



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB3700

Introduced 2/24/2005, by Rep. James H. Meyer

#### SYNOPSIS AS INTRODUCED:

See Index

Creates the Department of Child Support Services Act. Creates the Department of Child Support Services and the position of Director of Child Support Services. Designates the Department of Child Support Services as the single State agency to administer the State's Title IV-D State plan for securing child and spouse support and determining paternity; transfers those functions from the Department of Public Aid to the Department of Child Support Services. Provides for the confidentiality of records to facilitate and enhance the child and spouse support enforcement program, and makes a violation of the confidentiality provisions a Class A misdemeanor. Provides that the Department of Child Support Services is the successor agency to the Department of Public Aid for purposes of child and spouse support enforcement. Provides for the transfer of functions, employees, and property from the Department of Public Aid to the Department of Child Support Services. Amends the Departments of State Government Law of the Civil Administrative Code of Illinois to add the Department of Child Support Services as a department of State government and the Director of Child Support Services as the head of the Department. Amends various Acts to change references from the Department of Public Aid to the Department of Child Support Services in connection with child and spouse support enforcement. Effective immediately.

LRB094 09105 DRJ 39334 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning child support.

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

4 Section 1. Short title. This Act may be cited as the  
5 Department of Child Support Services Act.

6 Section 5. Definitions. In this Act:

7 "Department" means the Department of Child Support  
8 Services.

9 "Director" means the Director of Child Support Services.

10 Section 10. Department; Director; organization.

11 (a) The Department of Child Support Services is created.

12 (b) The Governor shall appoint the Director of Child  
13 Support Services as the head of the Department.

14 (c) The Director shall create divisions and administrative  
15 units within the Department and shall assign functions, powers,  
16 duties, and personnel as may now or in the future be required  
17 by federal law. The Director may create other divisions and  
18 administrative units and may assign other functions, powers,  
19 duties, and personnel as may be necessary or desirable to carry  
20 out the functions and responsibilities vested by law in the  
21 Department.

22 (d) The Director shall ensure that there is an adequate  
23 organizational structure and sufficient staff to perform  
24 functions delegated to any governmental unit relating to Part D  
25 (commencing with Section 651) of Subchapter 4 of Chapter 7 of  
26 Title 42 of the United States Code, including a sufficient  
27 number of attorneys to ensure that all requirements of due  
28 process are satisfied in the establishment and enforcement of  
29 child support orders.

30 Section 15. Department functions.

1 (a) The Department shall exercise the rights, powers,  
2 duties, and functions provided by law, including, but not  
3 limited to, the rights, powers, duties, and functions  
4 transferred to the Department under this Act.

5 (b) The Department shall administer all services and  
6 perform all functions necessary to establish, collect, and  
7 distribute child and spouse support. The Department is  
8 designated the single organizational unit whose duty it shall  
9 be to administer the Title IV-D State plan for securing child  
10 and spouse support and determining paternity. State plan  
11 functions shall be performed by other agencies as required by  
12 law, by delegation of the Department, or by cooperative  
13 agreement. In performing its functions under this Section, the  
14 Department shall strive to reduce the cost of, and increase the  
15 speed and efficiency of, child and spouse support enforcement  
16 operations.

17 (c) The Department shall ensure that its offices and  
18 services are reasonably accessible throughout the State and  
19 shall establish systems for informing the public, including  
20 custodial and noncustodial parents of dependent children, of  
21 its services and operations.

22 (d) The Department shall maximize the use of federal funds  
23 available for the costs of administering a child support  
24 services department and, to the maximum extent feasible, shall  
25 obtain funds from federal financial incentives for the  
26 efficient collection of child support, to defray the remaining  
27 costs of administration of the Department consistent with  
28 effective and efficient support enforcement.

29 Section 20. Confidentiality of records.

30 (a) It is the intent of the General Assembly to protect  
31 individual rights of privacy, and to facilitate and enhance the  
32 effectiveness of the child and spouse support enforcement  
33 program, by ensuring the confidentiality of support  
34 enforcement and child abduction records, and to thereby  
35 encourage the full and frank disclosure of information relevant

1 to all of the following:

2 (1) The establishment or maintenance of parent and  
3 child relationships and support obligations.

4 (2) The enforcement of the child support liability of  
5 absent parents.

6 (3) The enforcement of spouse support liability of the  
7 spouse or former spouse to the extent required by the State  
8 plan.

9 (4) The location of absent parents.

10 (5) The location of parents and of children abducted,  
11 concealed, or detained by them.

12 (b) Except as provided in subsection (c), all files,  
13 applications, papers, documents, and records established or  
14 maintained by any public entity pursuant to the administration  
15 and implementation of the child and spouse support enforcement  
16 program established pursuant to Part D (commencing with Section  
17 651) of Subchapter IV of Chapter 7 of Title 42 of the United  
18 States Code and this Act, shall be confidential and shall not  
19 be open to examination or released for disclosure for any  
20 purpose not directly connected with the administration of the  
21 child and spouse support enforcement program. No public entity  
22 shall disclose any file, application, paper, document, or  
23 record, or the information contained therein, except as  
24 expressly authorized by this Section.

25 In no case shall information be released or the whereabouts  
26 of one party or the child disclosed to another party, or to the  
27 attorney of any other party, if a protective order has been  
28 issued by a court or administrative agency with respect to the  
29 party or the Department has reason to believe that the release  
30 of the information may result in physical or emotional harm to  
31 the party or the child. When the Department is prohibited from  
32 releasing information pursuant to this subsection, the  
33 information shall be omitted from any pleading or document to  
34 be submitted to the court, and this subsection shall be cited  
35 in the pleading or other document as the authority for the  
36 omission. The information shall be released only upon an order

1 of the court pursuant to paragraph (6) of subsection (c).

2 Notwithstanding any other provision of law, a proof of  
3 service filed by the Department shall not disclose the address  
4 where service of process was accomplished. Instead, the  
5 Department shall keep the address in its own records. The proof  
6 of service shall specify that the address is on record at the  
7 Department and that the address may be released only upon an  
8 order from the court pursuant to paragraph (6) of subsection  
9 (c). Upon request by a party served, the Department shall  
10 release to that person the address where service was effected.

11 (c) Disclosure of the information described in subsection  
12 (b) is authorized as follows:

13 (1) All files, applications, papers, documents, and  
14 records as described in subsection (b) shall be available  
15 and may be used by a public entity for all administrative,  
16 civil, or criminal investigations, actions, proceedings,  
17 or prosecutions conducted in connection with the  
18 administration of the child and spouse support enforcement  
19 program approved under Part D (commencing with Section 651)  
20 of Subchapter IV of Chapter 7 of Title 42 of the United  
21 States Code and to the Departments of Human Services and  
22 Public Aid in connection with administering programs  
23 operated under the Illinois Public Aid Code.

24 (2) A document requested by a person who wrote,  
25 prepared, or furnished the document may be examined by or  
26 disclosed to that person or his or her designee.

27 (3) The payment history of an obligor pursuant to a  
28 support order may be examined by or released to the court,  
29 the obligor, or the person on whose behalf enforcement  
30 actions are being taken or that person's designee.

31 (4) Income and expense information of either parent may  
32 be released to the other parent for the purpose of  
33 establishing or modifying a support order.

34 (5) Public records subject to disclosure under the  
35 Freedom of Information Act may be released.

36 (6) After a noticed motion and a finding by the court,

1 in a case in which support establishment or enforcement  
2 actions are being taken, that release or disclosure to the  
3 obligor or obligee is required by due process of law, the  
4 court may order a public entity that possesses an  
5 application, paper, document, or record as described in  
6 subsection (b) to make that item available to the obligor  
7 or obligee for examination or copying, or to disclose to  
8 the obligor or obligee the contents of that item. At any  
9 hearing of a motion filed pursuant to this paragraph, the  
10 court shall inquire of the Department and the parties  
11 appearing at the hearing whether there is reason to believe  
12 that release of the requested information may result in  
13 physical or emotional harm to a party. If the court  
14 determines that harm may occur, the court shall issue any  
15 protective orders or injunctive orders restricting the use  
16 and disclosure of the information as are necessary to  
17 protect the individuals.

18 (7) To the extent not prohibited by federal law or  
19 regulation, information indicating the existence or  
20 imminent threat of a crime against a child, or the location  
21 of a concealed, detained, or abducted child or the location  
22 of the concealing, detaining, or abducting person, may be  
23 disclosed to any State's Attorney, any appropriate law  
24 enforcement agency, or any State or local child protective  
25 agency, or may be used in any judicial proceedings to  
26 prosecute that crime or to protect the child.

27 (8) The social security number, most recent address,  
28 and place of employment of the absent parent may be  
29 released to an authorized person as defined in Section  
30 653(c) of Title 42 of the United States Code, but only if  
31 the authorized person has filed a request for the  
32 information, and only if the information has been provided  
33 to the Department by the federal Parent Locator Service  
34 pursuant to Section 653 of Title 42 of the United States  
35 Code.

36 (d) In this Section:

1 "Administration and implementation of the child and spouse  
2 support enforcement program", as used in this Section, means  
3 the carrying out of the State plan for establishing, modifying,  
4 and enforcing child support obligations, enforcing spouse  
5 support orders, and determining paternity pursuant to Part D  
6 (commencing with Section 651) of Subchapter IV of Chapter 7 of  
7 Title 42 of the United States Code and this Act.

8 "Obligor" has the meaning ascribed to that term in the  
9 Income Withholding for Support Act.

10 "Putative parent" means any person reasonably believed to  
11 be the parent of a child for whom the Department is attempting  
12 to establish paternity or establish, modify, or enforce  
13 support.

14 (e) Any person who knowingly violates this Section is  
15 guilty of a Class A misdemeanor.

16 (f) Nothing in this Section shall be construed to compel  
17 the disclosure of information relating to a deserting parent  
18 who is a recipient of aid under a public assistance program for  
19 which federal aid is paid to this State, if that information is  
20 required to be kept confidential by the federal law or  
21 regulations relating to the program.

22 Section 25. Department as successor agency. For the  
23 purposes of the Successor Agency Act and for purposes of  
24 Section 9b of the State Finance Act, the Department of Child  
25 Support Services is declared to be the successor agency of the  
26 Department of Public Aid, but only with respect to the  
27 functions of the Department of Public Aid that are transferred  
28 to the Department of Child Support Services under this Act.

29 Section 30. Transfer of powers. All of the rights, powers,  
30 duties, and functions vested in the Department of Public Aid  
31 (or in any office, council, committee, division, or bureau  
32 thereof) in connection with the administration of the Title  
33 IV-D State plan for securing child and spouse support and  
34 determining paternity, including the rights, powers, duties,

1 and functions under Article X of the Illinois Public Aid Code,  
2 are transferred to the Department of Child Support Services on  
3 the effective date of this Act.

4 Section 35. Transfer of personnel.

5 (a) Except as provided in subsection (b), personnel  
6 employed by the Department of Public Aid on the date  
7 immediately preceding the effective date of this Act to perform  
8 duties pertaining to one or more functions transferred to the  
9 Department of Child Support Services under this Act are  
10 transferred to the Department of Child Support Services on the  
11 effective date of this Act.

12 (b) In the case of a person employed by the Department of  
13 Public Aid to perform both duties pertaining to a function  
14 transferred to the Department of Child Support Services under  
15 this Act and duties pertaining to a function retained by the  
16 Department of Public Aid, the Director of Child Support  
17 Services, in consultation with the Director of Public Aid,  
18 shall determine whether to transfer the employee to the  
19 Department of Child Support Services; until this determination  
20 has been made, the transfer shall not take effect.

