ~~may~~ order the  
7 person to seek employment and report periodically to the court  
8 with a diary, listing or other memorandum of his or her efforts  
9 in accordance with such order. Additionally, the court may  
10 order the unemployed person to report to the Department of  
11 Employment Security for job search services or to make  
12 application with the local Job Training Partnership Act  
13 provider or an Illinois Employment and Training Center for  
14 participation in job search, training or work programs and  
15 where the duty of support is owed to a child receiving child  
16 support enforcement services under Article X of the Illinois  
17 Public Aid Code, as amended, the court may order the unemployed  
18 person to report to the ~~Illinois~~ Department of Healthcare and  
19 Family Services ~~Public Aid~~ for participation in job search,  
20 training or work programs established under Section 9-6 and  
21 Article IXA of that Code.

22 (b) Whenever it is determined that a person owes past-due  
23 support for a child, and the child is receiving assistance  
24 under the Illinois Public Aid Code, the court shall order the  
25 following at the request of the ~~Illinois~~ Department of  
26 Healthcare and Family Services ~~Public Aid~~:

27 (1) that the person pay the past-due support in  
28 accordance with a plan approved by the court; or

29 (2) if the person owing past-due support is unemployed,  
30 is subject to such a plan, and is not incapacitated, that  
31 the person participate in such job search, training, or  
32 work programs established under Section 9-6 and Article IXA  
33 of the Illinois Public Aid Code as the court deems  
34 appropriate.

1 (Source: P.A. 91-357, eff. 7-29-99; 92-590, eff. 7-1-02;  
2 revised 12-15-05.)".