21 (c) The rights of State employees, the State, and its  
22 agencies under the Personnel Code and applicable collective  
23 bargaining agreements and retirement plans are not affected by  
24 this Act.

25 Section 40. Transfer of property.

26 (a) Except as provided in subsection (b), all books,  
27 records, documents, property (real and personal), unexpended  
28 appropriations, and pending business pertaining to the rights,  
29 powers, duties, and functions transferred to the Department of  
30 Child Support Services under this Act shall be transferred and  
31 delivered to the Department of Child Support Services promptly  
32 after the effective date of this Act.

33 (b) In the case of books, records, or documents that  
34 pertain both to a function transferred to the Department of



1 Child Support Services under this Act and to a function  
2 retained by the Department of Public Aid, the Director of Child  
3 Support Services, in consultation with the Director of Public  
4 Aid, shall determine whether the books, records, or documents  
5 shall be transferred, copied, or left with the Department of  
6 Public Aid; until this determination has been made, the  
7 transfer shall not take effect.

8 In the case of property or an unexpended appropriation that  
9 pertains both to a function transferred to the Department of  
10 Child Support Services under this Act and to a function  
11 retained by the Department of Public Aid, the Director of Child  
12 Support Services, in consultation with the Director of Public  
13 Aid, shall determine whether the property or unexpended  
14 appropriation shall be transferred, divided, or left with the  
15 Department of Public Aid; until this determination has been  
16 made (and, in the case of an unexpended appropriation, notice  
17 of the determination has been filed with the State  
18 Comptroller), the transfer shall not take effect.

19 Section 45. Rules.

20 (a) The rules of the Department of Public Aid that are in  
21 effect on the date immediately preceding the effective date of  
22 this Act and pertain to the rights, powers, duties, and  
23 functions transferred to the Department of Child Support  
24 Services under this Act shall become the rules of the  
25 Department of Child Support Services on the effective date of  
26 this Act and shall continue in effect until amended or repealed  
27 by the Department of Child Support Services.

28 (b) Any rules pertaining to the rights, powers, duties, and  
29 functions transferred to the Department of Child Support  
30 Services under this Act that have been proposed by the  
31 Department of Public Aid but have not taken effect or been  
32 finally adopted by the date immediately preceding the effective  
33 date of this Act shall become proposed rules of the Department  
34 of Child Support Services on the effective date of this Act,  
35 and any rulemaking procedures that have already been completed

1 by the Department of Public Aid for those proposed rules need  
2 not be repeated.

3 (c) As soon as practicable after the effective date of this  
4 Act, the Department of Child Support Services shall revise and  
5 clarify the rules transferred to it under this Act to reflect  
6 the reorganization of rights, powers, duties, and functions  
7 effected by this Act using the procedures for recodification of  
8 rules available under the Illinois Administrative Procedure  
9 Act, except that existing title, part, and section numbering  
10 for the affected rules may be retained. The Department of Child  
11 Support Services may propose and adopt under the Illinois  
12 Administrative Procedure Act such other rules as may be  
13 necessary to consolidate and clarify the rules of the  
14 Department of Public Aid reorganized by this Act.

15 Section 50. Savings provisions.

16 (a) The rights, powers, duties, and functions transferred  
17 to the Department of Child Support Services by this Act shall  
18 be vested in and exercised by the Department subject to the  
19 provisions of this Act. An act done by the Department or an  
20 officer, employee, or agent of the Department in the exercise  
21 of the transferred rights, powers, duties, or functions shall  
22 have the same legal effect as if done by the Department of  
23 Public Aid or an officer, employee, or agent of that  
24 Department.

25 (b) The transfer of rights, powers, duties, and functions  
26 to the Department of Child Support Services under this Act does  
27 not invalidate any previous action taken by or in respect to  
28 the Department of Public Aid or any of that Department's  
29 officers, employees, or agents. References to the Department of  
30 Public Aid or its officers, employees, or agents in any  
31 document, contract, agreement, or law shall, in appropriate  
32 contexts, be deemed to refer to the Department of Child Support  
33 Services or its officers, employees, or agents.

34 (c) The transfer of rights, powers, duties, and functions  
35 to the Department of Child Support Services under this Act does

1 not affect any person's rights, obligations, or duties,  
2 including any civil or criminal penalties applicable thereto,  
3 arising out of those transferred rights, powers, duties, and  
4 functions.

5 (d) With respect to matters that pertain to a right, power,  
6 duty, or function transferred to the Department of Child  
7 Support Services under this Act:

8 (1) On and after the effective date of this Act, a  
9 report or notice that was previously required to be made or  
10 given by any person to the Department of Public Aid or any  
11 of its officers, employees, or agents shall be made or  
12 given in the same manner to the Department of Child Support  
13 Services or its appropriate officer, employee, or agent.

14 (2) On and after the effective date of this Act, a  
15 document that was previously required to be furnished or  
16 served by any person to or upon the Department of Public  
17 Aid or any of its officers, employees, or agents shall be  
18 furnished or served in the same manner to or upon the  
19 Department of Child Support Services or its appropriate  
20 officer, employee, or agent.

21 (e) This Act does not affect any act done, ratified, or  
22 cancelled, any right occurring or established, or any action or  
23 proceeding had or commenced in an administrative, civil, or  
24 criminal cause before the effective date of this Act. Any such  
25 action or proceeding that pertains to a right, power, duty, or  
26 function transferred to the Department of Child Support  
27 Services under this Act and that is pending on that date may be  
28 prosecuted, defended, or continued by the Department of Child  
29 Support Services.

30 Section 900. The State Comptroller Act is amended by  
31 changing Section 10.05a as follows:

32 (15 ILCS 405/10.05a) (from Ch. 15, par. 210.05a)

33 Sec. 10.05a. Deductions from Warrants and Payments for  
34 Satisfaction of Past Due Child Support. At the direction of the

1 Department of Child Support Services ~~Public Aid~~, the  
2 Comptroller shall deduct from a warrant or other payment  
3 described in Section 10.05 of this Act, in accordance with the  
4 procedures provided therein, and pay over to the Department or  
5 the State Disbursement Unit established under Section 10-26 of  
6 the Illinois Public Aid Code, at the direction of the  
7 Department, that amount certified as necessary to satisfy, in  
8 whole or in part, past due support owed by a person on account  
9 of support action being taken by the Department or its  
10 predecessor, the Department of Public Aid, under Article X of  
11 the Illinois Public Aid Code, whether or not such support is  
12 owed to the State. Such deduction shall have priority over any  
13 garnishment except that for payment of state or federal taxes.  
14 In the case of joint payees, the Comptroller shall deduct and  
15 pay over to the Department or the State Disbursement Unit, as  
16 directed by the Department, the entire amount certified. The  
17 Comptroller shall provide the Department with the address to  
18 which the warrant or other payment was to be mailed and the  
19 social security number of each person from whom a deduction is  
20 made pursuant to this Section.

21 (Source: P.A. 91-212, eff. 7-20-99; 91-712, eff. 7-1-00.)

22 Section 905. The Civil Administrative Code of Illinois is  
23 amended by changing Sections 5-15 and 5-20 and by adding  
24 Section 5-323 as follows:

25 (20 ILCS 5/5-15) (was 20 ILCS 5/3)

26 Sec. 5-15. Departments of State government. The  
27 Departments of State government are created as follows:

28 The Department on Aging.

29 The Department of Agriculture.

30 The Department of Central Management Services.

31 The Department of Child Support Services.

32 The Department of Children and Family Services.

33 The Department of Commerce and Economic Opportunity.

34 The Department of Corrections.

1 The Department of Employment Security.  
2 The Emergency Management Agency.  
3 The Department of Financial Institutions.  
4 The Department of Human Rights.  
5 The Department of Human Services.  
6 The Department of Insurance.  
7 The Department of Labor.  
8 The Department of the Lottery.  
9 The Department of Natural Resources.  
10 The Department of Professional Regulation.  
11 The Department of Public Aid.  
12 The Department of Public Health.  
13 The Department of Revenue.  
14 The Department of State Police.  
15 The Department of Transportation.  
16 The Department of Veterans' Affairs.

17 (Source: P.A. 93-25, eff. 6-20-03; 93-1029, eff. 8-25-04.)

18 (20 ILCS 5/5-20) (was 20 ILCS 5/4)

19 Sec. 5-20. Heads of departments. Each department shall have  
20 an officer as its head who shall be known as director or  
21 secretary and who shall, subject to the provisions of the Civil  
22 Administrative Code of Illinois, execute the powers and  
23 discharge the duties vested by law in his or her respective  
24 department.

25 The following officers are hereby created:

26 Director of Aging, for the Department on Aging.

27 Director of Agriculture, for the Department of  
28 Agriculture.

29 Director of Central Management Services, for the  
30 Department of Central Management Services.

31 Director of Child Support Services, for the Department of  
32 Child Support Services.

33 Director of Children and Family Services, for the  
34 Department of Children and Family Services.

35 Director of Commerce and Economic Opportunity, for the

1 Department of Commerce and Economic Opportunity.

2 Director of Corrections, for the Department of  
3 Corrections.

4 Director of Emergency Management Agency, for the Emergency  
5 Management Agency.

6 Director of Employment Security, for the Department of  
7 Employment Security.

8 Director of Financial Institutions, for the Department of  
9 Financial Institutions.

10 Director of Human Rights, for the Department of Human  
11 Rights.

12 Secretary of Human Services, for the Department of Human  
13 Services.

14 Director of Insurance, for the Department of Insurance.

15 Director of Labor, for the Department of Labor.

16 Director of the Lottery, for the Department of the Lottery.

17 Director of Natural Resources, for the Department of  
18 Natural Resources.

19 Director of Professional Regulation, for the Department of  
20 Professional Regulation.

21 Director of Public Aid, for the Department of Public Aid.

22 Director of Public Health, for the Department of Public  
23 Health.

24 Director of Revenue, for the Department of Revenue.

25 Director of State Police, for the Department of State  
26 Police.

27 Secretary of Transportation, for the Department of  
28 Transportation.

29 Director of Veterans' Affairs, for the Department of  
30 Veterans' Affairs.

31 (Source: P.A. 93-25, eff. 6-20-03; 93-1029, eff. 8-25-04.)

32 (20 ILCS 5/5-323 new)

33 Sec. 5-323. In the Department of Child Support Services.

34 The Director of Child Support Services is entitled to an annual  
35 salary as set by the Governor from time to time or an amount as

1 set by the Compensation Review Board, whichever is greater.

2 Section 910. The Department of Employment Security Law of  
3 the Civil Administrative Code of Illinois is amended by  
4 changing Section 1005-130 as follows:

5 (20 ILCS 1005/1005-130) (was 20 ILCS 1005/43a.14)

6 Sec. 1005-130. Exchange of information for child support  
7 enforcement.

8 (a) The Department has the power to exchange with the  
9 ~~Illinois~~ Department of Child Support Services ~~Public Aid~~  
10 information that may be necessary for the enforcement of child  
11 support orders entered pursuant to the Illinois Public Aid  
12 Code, the Illinois Marriage and Dissolution of Marriage Act,  
13 the Non-Support of Spouse and Children Act, the Non-Support  
14 Punishment Act, the Revised Uniform Reciprocal Enforcement of  
15 Support Act, the Uniform Interstate Family Support Act, or the  
16 Illinois Parentage Act of 1984.

17 (b) Notwithstanding any provisions in the Civil  
18 Administrative Code of Illinois to the contrary, the Department  
19 of Employment Security shall not be liable to any person for  
20 any disclosure of information to the Department of Child  
21 Support Services or its predecessor, the Illinois Department of  
22 Public Aid, under subsection (a) or for any other action taken  
23 in good faith to comply with the requirements of subsection  
24 (a).

25 (Source: P.A. 91-239, eff. 1-1-00; 91-613, eff. 10-1-99; 92-16,  
26 eff. 6-28-01.)

27 Section 915. The Department of Professional Regulation Law  
28 of the Civil Administrative Code of Illinois is amended by  
29 changing Section 2105-15 as follows:

30 (20 ILCS 2105/2105-15) (was 20 ILCS 2105/60)

31 Sec. 2105-15. General powers and duties.

32 (a) The Department has, subject to the provisions of the

1 Civil Administrative Code of Illinois, the following powers and  
2 duties:

3 (1) To authorize examinations in English to ascertain  
4 the qualifications and fitness of applicants to exercise  
5 the profession, trade, or occupation for which the  
6 examination is held.

7 (2) To prescribe rules and regulations for a fair and  
8 wholly impartial method of examination of candidates to  
9 exercise the respective professions, trades, or  
10 occupations.

11 (3) To pass upon the qualifications of applicants for  
12 licenses, certificates, and authorities, whether by  
13 examination, by reciprocity, or by endorsement.

14 (4) To prescribe rules and regulations defining, for  
15 the respective professions, trades, and occupations, what  
16 shall constitute a school, college, or university, or  
17 department of a university, or other institution,  
18 reputable and in good standing, and to determine the  
19 reputability and good standing of a school, college, or  
20 university, or department of a university, or other  
21 institution, reputable and in good standing, by reference  
22 to a compliance with those rules and regulations; provided,  
23 that no school, college, or university, or department of a  
24 university, or other institution that refuses admittance  
25 to applicants solely on account of race, color, creed, sex,  
26 or national origin shall be considered reputable and in  
27 good standing.

28 (5) To conduct hearings on proceedings to revoke,  
29 suspend, refuse to renew, place on probationary status, or  
30 take other disciplinary action as authorized in any  
31 licensing Act administered by the Department with regard to  
32 licenses, certificates, or authorities of persons  
33 exercising the respective professions, trades, or  
34 occupations and to revoke, suspend, refuse to renew, place  
35 on probationary status, or take other disciplinary action  
36 as authorized in any licensing Act administered by the



1 Department with regard to those licenses, certificates, or  
2 authorities. The Department shall issue a monthly  
3 disciplinary report. The Department shall deny any license  
4 or renewal authorized by the Civil Administrative Code of  
5 Illinois to any person who has defaulted on an educational  
6 loan or scholarship provided by or guaranteed by the  
7 Illinois Student Assistance Commission or any governmental  
8 agency of this State; however, the Department may issue a  
9 license or renewal if the aforementioned persons have  
10 established a satisfactory repayment record as determined  
11 by the Illinois Student Assistance Commission or other  
12 appropriate governmental agency of this State.  
13 Additionally, beginning June 1, 1996, any license issued by  
14 the Department may be suspended or revoked if the  
15 Department, after the opportunity for a hearing under the  
16 appropriate licensing Act, finds that the licensee has  
17 failed to make satisfactory repayment to the Illinois  
18 Student Assistance Commission for a delinquent or  
19 defaulted loan. For the purposes of this Section,  
20 "satisfactory repayment record" shall be defined by rule.  
21 The Department shall refuse to issue or renew a license to,  
22 or shall suspend or revoke a license of, any person who,  
23 after receiving notice, fails to comply with a subpoena or  
24 warrant relating to a paternity or child support  
25 proceeding. However, the Department may issue a license or  
26 renewal upon compliance with the subpoena or warrant.

27 The Department, without further process or hearings,  
28 shall revoke, suspend, or deny any license or renewal  
29 authorized by the Civil Administrative Code of Illinois to  
30 a person who is certified by the Department of Child  
31 Support Services or its predecessor, the Illinois  
32 Department of Public Aid, as being more than 30 days  
33 delinquent in complying with a child support order or who  
34 is certified by a court as being in violation of the  
35 Non-Support Punishment Act for more than 60 days. The  
36 Department may, however, issue a license or renewal if the

1 person has established a satisfactory repayment record as  
2 determined by the ~~Illinois~~ Department of Child Support  
3 Services ~~Public Aid~~ or if the person is determined by the  
4 court to be in compliance with the Non-Support Punishment  
5 Act. The Department may implement this paragraph as added  
6 by Public Act 89-6 through the use of emergency rules in  
7 accordance with Section 5-45 of the Illinois  
8 Administrative Procedure Act. For purposes of the Illinois  
9 Administrative Procedure Act, the adoption of rules to  
10 implement this paragraph shall be considered an emergency  
11 and necessary for the public interest, safety, and welfare.

12 (6) To transfer jurisdiction of any realty under the  
13 control of the Department to any other department of the  
14 State Government or to acquire or accept federal lands when  
15 the transfer, acquisition, or acceptance is advantageous  
16 to the State and is approved in writing by the Governor.

17 (7) To formulate rules and regulations necessary for  
18 the enforcement of any Act administered by the Department.

19 (8) To exchange with the ~~Illinois~~ Department of Child  
20 Support Services ~~Public Aid~~ information that may be  
21 necessary for the enforcement of child support orders  
22 entered pursuant to the Illinois Public Aid Code, the  
23 Illinois Marriage and Dissolution of Marriage Act, the  
24 Non-Support of Spouse and Children Act, the Non-Support  
25 Punishment Act, the Revised Uniform Reciprocal Enforcement  
26 of Support Act, the Uniform Interstate Family Support Act,  
27 or the Illinois Parentage Act of 1984. Notwithstanding any  
28 provisions in this Code to the contrary, the Department of  
29 Professional Regulation shall not be liable under any  
30 federal or State law to any person for any disclosure of  
31 information to the Department of Child Support Services or  
32 its predecessor, the Illinois Department of Public Aid,  
33 under this paragraph (8) or for any other action taken in  
34 good faith to comply with the requirements of this  
35 paragraph (8).

36 (9) To perform other duties prescribed by law.

1           (b) The Department may, when a fee is payable to the  
2 Department for a wall certificate of registration provided by  
3 the Department of Central Management Services, require that  
4 portion of the payment for printing and distribution costs be  
5 made directly or through the Department to the Department of  
6 Central Management Services for deposit into the Paper and  
7 Printing Revolving Fund. The remainder shall be deposited into  
8 the General Revenue Fund.

9           (c) For the purpose of securing and preparing evidence, and  
10 for the purchase of controlled substances, professional  
11 services, and equipment necessary for enforcement activities,  
12 recoupment of investigative costs, and other activities  
13 directed at suppressing the misuse and abuse of controlled  
14 substances, including those activities set forth in Sections  
15 504 and 508 of the Illinois Controlled Substances Act, the  
16 Director and agents appointed and authorized by the Director  
17 may expend sums from the Professional Regulation Evidence Fund  
18 that the Director deems necessary from the amounts appropriated  
19 for that purpose. Those sums may be advanced to the agent when  
20 the Director deems that procedure to be in the public interest.  
21 Sums for the purchase of controlled substances, professional  
22 services, and equipment necessary for enforcement activities  
23 and other activities as set forth in this Section shall be  
24 advanced to the agent who is to make the purchase from the  
25 Professional Regulation Evidence Fund on vouchers signed by the  
26 Director. The Director and those agents are authorized to  
27 maintain one or more commercial checking accounts with any  
28 State banking corporation or corporations organized under or  
29 subject to the Illinois Banking Act for the deposit and  
30 withdrawal of moneys to be used for the purposes set forth in  
31 this Section; provided, that no check may be written nor any  
32 withdrawal made from any such account except upon the written  
33 signatures of 2 persons designated by the Director to write  
34 those checks and make those withdrawals. Vouchers for those  
35 expenditures must be signed by the Director. All such  
36 expenditures shall be audited by the Director, and the audit

1 shall be submitted to the Department of Central Management  
2 Services for approval.

3 (d) Whenever the Department is authorized or required by  
4 law to consider some aspect of criminal history record  
5 information for the purpose of carrying out its statutory  
6 powers and responsibilities, then, upon request and payment of  
7 fees in conformance with the requirements of Section 2605-400  
8 of the Department of State Police Law (20 ILCS 2605/2605-400),  
9 the Department of State Police is authorized to furnish,  
10 pursuant to positive identification, the information contained  
11 in State files that is necessary to fulfill the request.

12 (e) The provisions of this Section do not apply to private  
13 business and vocational schools as defined by Section 1 of the  
14 Private Business and Vocational Schools Act.

15 (f) Beginning July 1, 1995, this Section does not apply to  
16 those professions, trades, and occupations licensed under the  
17 Real Estate License Act of 2000, nor does it apply to any  
18 permits, certificates, or other authorizations to do business  
19 provided for in the Land Sales Registration Act of 1989 or the  
20 Illinois Real Estate Time-Share Act.

21 (Source: P.A. 91-239, eff. 1-1-00; 91-245, eff. 12-31-99;  
22 91-613, eff. 10-1-99; 92-16, eff. 6-28-01.)

23 Section 920. The Department of Revenue Law of the Civil  
24 Administrative Code of Illinois is amended by changing Sections  
25 2505-65 and 2505-650 as follows:

26 (20 ILCS 2505/2505-65) (was 20 ILCS 2505/39b12)  
27 Sec. 2505-65. Exchange of information.

28 (a) The Department has the power to exchange with any  
29 state, with any local subdivisions of any state, or with the  
30 federal government, except when specifically prohibited by  
31 law, any information that may be necessary to efficient tax  
32 administration and that may be acquired as a result of the  
33 administration of the laws set forth in the Sections following  
34 Section 95-10 and preceding Section 2505-60.

1 (b) The Department has the power to exchange with the  
2 ~~Illinois~~ Department of Child Support Services ~~Public Aid~~  
3 information that may be necessary for the enforcement of child  
4 support orders entered pursuant to the Illinois Public Aid  
5 Code, the Illinois Marriage and Dissolution of Marriage Act,  
6 the Non-Support of Spouse and Children Act, the Non-Support  
7 Punishment Act, the Revised Uniform Reciprocal Enforcement of  
8 Support Act, the Uniform Interstate Family Support Act, or the  
9 Illinois Parentage Act of 1984. Notwithstanding any provisions  
10 in this Code to the contrary, the Department of Revenue shall  
11 not be liable to any person for any disclosure of information  
12 to the Department of Child Support Services or its predecessor,  
13 the Illinois Department of Public Aid, under this subsection  
14 (b) or for any other action taken in good faith to comply with  
15 the requirements of this subsection (b).

16 (Source: P.A. 91-239, eff. 1-1-00; 91-613, eff. 10-1-99; 92-16,  
17 eff. 6-28-01.)

18 (20 ILCS 2505/2505-650) (was 20 ILCS 2505/39b52)

19 Sec. 2505-650. Collection of past due support. Upon  
20 certification of past due child support amounts from the  
21 Department of Child Support Services ~~Public Aid~~, the Department  
22 of Revenue may collect the delinquency in any manner authorized  
23 for the collection of any tax administered by the Department of  
24 Revenue. The Department of Revenue shall notify the Department  
25 of Child Support Services ~~Public Aid~~ when the delinquency or  
26 any portion of the delinquency has been collected under this  
27 Section. Any child support delinquency collected by the  
28 Department of Revenue, including those amounts that result in  
29 overpayment of a child support delinquency, shall be deposited  
30 into the Child Support Enforcement Trust Fund or paid to the  
31 State Disbursement Unit established under Section 10-26 of the  
32 Illinois Public Aid Code, at the direction of the Department of  
33 Child Support Services ~~Public Aid~~. The Department of Revenue  
34 may implement this Section through the use of emergency rules  
35 in accordance with Section 5-45 of the Illinois Administrative

1 Procedure Act. For purposes of the Illinois Administrative  
2 Procedure Act, the adoption of rules to implement this Section  
3 shall be considered an emergency and necessary for the public  
4 interest, safety, and welfare.

5 (Source: P.A. 90-491, eff. 1-1-98; 91-212, eff. 7-20-99;  
6 91-239, eff. 1-1-00; 91-712, eff. 7-1-00.)

7 Section 925. The Department of State Police Law of the  
8 Civil Administrative Code of Illinois is amended by changing  
9 Section 2605-377 as follows:

10 (20 ILCS 2605/2605-377) (was 20 ILCS 2605/55a in part)

11 Sec. 2605-377. Department of Public Aid; LEADS access.

12 (a) The ~~Illinois~~ Department of Child Support Services  
13 ~~Public Aid~~ is an authorized entity under this Law for the  
14 purpose of exchanging information, in the form and manner  
15 required by the Department of State Police, to facilitate the  
16 location of individuals for establishing paternity, and  
17 establishing, modifying, and enforcing child support  
18 obligations, pursuant to the Illinois Public Aid Code and Title  
19 IV, Part D of the Social Security Act.

20 (b) The ~~Illinois~~ Department of Child Support Services  
21 ~~Public Aid~~ is an authorized entity under this Section for the  
22 purpose of obtaining access to various data repositories  
23 available through LEADS, to facilitate the location of  
24 individuals for establishing paternity, and establishing,  
25 modifying, and enforcing child support obligations, pursuant  
26 to the Illinois Public Aid Code and Title IV, Part D of the  
27 Social Security Act. The Department shall enter into an  
28 agreement with the ~~Illinois~~ Department of Child Support  
29 Services ~~Public Aid~~ consistent with these purposes.

30 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,  
31 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98; 90-793,  
32 eff. 8-14-98; 91-239, eff. 1-1-00; 91-760, eff. 1-1-01.)

33 Section 930. The Illinois Income Tax Act is amended by

1 changing Section 901 as follows:

2 (35 ILCS 5/901) (from Ch. 120, par. 9-901)

3 Sec. 901. Collection Authority.

4 (a) In general.

5 The Department shall collect the taxes imposed by this Act.  
6 The Department shall collect certified past due child support  
7 amounts under Section 2505-650 of the Department of Revenue Law  
8 (20 ILCS 2505/2505-650). Except as provided in subsections (c)  
9 and (e) of this Section, money collected pursuant to  
10 subsections (a) and (b) of Section 201 of this Act shall be  
11 paid into the General Revenue Fund in the State treasury; money  
12 collected pursuant to subsections (c) and (d) of Section 201 of  
13 this Act shall be paid into the Personal Property Tax  
14 Replacement Fund, a special fund in the State Treasury; and  
15 money collected under Section 2505-650 of the Department of  
16 Revenue Law (20 ILCS 2505/2505-650) shall be paid into the  
17 Child Support Enforcement Trust Fund, a special fund outside  
18 the State Treasury, or to the State Disbursement Unit  
19 established under Section 10-26 of the Illinois Public Aid  
20 Code, as directed by the Department of Child Support Services  
21 ~~Public Aid~~.

22 (b) Local Governmental Distributive Fund.

23 Beginning August 1, 1969, and continuing through June 30,  
24 1994, the Treasurer shall transfer each month from the General  
25 Revenue Fund to a special fund in the State treasury, to be  
26 known as the "Local Government Distributive Fund", an amount  
27 equal to 1/12 of the net revenue realized from the tax imposed  
28 by subsections (a) and (b) of Section 201 of this Act during  
29 the preceding month. Beginning July 1, 1994, and continuing  
30 through June 30, 1995, the Treasurer shall transfer each month  
31 from the General Revenue Fund to the Local Government  
32 Distributive Fund an amount equal to 1/11 of the net revenue  
33 realized from the tax imposed by subsections (a) and (b) of  
34 Section 201 of this Act during the preceding month. Beginning  
35 July 1, 1995, the Treasurer shall transfer each month from the

1 General Revenue Fund to the Local Government Distributive Fund  
2 an amount equal to the net of (i) 1/10 of the net revenue  
3 realized from the tax imposed by subsections (a) and (b) of  
4 Section 201 of the Illinois Income Tax Act during the preceding  
5 month (ii) minus, beginning July 1, 2003 and ending June 30,  
6 2004, \$6,666,666, and beginning July 1, 2004, zero. Net revenue  
7 realized for a month shall be defined as the revenue from the  
8 tax imposed by subsections (a) and (b) of Section 201 of this  
9 Act which is deposited in the General Revenue Fund, the  
10 Educational Assistance Fund and the Income Tax Surcharge Local  
11 Government Distributive Fund during the month minus the amount  
12 paid out of the General Revenue Fund in State warrants during  
13 that same month as refunds to taxpayers for overpayment of  
14 liability under the tax imposed by subsections (a) and (b) of  
15 Section 201 of this Act.

16 (c) Deposits Into Income Tax Refund Fund.

17 (1) Beginning on January 1, 1989 and thereafter, the  
18 Department shall deposit a percentage of the amounts  
19 collected pursuant to subsections (a) and (b)(1), (2), and  
20 (3), of Section 201 of this Act into a fund in the State  
21 treasury known as the Income Tax Refund Fund. The  
22 Department shall deposit 6% of such amounts during the  
23 period beginning January 1, 1989 and ending on June 30,  
24 1989. Beginning with State fiscal year 1990 and for each  
25 fiscal year thereafter, the percentage deposited into the  
26 Income Tax Refund Fund during a fiscal year shall be the  
27 Annual Percentage. For fiscal years 1999 through 2001, the  
28 Annual Percentage shall be 7.1%. For fiscal year 2003, the  
29 Annual Percentage shall be 8%. For fiscal year 2004, the  
30 Annual Percentage shall be 11.7%. Upon the effective date  
31 of this amendatory Act of the 93rd General Assembly, the  
32 Annual Percentage shall be 10% for fiscal year 2005. For  
33 all other fiscal years, the Annual Percentage shall be  
34 calculated as a fraction, the numerator of which shall be  
35 the amount of refunds approved for payment by the  
36 Department during the preceding fiscal year as a result of



1 overpayment of tax liability under subsections (a) and  
2 (b) (1), (2), and (3) of Section 201 of this Act plus the  
3 amount of such refunds remaining approved but unpaid at the  
4 end of the preceding fiscal year, minus the amounts  
5 transferred into the Income Tax Refund Fund from the  
6 Tobacco Settlement Recovery Fund, and the denominator of  
7 which shall be the amounts which will be collected pursuant  
8 to subsections (a) and (b) (1), (2), and (3) of Section 201  
9 of this Act during the preceding fiscal year; except that  
10 in State fiscal year 2002, the Annual Percentage shall in  
11 no event exceed 7.6%. The Director of Revenue shall certify  
12 the Annual Percentage to the Comptroller on the last  
13 business day of the fiscal year immediately preceding the  
14 fiscal year for which it is to be effective.

15 (2) Beginning on January 1, 1989 and thereafter, the  
16 Department shall deposit a percentage of the amounts  
17 collected pursuant to subsections (a) and (b) (6), (7), and  
18 (8), (c) and (d) of Section 201 of this Act into a fund in  
19 the State treasury known as the Income Tax Refund Fund. The  
20 Department shall deposit 18% of such amounts during the  
21 period beginning January 1, 1989 and ending on June 30,  
22 1989. Beginning with State fiscal year 1990 and for each  
23 fiscal year thereafter, the percentage deposited into the  
24 Income Tax Refund Fund during a fiscal year shall be the  
25 Annual Percentage. For fiscal years 1999, 2000, and 2001,  
26 the Annual Percentage shall be 19%. For fiscal year 2003,  
27 the Annual Percentage shall be 27%. For fiscal year 2004,  
28 the Annual Percentage shall be 32%. Upon the effective date  
29 of this amendatory Act of the 93rd General Assembly, the  
30 Annual Percentage shall be 24% for fiscal year 2005. For  
31 all other fiscal years, the Annual Percentage shall be  
32 calculated as a fraction, the numerator of which shall be  
33 the amount of refunds approved for payment by the  
34 Department during the preceding fiscal year as a result of  
35 overpayment of tax liability under subsections (a) and  
36 (b) (6), (7), and (8), (c) and (d) of Section 201 of this

1 Act plus the amount of such refunds remaining approved but  
2 unpaid at the end of the preceding fiscal year, and the  
3 denominator of which shall be the amounts which will be  
4 collected pursuant to subsections (a) and (b)(6), (7), and  
5 (8), (c) and (d) of Section 201 of this Act during the  
6 preceding fiscal year; except that in State fiscal year  
7 2002, the Annual Percentage shall in no event exceed 23%.  
8 The Director of Revenue shall certify the Annual Percentage  
9 to the Comptroller on the last business day of the fiscal  
10 year immediately preceding the fiscal year for which it is  
11 to be effective.

12 (3) The Comptroller shall order transferred and the  
13 Treasurer shall transfer from the Tobacco Settlement  
14 Recovery Fund to the Income Tax Refund Fund (i) \$35,000,000  
15 in January, 2001, (ii) \$35,000,000 in January, 2002, and  
16 (iii) \$35,000,000 in January, 2003.

17 (d) Expenditures from Income Tax Refund Fund.

18 (1) Beginning January 1, 1989, money in the Income Tax  
19 Refund Fund shall be expended exclusively for the purpose  
20 of paying refunds resulting from overpayment of tax  
21 liability under Section 201 of this Act, for paying rebates  
22 under Section 208.1 in the event that the amounts in the  
23 Homeowners' Tax Relief Fund are insufficient for that  
24 purpose, and for making transfers pursuant to this  
25 subsection (d).

26 (2) The Director shall order payment of refunds  
27 resulting from overpayment of tax liability under Section  
28 201 of this Act from the Income Tax Refund Fund only to the  
29 extent that amounts collected pursuant to Section 201 of  
30 this Act and transfers pursuant to this subsection (d) and  
31 item (3) of subsection (c) have been deposited and retained  
32 in the Fund.

33 (3) As soon as possible after the end of each fiscal  
34 year, the Director shall order transferred and the State  
35 Treasurer and State Comptroller shall transfer from the  
36 Income Tax Refund Fund to the Personal Property Tax

1 Replacement Fund an amount, certified by the Director to  
2 the Comptroller, equal to the excess of the amount  
3 collected pursuant to subsections (c) and (d) of Section  
4 201 of this Act deposited into the Income Tax Refund Fund  
5 during the fiscal year over the amount of refunds resulting  
6 from overpayment of tax liability under subsections (c) and  
7 (d) of Section 201 of this Act paid from the Income Tax  
8 Refund Fund during the fiscal year.

9 (4) As soon as possible after the end of each fiscal  
10 year, the Director shall order transferred and the State  
11 Treasurer and State Comptroller shall transfer from the  
12 Personal Property Tax Replacement Fund to the Income Tax  
13 Refund Fund an amount, certified by the Director to the  
14 Comptroller, equal to the excess of the amount of refunds  
15 resulting from overpayment of tax liability under  
16 subsections (c) and (d) of Section 201 of this Act paid  
17 from the Income Tax Refund Fund during the fiscal year over  
18 the amount collected pursuant to subsections (c) and (d) of  
19 Section 201 of this Act deposited into the Income Tax  
20 Refund Fund during the fiscal year.

21 (4.5) As soon as possible after the end of fiscal year  
22 1999 and of each fiscal year thereafter, the Director shall  
23 order transferred and the State Treasurer and State  
24 Comptroller shall transfer from the Income Tax Refund Fund  
25 to the General Revenue Fund any surplus remaining in the  
26 Income Tax Refund Fund as of the end of such fiscal year;  
27 excluding for fiscal years 2000, 2001, and 2002 amounts  
28 attributable to transfers under item (3) of subsection (c)  
29 less refunds resulting from the earned income tax credit.

30 (5) This Act shall constitute an irrevocable and  
31 continuing appropriation from the Income Tax Refund Fund  
32 for the purpose of paying refunds upon the order of the  
33 Director in accordance with the provisions of this Section.

34 (e) Deposits into the Education Assistance Fund and the  
35 Income Tax Surcharge Local Government Distributive Fund.

36 On July 1, 1991, and thereafter, of the amounts collected

1 pursuant to subsections (a) and (b) of Section 201 of this Act,  
2 minus deposits into the Income Tax Refund Fund, the Department  
3 shall deposit 7.3% into the Education Assistance Fund in the  
4 State Treasury. Beginning July 1, 1991, and continuing through  
5 January 31, 1993, of the amounts collected pursuant to  
6 subsections (a) and (b) of Section 201 of the Illinois Income  
7 Tax Act, minus deposits into the Income Tax Refund Fund, the  
8 Department shall deposit 3.0% into the Income Tax Surcharge  
9 Local Government Distributive Fund in the State Treasury.  
10 Beginning February 1, 1993 and continuing through June 30,  
11 1993, of the amounts collected pursuant to subsections (a) and  
12 (b) of Section 201 of the Illinois Income Tax Act, minus  
13 deposits into the Income Tax Refund Fund, the Department shall  
14 deposit 4.4% into the Income Tax Surcharge Local Government  
15 Distributive Fund in the State Treasury. Beginning July 1,  
16 1993, and continuing through June 30, 1994, of the amounts  
17 collected under subsections (a) and (b) of Section 201 of this  
18 Act, minus deposits into the Income Tax Refund Fund, the  
19 Department shall deposit 1.475% into the Income Tax Surcharge  
20 Local Government Distributive Fund in the State Treasury.

21 (Source: P.A. 92-11, eff. 6-11-01; 92-16, eff. 6-28-01; 92-600,  
22 eff. 6-28-02; 93-32, eff. 6-20-03; 93-839, eff. 7-30-04.)

23 Section 935. The Counties Code is amended by changing  
24 Sections 3-5036.5, 4-2002, and 4-2002.1 as follows:

25 (55 ILCS 5/3-5036.5)

26 Sec. 3-5036.5. Exchange of information for child support  
27 enforcement.

28 (a) The Recorder shall exchange with the ~~Illinois~~  
29 Department of Child Support Services ~~Public Aid~~ information  
30 that may be necessary for the enforcement of child support  
31 orders entered pursuant to the Illinois Public Aid Code, the  
32 Illinois Marriage and Dissolution of Marriage Act, the  
33 Non-Support of Spouse and Children Act, the Non-Support  
34 Punishment Act, the Revised Uniform Reciprocal Enforcement of

1 Support Act, the Uniform Interstate Family Support Act, or the  
2 Illinois Parentage Act of 1984.

3 (b) Notwithstanding any provisions in this Code to the  
4 contrary, the Recorder shall not be liable to any person for  
5 any disclosure of information to the Department of Child  
6 Support Services or its predecessor, the Illinois Department of  
7 Public Aid, under subsection (a) or for any other action taken  
8 in good faith to comply with the requirements of subsection  
9 (a).

10 (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 10-1-99.)

11 (55 ILCS 5/4-2002) (from Ch. 34, par. 4-2002)

12 Sec. 4-2002. State's attorney fees in counties under  
13 3,000,000 population. This Section applies only to counties  
14 with fewer than 3,000,000 inhabitants.

15 (a) State's attorneys shall be entitled to the following  
16 fees, however, the fee requirement of this subsection does not  
17 apply to county boards:

18 For each conviction in prosecutions on indictments for  
19 first degree murder, second degree murder, involuntary  
20 manslaughter, criminal sexual assault, aggravated criminal  
21 sexual assault, aggravated criminal sexual abuse, kidnapping,  
22 arson and forgery, \$30. All other cases punishable by  
23 imprisonment in the penitentiary, \$30.

24 For each conviction in other cases tried before judges of  
25 the circuit court, \$15; except that if the conviction is in a  
26 case which may be assigned to an associate judge, whether or  
27 not it is in fact assigned to an associate judge, the fee shall  
28 be \$10.

29 For preliminary examinations for each defendant held to  
30 bail or recognizance, \$10.

31 For each examination of a party bound over to keep the  
32 peace, \$10.

33 For each defendant held to answer in a circuit court on a  
34 charge of paternity, \$10.

35 For each trial on a charge of paternity, \$30.

1 For each case of appeal taken from his county or from the  
2 county to which a change of venue is taken to his county to the  
3 Supreme or Appellate Court when prosecuted or defended by him,  
4 \$50.

5 For each day actually employed in the trial of a case, \$25;  
6 in which case the court before whom the case is tried shall  
7 make an order specifying the number of days for which a per  
8 diem shall be allowed.

9 For each day actually employed in the trial of cases of  
10 felony arising in their respective counties and taken by change  
11 of venue to another county, \$25; and the court before whom the  
12 case is tried shall make an order specifying the number of days  
13 for which said per diem shall be allowed; and it is hereby made  
14 the duty of each State's attorney to prepare and try each case  
15 of felony arising when so taken by change of venue.

16 For assisting in a trial of each case on an indictment for  
17 felony brought by change of venue to their respective counties,  
18 the same fees they would be entitled to if such indictment had  
19 been found for an offense committed in his county, and it shall  
20 be the duty of the State's attorney of the county to which such  
21 cause is taken by change of venue to assist in the trial  
22 thereof.

23 For each case of forfeited recognizance where the  
24 forfeiture is set aside at the instance of the defense, in  
25 addition to the ordinary costs, \$10 for each defendant.

26 For each proceeding in a circuit court to inquire into the  
27 alleged mental illness of any person, \$10 for each defendant.

28 For each proceeding in a circuit court to inquire into the  
29 alleged dependency or delinquency of any child, \$10.

30 For each day actually employed in the hearing of a case of  
31 habeas corpus in which the people are interested, \$25.

32 All the foregoing fees shall be taxed as costs to be  
33 collected from the defendant, if possible, upon conviction. But  
34 in cases of inquiry into the mental illness of any person  
35 alleged to be mentally ill, in cases on a charge of paternity  
36 and in cases of appeal in the Supreme or Appellate Court, where

1 judgment is in favor of the accused, the fees allowed the  
2 State's attorney therein shall be retained out of the fines and  
3 forfeitures collected by them in other cases.

4 Ten per cent of all moneys except revenue, collected by  
5 them and paid over to the authorities entitled thereto, which  
6 per cent together with the fees provided for herein that are  
7 not collected from the parties tried or examined, shall be paid  
8 out of any fines and forfeited recognizances collected by them,  
9 provided however, that in proceedings to foreclose the lien of  
10 delinquent real estate taxes State's attorneys shall receive a  
11 fee, to be credited to the earnings of their office, of 10% of  
12 the total amount realized from the sale of real estate sold in  
13 such proceedings. Such fees shall be paid from the total amount  
14 realized from the sale of the real estate sold in such  
15 proceedings.

16 State's attorneys shall have a lien for their fees on all  
17 judgments for fines or forfeitures procured by them and on  
18 moneys except revenue received by them until such fees and  
19 earnings are fully paid.

20 No fees shall be charged on more than 10 counts in any one  
21 indictment or information on trial and conviction; nor on more  
22 than 10 counts against any one defendant on pleas of guilty.

23 The Circuit Court may direct that of all monies received,  
24 by restitution or otherwise, which monies are ordered paid to  
25 the Department of Public Aid, the Department of Child Support  
26 Services, or the Department of Human Services (acting as  
27 successor to the Department of Public Aid under the Department  
28 of Human Services Act) as a direct result of the efforts of the  
29 State's attorney and which payments arise from Civil or  
30 Criminal prosecutions involving the Illinois Public Aid Code or  
31 the Criminal Code, the following amounts shall be paid  
32 quarterly by the Department of Public Aid, the Department of  
33 Child Support Services, or the Department of Human Services to  
34 the General Corporate Fund of the County in which the  
35 prosecution or cause of action took place:

36 (1) where the monies result from child support

1 obligations, not more than 25% of the federal share of the  
2 monies received,

3 (2) where the monies result from other than child  
4 support obligations, not more than 25% of the State's share  
5 of the monies received.

6 (b) A municipality shall be entitled to a \$10 prosecution  
7 fee for each conviction for a violation of The Illinois Vehicle  
8 Code prosecuted by the municipal attorney pursuant to Section  
9 16-102 of that Code which is tried before a circuit or  
10 associate judge and shall be entitled to a \$10 prosecution fee  
11 for each conviction for a violation of a municipal vehicle  
12 ordinance or nontraffic ordinance prosecuted by the municipal  
13 attorney which is tried before a circuit or associate judge.  
14 Such fee shall be taxed as costs to be collected from the  
15 defendant, if possible, upon conviction. A municipality shall  
16 have a lien for such prosecution fees on all judgments or fines  
17 procured by the municipal attorney from prosecutions for  
18 violations of The Illinois Vehicle Code and municipal vehicle  
19 ordinances or nontraffic ordinances.

20 For the purposes of this subsection (b), "municipal vehicle  
21 ordinance" means any ordinance enacted pursuant to Sections  
22 11-40-1, 11-40-2, 11-40-2a and 11-40-3 of the Illinois  
23 Municipal Code or any ordinance enacted by a municipality which  
24 is similar to a provision of Chapter 11 of The Illinois Vehicle  
25 Code.

26 (Source: P.A. 88-572, eff. 8-11-94; 89-507, eff. 7-1-97.)

27 (55 ILCS 5/4-2002.1) (from Ch. 34, par. 4-2002.1)

28 Sec. 4-2002.1. State's attorney fees in counties of  
29 3,000,000 or more population. This Section applies only to  
30 counties with 3,000,000 or more inhabitants.

31 (a) State's attorneys shall be entitled to the following  
32 fees:

33 For each conviction in prosecutions on indictments for  
34 first degree murder, second degree murder, involuntary  
35 manslaughter, criminal sexual assault, aggravated criminal



1 sexual assault, aggravated criminal sexual abuse, kidnapping,  
2 arson and forgery, \$60. All other cases punishable by  
3 imprisonment in the penitentiary, \$60.

4 For each conviction in other cases tried before judges of  
5 the circuit court, \$30; except that if the conviction is in a  
6 case which may be assigned to an associate judge, whether or  
7 not it is in fact assigned to an associate judge, the fee shall  
8 be \$20.

9 For preliminary examinations for each defendant held to  
10 bail or recognizance, \$20.

11 For each examination of a party bound over to keep the  
12 peace, \$20.

13 For each defendant held to answer in a circuit court on a  
14 charge of paternity, \$20.

15 For each trial on a charge of paternity, \$60.

16 For each case of appeal taken from his county or from the  
17 county to which a change of venue is taken to his county to the  
18 Supreme or Appellate Court when prosecuted or defended by him,  
19 \$100.

20 For each day actually employed in the trial of a case, \$50;  
21 in which case the court before whom the case is tried shall  
22 make an order specifying the number of days for which a per  
23 diem shall be allowed.

24 For each day actually employed in the trial of cases of  
25 felony arising in their respective counties and taken by change  
26 of venue to another county, \$50; and the court before whom the  
27 case is tried shall make an order specifying the number of days  
28 for which said per diem shall be allowed; and it is hereby made  
29 the duty of each State's attorney to prepare and try each case  
30 of felony arising when so taken by change of venue.

31 For assisting in a trial of each case on an indictment for  
32 felony brought by change of venue to their respective counties,  
33 the same fees they would be entitled to if such indictment had  
34 been found for an offense committed in his county, and it shall  
35 be the duty of the State's attorney of the county to which such  
36 cause is taken by change of venue to assist in the trial

1       thereof.

2             For each case of forfeited recognizance where the  
3 forfeiture is set aside at the instance of the defense, in  
4 addition to the ordinary costs, \$20 for each defendant.

5             For each proceeding in a circuit court to inquire into the  
6 alleged mental illness of any person, \$20 for each defendant.

7             For each proceeding in a circuit court to inquire into the  
8 alleged dependency or delinquency of any child, \$20.

9             For each day actually employed in the hearing of a case of  
10 habeas corpus in which the people are interested, \$50.

11            All the foregoing fees shall be taxed as costs to be  
12 collected from the defendant, if possible, upon conviction. But  
13 in cases of inquiry into the mental illness of any person  
14 alleged to be mentally ill, in cases on a charge of paternity  
15 and in cases of appeal in the Supreme or Appellate Court, where  
16 judgment is in favor of the accused, the fees allowed the  
17 State's attorney therein shall be retained out of the fines and  
18 forfeitures collected by them in other cases.

19            Ten per cent of all moneys except revenue, collected by  
20 them and paid over to the authorities entitled thereto, which  
21 per cent together with the fees provided for herein that are  
22 not collected from the parties tried or examined, shall be paid  
23 out of any fines and forfeited recognizances collected by them,  
24 provided however, that in proceedings to foreclose the lien of  
25 delinquent real estate taxes State's attorneys shall receive a  
26 fee, to be credited to the earnings of their office, of 10% of  
27 the total amount realized from the sale of real estate sold in  
28 such proceedings. Such fees shall be paid from the total amount  
29 realized from the sale of the real estate sold in such  
30 proceedings.

31            State's attorneys shall have a lien for their fees on all  
32 judgments for fines or forfeitures procured by them and on  
33 moneys except revenue received by them until such fees and  
34 earnings are fully paid.

35            No fees shall be charged on more than 10 counts in any one  
36 indictment or information on trial and conviction; nor on more

1 than 10 counts against any one defendant on pleas of guilty.

2 The Circuit Court may direct that of all monies received,  
3 by restitution or otherwise, which monies are ordered paid to  
4 the Department of Public Aid, the Department of Child Support  
5 Services, or the Department of Human Services (acting as  
6 successor to the Department of Public Aid under the Department  
7 of Human Services Act) as a direct result of the efforts of the  
8 State's attorney and which payments arise from Civil or  
9 Criminal prosecutions involving the Illinois Public Aid Code or  
10 the Criminal Code, the following amounts shall be paid  
11 quarterly by the Department of Public Aid, the Department of  
12 Child Support Services, or the Department of Human Services to  
13 the General Corporate Fund of the County in which the  
14 prosecution or cause of action took place:

15 (1) where the monies result from child support  
16 obligations, not less than 25% of the federal share of the  
17 monies received,

18 (2) where the monies result from other than child  
19 support obligations, not less than 25% of the State's share  
20 of the monies received.

21 (b) A municipality shall be entitled to a \$10 prosecution  
22 fee for each conviction for a violation of the Illinois Vehicle  
23 Code prosecuted by the municipal attorney pursuant to Section  
24 16-102 of that Code which is tried before a circuit or  
25 associate judge and shall be entitled to a \$10 prosecution fee  
26 for each conviction for a violation of a municipal vehicle  
27 ordinance prosecuted by the municipal attorney which is tried  
28 before a circuit or associate judge. Such fee shall be taxed as  
29 costs to be collected from the defendant, if possible, upon  
30 conviction. A municipality shall have a lien for such  
31 prosecution fees on all judgments or fines procured by the  
32 municipal attorney from prosecutions for violations of the  
33 Illinois Vehicle Code and municipal vehicle ordinances.

34 For the purposes of this subsection (b), "municipal vehicle  
35 ordinance" means any ordinance enacted pursuant to Sections  
36 11-40-1, 11-40-2, 11-40-2a and 11-40-3 of the Illinois

1 Municipal Code or any ordinance enacted by a municipality which  
2 is similar to a provision of Chapter 11 of the Illinois Vehicle  
3 Code.

4 (Source: P.A. 89-507, eff. 7-1-97.)

5 Section 940. The Illinois Banking Act is amended by  
6 changing Section 48.4 as follows:

7 (205 ILCS 5/48.4)

8 Sec. 48.4. Enforcement of child support.

9 (a) Any bank governed by this Act shall encumber or  
10 surrender accounts or assets held by the bank on behalf of any  
11 responsible relative who is subject to a child support lien,  
12 upon notice of the lien or levy of the Illinois Department of  
13 Public Aid or its successor agency pursuant to Section 10-25.5  
14 of the Illinois Public Aid Code, or upon notice of interstate  
15 lien or levy from any other state's agency responsible for  
16 implementing the child support enforcement program set forth in  
17 Title IV, Part D of the Social Security Act.

18 (b) Within 90 days after receiving notice from the  
19 Department of Public Aid or its successor agency, the  
20 Department of Child Support Services, that the Department has  
21 adopted a child support enforcement debit authorization form as  
22 required under the Illinois Public Aid Code, each bank governed  
23 by this Act shall take all appropriate steps to implement the  
24 use of the form in relation to accounts held by the bank. Upon  
25 receiving from the Department of Child Support Services ~~Public~~  
26 ~~Aid~~ a copy of a child support enforcement debit authorization  
27 form signed by an obligor, a bank holding an account on behalf  
28 of the obligor shall debit the account and transfer the debited  
29 amounts to the State Disbursement Unit according to the  
30 instructions in the child support enforcement debit  
31 authorization form.

32 (Source: P.A. 92-811, eff. 8-21-02; 93-736, eff. 7-14-04.)

33 Section 945. The Illinois Savings and Loan Act of 1985 is

1 amended by changing Section 1-6d as follows:

2 (205 ILCS 105/1-6d)

3 Sec. 1-6d. Enforcement of child support.

4 (a) Any association governed by this Act shall encumber or  
5 surrender accounts or assets held by the association on behalf  
6 of any responsible relative who is subject to a child support  
7 lien, upon notice of the lien or levy of the Illinois  
8 Department of Public Aid or its successor agency pursuant to  
9 Section 10-25.5 of the Illinois Public Aid Code, or upon notice  
10 of interstate lien or levy from any other state's agency  
11 responsible for implementing the child support enforcement  
12 program set forth in Title IV, Part D of the Social Security  
13 Act.

14 (b) Within 90 days after receiving notice from the  
15 Department of Public Aid or its successor agency, the  
16 Department of Child Support Services, that the Department has  
17 adopted a child support enforcement debit authorization form as  
18 required under the Illinois Public Aid Code, each association  
19 governed by this Act shall take all appropriate steps to  
20 implement the use of the form in relation to accounts held by  
21 the association. Upon receiving from the Department of Child  
22 Support Services ~~Public Aid~~ a copy of a child support  
23 enforcement debit authorization form signed by an obligor, an  
24 association holding an account on behalf of the obligor shall  
25 debit the account and transfer the debited amounts to the State  
26 Disbursement Unit according to the instructions in the child  
27 support enforcement debit authorization form.

28 (Source: P.A. 92-811, eff. 8-21-02; 93-736, eff. 7-14-04.)

29 Section 950. The Savings Bank Act is amended by changing  
30 Section 7007 as follows:

31 (205 ILCS 205/7007)

32 Sec. 7007. Enforcement of child support.

33 (a) Any savings bank governed by this Act shall encumber or

1 surrender accounts or assets held by the savings bank on behalf  
2 of any responsible relative who is subject to a child support  
3 lien, upon notice of the lien or levy of the Illinois  
4 Department of Public Aid or its successor agency pursuant to  
5 Section 10-25.5 of the Illinois Public Aid Code, or upon notice  
6 of interstate lien or levy from any other state's agency  
7 responsible for implementing the child support enforcement  
8 program set forth in Title IV, Part D of the Social Security  
9 Act.

10 (b) Within 90 days after receiving notice from the  
11 Department of Public Aid or its successor agency, the  
12 Department of Child Support Services, that the Department has  
13 adopted a child support enforcement debit authorization form as  
14 required under the Illinois Public Aid Code, each savings bank  
15 governed by this Act shall take all appropriate steps to  
16 implement the use of the form in relation to accounts held by  
17 the savings bank. Upon receiving from the Department of Child  
18 Support Services ~~Public Aid~~ a copy of a child support  
19 enforcement debit authorization form signed by an obligor, a  
20 savings bank holding an account on behalf of the obligor shall  
21 debit the account and transfer the debited amounts to the State  
22 Disbursement Unit according to the instructions in the child  
23 support enforcement debit authorization form.

24 (Source: P.A. 92-811, eff. 8-21-02; 93-736, eff. 7-14-04.)

25 Section 955. The Illinois Credit Union Act is amended by  
26 changing Section 43.1 as follows:

27 (205 ILCS 305/43.1)

28 Sec. 43.1. Enforcement of child support.

29 (a) Any credit union governed by this Act shall encumber or  
30 surrender accounts or assets held by the credit union on behalf  
31 of any responsible relative who is subject to a child support  
32 lien, upon notice of the lien or levy of the Illinois  
33 Department of Public Aid or its successor agency pursuant to  
34 Section 10-25.5 of the Illinois Public Aid Code, or upon notice

1 of interstate lien from any other state's agency responsible  
2 for implementing the child support enforcement program set  
3 forth in Title IV, Part D of the Social Security Act.

4 (b) Within 90 days after receiving notice from the  
5 Department of Public Aid or its successor agency, the  
6 Department of Child Support Services, that the Department has  
7 adopted a child support enforcement debit authorization form as  
8 required under the Illinois Public Aid Code, each credit union  
9 governed by this Act shall take all appropriate steps to  
10 implement the use of the form in relation to accounts held by  
11 the credit union. Upon receiving from the Department of Child  
12 Support Services ~~Public Aid~~ a copy of a child support  
13 enforcement debit authorization form signed by an obligor, a  
14 credit union holding an account on behalf of the obligor shall  
15 debit the account and transfer the debited amounts to the State  
16 Disbursement Unit according to the instructions in the child  
17 support enforcement debit authorization form.

18 (Source: P.A. 93-736, eff. 7-14-04.)

19 Section 960. The Foreign Banking Office Act is amended by  
20 changing Section 20 as follows:

21 (205 ILCS 645/20)

22 Sec. 20. Enforcement of child support.

23 (a) Any foreign banking corporation governed by this Act  
24 shall encumber or surrender accounts or assets held by the  
25 foreign banking corporation on behalf of any responsible  
26 relative who is subject to a child support lien, upon notice of  
27 the lien or levy of the Illinois Department of Public Aid or  
28 its successor agency pursuant to Section 10-25.5 of the  
29 Illinois Public Aid Code, or upon notice of interstate lien  
30 from any other state's agency responsible for implementing the  
31 child support enforcement program set forth in Title IV, Part D  
32 of the Social Security Act.

33 (b) Within 90 days after receiving notice from the  
34 Department of Public Aid or its successor agency, the

1 Department of Child Support Services, that the Department has  
2 adopted a child support enforcement debit authorization form as  
3 required under the Illinois Public Aid Code, each foreign  
4 banking corporation governed by this Act shall take all  
5 appropriate steps to implement the use of the form in relation  
6 to accounts held by the corporation. Upon receiving from the  
7 Department of Child Support Services ~~Public Aid~~ a copy of a  
8 child support enforcement debit authorization form signed by an  
9 obligor, a foreign banking corporation holding an account on  
10 behalf of the obligor shall debit the account and transfer the  
11 debited amounts to the State Disbursement Unit according to the  
12 instructions in the child support enforcement debit  
13 authorization form.

14 (Source: P.A. 93-736, eff. 7-14-04.)

15 Section 965. The Illinois Insurance Code is amended by  
16 changing Sections 238, 238.1, 299.1a, 299.1b, and 337.1 as  
17 follows:

18 (215 ILCS 5/238) (from Ch. 73, par. 850)

19 Sec. 238. Exemption.

20 (a) All proceeds payable because of the death of the  
21 insured and the aggregate net cash value of any or all life and  
22 endowment policies and annuity contracts payable to a wife or  
23 husband of the insured, or to a child, parent or other person  
24 dependent upon the insured, whether the power to change the  
25 beneficiary is reserved to the insured or not, and whether the  
26 insured or his estate is a contingent beneficiary or not, shall  
27 be exempt from execution, attachment, garnishment or other  
28 process, for the debts or liabilities of the insured incurred  
29 subsequent to the effective date of this Code, except as to  
30 premiums paid in fraud of creditors within the period limited  
31 by law for the recovery thereof.

32 (b) Any insurance company doing business in this State and  
33 governed by this Code shall encumber or surrender accounts as  
34 defined in Section 10-24 of the Illinois Public Aid Code held



1 by the insurance company owned by any responsible relative who  
2 is subject to a child support lien, upon notice of the lien or  
3 levy by the Illinois Department of Public Aid or its successor  
4 agency pursuant to Section 10-25.5 of the Illinois Public Aid  
5 Code, or upon notice of interstate lien from any other state's  
6 agency responsible for implementing the child support  
7 enforcement program set forth in Title IV, Part D of the Social  
8 Security Act.

9 This Section does not prohibit the furnishing of  
10 information in accordance with the federal Personal  
11 Responsibility and Work Opportunity Reconciliation Act of  
12 1996. Any insurance company governed by this Code shall enter  
13 into an agreement for data exchanges with the Department of  
14 Child Support Services ~~Public Aid~~ provided the Department of  
15 Child Support Services ~~Public Aid~~ pays to the insurance company  
16 a reasonable fee not to exceed its actual cost incurred. An  
17 insurance company providing information in accordance with  
18 this item shall not be liable to any owner of an account as  
19 defined in Section 10-24 of the Illinois Public Aid Code or  
20 other person for any disclosure of information to the  
21 Department of Child Support Services or its predecessor, the  
22 Department of Public Aid, for encumbering or surrendering any  
23 accounts as defined in Section 10-24 of the Illinois Public Aid  
24 Code held by the insurance company in response to a lien or  
25 order to withhold and deliver issued by a State agency, or for  
26 any other action taken pursuant to this item, including  
27 individual or mechanical errors, provided the action does not  
28 constitute gross negligence or willful misconduct. An  
29 insurance company shall have no obligation to hold, encumber,  
30 or surrender any accounts as defined in Section 10-24 of the  
31 Illinois Public Aid Code until it has been served with a  
32 subpoena, summons, warrant, court or administrative order,  
33 lien, or levy requiring that action.

34 (Source: P.A. 90-18, eff. 7-1-97.)

1           Sec. 238.1. Data exchanges; administrative liens.

2           (a) Any insurance company doing business in the State and  
3 governed by this Code shall enter into an agreement for data  
4 exchanges with the ~~Illinois~~ Department of Child Support  
5 Services ~~Public Aid~~ for the purpose of locating accounts as  
6 defined in Section 10-24 of the Illinois Public Aid Code of  
7 responsible relatives to satisfy past-due child support owed by  
8 responsible relatives under an order for support entered by a  
9 court or administrative body of this or any other State on  
10 behalf of resident or non-resident persons.

11           (b) Notwithstanding any provisions in this Code to the  
12 contrary, an insurance company shall not be liable to any  
13 person:

14           (1) for any disclosure of information to the Department  
15 of Child Support Services or its predecessor, the Illinois  
16 Department of Public Aid, under subsection (a);

17           (2) for encumbering or surrendering any accounts as  
18 defined in Section 10-24 of the Illinois Public Aid Code  
19 held by such insurance company in response to a notice of  
20 lien or levy issued by the Department of Child Support  
21 Services or its predecessor, the Illinois Department of  
22 Public Aid, or by any other state's child support  
23 enforcement agency, as provided for in Section 238 of this  
24 Code; or

25           (3) for any other action taken in good faith to comply  
26 with the requirements of subsection (a).

27 (Source: P.A. 90-18, eff. 7-1-97.)

28           (215 ILCS 5/299.1a) (from Ch. 73, par. 911.1a)

29           Sec. 299.1a. Benefits not Attachable.

30           (a) No money or other charity, relief or aid to be paid,  
31 provided or rendered by any society shall be liable to  
32 attachment, garnishment or other process or to be seized,  
33 taken, appropriated or applied by any legal or equitable  
34 process or operation of law to pay any debt or liability of a  
35 member or beneficiary, or any other person who may have a right

1 thereunder, either before or after payment by the society.

2 (b) Any benefit association doing business in this State  
3 and governed by this Article XVII shall encumber or surrender  
4 accounts as defined in Section 10-24 of the Illinois Public Aid  
5 Code held by the benefit association owned by any responsible  
6 relative who is subject to a child support lien, upon notice of  
7 the lien or levy by the Illinois Department of Public Aid or  
8 its successor agency pursuant to Section 10-25.5 of the  
9 Illinois Public Aid Code, or upon notice of interstate lien  
10 from any other state's agency responsible for implementing the  
11 child support enforcement program set forth in Title IV, Part D  
12 of the Social Security Act.

13 This Section shall not prohibit the furnishing of  
14 information in accordance with the federal Personal  
15 Responsibility and Work Opportunity Reconciliation Act of  
16 1996. Any benefit association governed by this Article XVII  
17 shall enter into an agreement for data exchanges with the  
18 Department of Child Support Services ~~Public Aid~~ provided the  
19 Department of Child Support Services ~~Public Aid~~ pays to the  
20 benefit association a reasonable fee not to exceed its actual  
21 cost incurred. A benefit association providing information in  
22 accordance with this item shall not be liable to any account  
23 holder or other person for any disclosure of information to a  
24 State agency, for encumbering or surrendering any accounts as  
25 defined in Section 10-24 of the Illinois Public Aid Code held  
26 by the benefit association in response to a lien or order to  
27 withhold and deliver issued by a State agency, or for any other  
28 action taken pursuant to this item, including individual or  
29 mechanical errors, provided the action does not constitute  
30 gross negligence or willful misconduct. A benefit association  
31 shall have no obligation to hold, encumber, or surrender  
32 accounts until it has been served with a subpoena, summons,  
33 warrant, court or administrative order, lien, or levy requiring  
34 that action.

35 (Source: P.A. 90-18, eff. 7-1-97.)

1 (215 ILCS 5/299.1b)

2 Sec. 299.1b. Data exchanges; administrative liens.

3 (a) Any benefit association doing business in the State and  
4 governed by this Code shall enter into an agreement for data  
5 exchanges with the ~~Illinois~~ Department of Child Support  
6 Services ~~Public Aid~~ for the purpose of locating accounts as  
7 defined in Section 10-24 of the Illinois Public Aid Code of  
8 responsible relatives to satisfy past-due child support owed by  
9 responsible relatives under an order for support entered by a  
10 court or administrative body of this or any other State on  
11 behalf of resident or non-resident persons.

12 (b) Notwithstanding any provisions in this Code to the  
13 contrary, a benefit association shall not be liable to any  
14 person:

15 (1) for any disclosure of information to the Department  
16 of Child Support Services or its predecessor, the Illinois  
17 Department of Public Aid, under subsection (a);

18 (2) for encumbering or surrendering any accounts as  
19 defined in Section 10-24 of the Illinois Public Aid Code  
20 held by such benefit association in response to a notice of  
21 lien or levy issued by the Department of Child Support  
22 Services or its predecessor, the Illinois Department of  
23 Public Aid, or by any other state's child support  
24 enforcement agency, as provided for in Section 299.1a of  
25 this Code; or

26 (3) for any other action taken in good faith to comply  
27 with the requirements of subsection (a).

28 (Source: P.A. 90-18, eff. 7-1-97.)

29 (215 ILCS 5/337.1)

30 Sec. 337.1. Data exchanges; administrative liens.

31 (a) Any benefit association governed by this Article XVIII  
32 shall encumber or surrender accounts as defined in Section  
33 10-24 of the Illinois Public Aid Code held by the benefit  
34 association on behalf of any responsible relative who is  
35 subject to a child support lien, upon notice of the lien or

1 levy by the Illinois Department of Public Aid or its successor  
2 agency pursuant to Section 10-25.5 of the Illinois Public Aid  
3 Code, or upon notice of interstate lien from any other state's  
4 agency responsible for implementing the child support  
5 enforcement program set forth in Title IV, Part D of the Social  
6 Security Act.

7 (b) This Section shall not prohibit the furnishing of  
8 information in accordance with the federal Personal  
9 Responsibility and Work Opportunity Reconciliation Act of  
10 1996. Any benefit association governed by this Article XVIII  
11 shall enter into an agreement for data exchanges with the  
12 Department of Child Support Services ~~Public Aid~~ provided the  
13 Department of Child Support Services ~~Public Aid~~ pays to the  
14 benefit association a reasonable fee not to exceed its actual  
15 cost incurred. A benefit association providing information in  
16 accordance with this item shall not be liable to any owner of  
17 an account as defined in Section 10-24 of the Illinois Public  
18 Aid Code or other person for any disclosure of information to  
19 the Department of Child Support Services or its predecessor,  
20 the Department of Public Aid, for encumbering or surrendering  
21 any accounts held by the benefit association in response to a  
22 lien or order to withhold and deliver issued by the Department  
23 of Child Support Services or its predecessor, the Department of  
24 Public Aid, or for any other action taken pursuant to this  
25 item, including individual or mechanical errors, provided the  
26 action does not constitute gross negligence or willful  
27 misconduct. A benefit association shall have no obligation to  
28 hold, encumber, or surrender the accounts or portions thereof  
29 as defined in Section 10-24 of the Illinois Public Aid Code  
30 until it has been served with a subpoena, summons, warrant,  
31 court or administrative order, lien, or levy.

32 (Source: P.A. 90-18, eff. 7-1-97.)

33 Section 970. The Illinois Public Aid Code is amended by  
34 changing Sections 2-12 and 2-12.5 and by adding Section 10-0.5  
35 as follows:

1 (305 ILCS 5/2-12) (from Ch. 23, par. 2-12)

2 Sec. 2-12. "Illinois Department"; "Department". In this  
3 Code, "Illinois Department" or "Department", when a particular  
4 entity is not specified, means the following:

5 (1) In the case of a function performed before July 1, 1997  
6 (the effective date of the Department of Human Services Act),  
7 the term means the Department of Public Aid.

8 (2) In the case of a function to be performed on or after  
9 July 1, 1997 under Article III, IV, VI, IX, or IXA, the term  
10 means the Department of Human Services as successor to the  
11 Illinois Department of Public Aid.

12 (3) In the case of a function to be performed on or after  
13 July 1, 1997 under Article V, V-A, V-B, V-C, V-D, V-E, ~~X~~ XIV,  
14 or XV, the term means the Illinois Department of Public Aid.

15 (3.5) In the case of a function to be performed on or after  
16 July 1, 1997 and before the effective date of this amendatory  
17 Act of the 94th General Assembly under Article X, the term  
18 means the Illinois Department of Public Aid.

19 (3.10) In the case of a function to be performed on or  
20 after the effective date of this amendatory Act of the 94th  
21 General Assembly under Article X, the term means the Department  
22 of Child Support Services.

23 (4) In the case of a function to be performed on or after  
24 July 1, 1997 under Article I, II, VIIIA, XI, XII, or XIII, the  
25 term means the Department of Human Services (acting as  
26 successor to the Illinois Department of Public Aid) or the  
27 Illinois Department of Public Aid or both, according to whether  
28 that function, in the specific context, has been allocated to  
29 the Department of Human Services or the Department of Public  
30 Aid or both of those departments.

31 (Source: P.A. 89-507, eff. 7-1-97.)

32 (305 ILCS 5/2-12.5)

33 Sec. 2-12.5. "Director of the Illinois Department";  
34 "Director of the Department"; "Director". In this Code,

1 "Director of the Illinois Department", "Director of the  
2 Department", or "Director", when a particular official is not  
3 specified, means the following:

4 (1) In the case of a function performed before July 1, 1997  
5 (the effective date of the Department of Human Services Act),  
6 the term means the Director of Public Aid.

7 (2) In the case of a function to be performed on or after  
8 July 1, 1997 under Article III, IV, VI, IX, or IXA, the term  
9 means the Secretary of Human Services.

10 (3) In the case of a function to be performed on or after  
11 July 1, 1997 under Article V, V-A, V-B, V-C, V-D, V-E, ~~X~~, XIV,  
12 or XV, the term means the Director of Public Aid.

13 (3.5) In the case of a function to be performed on or after  
14 July 1, 1997 and before the effective date of this amendatory  
15 Act of the 94th General Assembly under Article X, the term  
16 means the Director of Public Aid.

17 (3.10) In the case of a function to be performed on or  
18 after the effective date of this amendatory Act of the 94th  
19 General Assembly under Article X, the term means the Director  
20 of Child Support Services.

21 (4) In the case of a function to be performed on or after  
22 July 1, 1997 under Article I, II, VIIIA, XI, XII, or XIII, the  
23 term means the Secretary of Human Services or the Director of  
24 Public Aid or both, according to whether that function, in the  
25 specific context, has been allocated to the Department of Human  
26 Services or the Department of Public Aid or both of those  
27 departments.

28 (Source: P.A. 89-507, eff. 7-1-97.)

29 (305 ILCS 5/10-0.5 new)

30 Sec. 10-0.5. Department or Director of Child Support  
31 Services.

32 (a) On and after the effective date of this amendatory Act  
33 of the 94th General Assembly, the Department of Child Support  
34 Services and the Director of Child Support Services shall  
35 perform all functions performed immediately before that date by

1 the Department of Public Aid and the Director of Public Aid,  
2 respectively, under this Article X, as provided in the  
3 Department of Child Support Services Act.

4 (b) On and after the effective date of this amendatory Act  
5 of the 94th General Assembly, unless the context requires  
6 otherwise:

7 (1) References in this Article X to "the Illinois  
8 Department of Public Aid", "the Department of Public Aid",  
9 the "Illinois Department", or "the Department" mean the  
10 Department of Child Support Services.

11 (2) References in this Article X to "the Director of  
12 Public Aid", "the Director of the Illinois Department",  
13 "the Director of the Department", or "the Director" mean  
14 the Director of Child Support Services.

15 Section 975. The Vital Records Act is amended by changing  
16 Section 24 as follows:

17 (410 ILCS 535/24) (from Ch. 111 1/2, par. 73-24)

18 Sec. 24. (1) To protect the integrity of vital records, to  
19 insure their proper use, and to insure the efficient and proper  
20 administration of the vital records system, access to vital  
21 records, and indexes thereof, including vital records in the  
22 custody of local registrars and county clerks originating prior  
23 to January 1, 1916, is limited to the custodian and his  
24 employees, and then only for administrative purposes, except  
25 that the indexes of those records in the custody of local  
26 registrars and county clerks, originating prior to January 1,  
27 1916, shall be made available to persons for the purpose of  
28 genealogical research. Original, photographic or  
29 microphotographic reproductions of original records of births  
30 100 years old and older and deaths 50 years old and older, and  
31 marriage records 75 years old and older on file in the State  
32 Office of Vital Records and in the custody of the county clerks  
33 may be made available for inspection in the Illinois State  
34 Archives reference area, Illinois Regional Archives



1 Depositories, and other libraries approved by the Illinois  
2 State Registrar and the Director of the Illinois State  
3 Archives, provided that the photographic or microphotographic  
4 copies are made at no cost to the county or to the State of  
5 Illinois. It is unlawful for any custodian to permit inspection  
6 of, or to disclose information contained in, vital records, or  
7 to copy or permit to be copied, all or part of any such record  
8 except as authorized by this Act or regulations adopted  
9 pursuant thereto.

10 (2) The State Registrar of Vital Records, or his agent, and  
11 any municipal, county, multi-county, public health district,  
12 or regional health officer recognized by the Department may  
13 examine vital records for the purpose only of carrying out the  
14 public health programs and responsibilities under his  
15 jurisdiction.

16 (3) The State Registrar of Vital Records, may disclose, or  
17 authorize the disclosure of, data contained in the vital  
18 records when deemed essential for bona fide research purposes  
19 which are not for private gain.

20 This amendatory Act of 1973 does not apply to any home rule  
21 unit.

22 (4) The State Registrar shall exchange with the ~~Illinois~~  
23 Department of Child Support Services ~~Public Aid~~ information  
24 that may be necessary for the establishment of paternity and  
25 the establishment, modification, and enforcement of child  
26 support orders entered pursuant to the Illinois Public Aid  
27 Code, the Illinois Marriage and Dissolution of Marriage Act,  
28 the Non-Support of Spouse and Children Act, the Non-Support  
29 Punishment Act, the Revised Uniform Reciprocal Enforcement of  
30 Support Act, the Uniform Interstate Family Support Act, or the  
31 Illinois Parentage Act of 1984. Notwithstanding any provisions  
32 in this Act to the contrary, the State Registrar shall not be  
33 liable to any person for any disclosure of information to the  
34 Department of Child Support Services or its predecessor, the  
35 Illinois Department of Public Aid, under this subsection or for  
36 any other action taken in good faith to comply with the

1 requirements of this subsection.

2 (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 10-1-99.)

3 Section 980. The Illinois Vehicle Code is amended by  
4 changing Sections 2-109.1 and 2-123 as follows:

5 (625 ILCS 5/2-109.1)

6 Sec. 2-109.1. Exchange of information.

7 (a) The Secretary of State shall exchange information with  
8 the ~~Illinois~~ Department of Child Support Services ~~Public Aid~~  
9 which may be necessary for the establishment of paternity and  
10 the establishment, modification, and enforcement of child  
11 support orders pursuant to the Illinois Public Aid Code, the  
12 Illinois Marriage and Dissolution of Marriage Act, the  
13 Non-Support of Spouse and Children Act, the Non-Support  
14 Punishment Act, the Revised Uniform Reciprocal Enforcement of  
15 Support Act, the Uniform Interstate Family Support Act, or the  
16 Illinois Parentage Act of 1984.

17 (b) Notwithstanding any provisions in this Code to the  
18 contrary, the Secretary of State shall not be liable to any  
19 person for any disclosure of information to the Department of  
20 Child Support Services or its predecessor, the Illinois  
21 Department of Public Aid, under subsection (a) or for any other  
22 action taken in good faith to comply with the requirements of  
23 subsection (a).

24 (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 7-1-00.)

25 (625 ILCS 5/2-123) (from Ch. 95 1/2, par. 2-123)

26 Sec. 2-123. Sale and Distribution of Information.

27 (a) Except as otherwise provided in this Section, the  
28 Secretary may make the driver's license, vehicle and title  
29 registration lists, in part or in whole, and any statistical  
30 information derived from these lists available to local  
31 governments, elected state officials, state educational  
32 institutions, and all other governmental units of the State and  
33 Federal Government requesting them for governmental purposes.

1 The Secretary shall require any such applicant for services to  
2 pay for the costs of furnishing such services and the use of  
3 the equipment involved, and in addition is empowered to  
4 establish prices and charges for the services so furnished and  
5 for the use of the electronic equipment utilized.

6 (b) The Secretary is further empowered to and he may, in  
7 his discretion, furnish to any applicant, other than listed in  
8 subsection (a) of this Section, vehicle or driver data on a  
9 computer tape, disk, other electronic format or computer  
10 processable medium, or printout at a fixed fee of \$250 for  
11 orders received before October 1, 2003 and \$500 for orders  
12 received on or after October 1, 2003, in advance, and require  
13 in addition a further sufficient deposit based upon the  
14 Secretary of State's estimate of the total cost of the  
15 information requested and a charge of \$25 for orders received  
16 before October 1, 2003 and \$50 for orders received on or after  
17 October 1, 2003, per 1,000 units or part thereof identified or  
18 the actual cost, whichever is greater. The Secretary is  
19 authorized to refund any difference between the additional  
20 deposit and the actual cost of the request. This service shall  
21 not be in lieu of an abstract of a driver's record nor of a  
22 title or registration search. This service may be limited to  
23 entities purchasing a minimum number of records as required by  
24 administrative rule. The information sold pursuant to this  
25 subsection shall be the entire vehicle or driver data list, or  
26 part thereof. The information sold pursuant to this subsection  
27 shall not contain personally identifying information unless  
28 the information is to be used for one of the purposes  
29 identified in subsection (f-5) of this Section. Commercial  
30 purchasers of driver and vehicle record databases shall enter  
31 into a written agreement with the Secretary of State that  
32 includes disclosure of the commercial use of the information to  
33 be purchased.

34 (c) Secretary of State may issue registration lists. The  
35 Secretary of State shall compile and publish, at least  
36 annually, a list of all registered vehicles. Each list of

1 registered vehicles shall be arranged serially according to the  
2 registration numbers assigned to registered vehicles and shall  
3 contain in addition the names and addresses of registered  
4 owners and a brief description of each vehicle including the  
5 serial or other identifying number thereof. Such compilation  
6 may be in such form as in the discretion of the Secretary of  
7 State may seem best for the purposes intended.

8 (d) The Secretary of State shall furnish no more than 2  
9 current available lists of such registrations to the sheriffs  
10 of all counties and to the chiefs of police of all cities and  
11 villages and towns of 2,000 population and over in this State  
12 at no cost. Additional copies may be purchased by the sheriffs  
13 or chiefs of police at the fee of \$500 each or at the cost of  
14 producing the list as determined by the Secretary of State.  
15 Such lists are to be used for governmental purposes only.

16 (e) (Blank).

17 (e-1) (Blank).

18 (f) The Secretary of State shall make a title or  
19 registration search of the records of his office and a written  
20 report on the same for any person, upon written application of  
21 such person, accompanied by a fee of \$5 for each registration  
22 or title search. The written application shall set forth the  
23 intended use of the requested information. No fee shall be  
24 charged for a title or registration search, or for the  
25 certification thereof requested by a government agency. The  
26 report of the title or registration search shall not contain  
27 personally identifying information unless the request for a  
28 search was made for one of the purposes identified in  
29 subsection (f-5) of this Section. The report of the title or  
30 registration search shall not contain highly restricted  
31 personal information unless specifically authorized by this  
32 Code.

33 The Secretary of State shall certify a title or  
34 registration record upon written request. The fee for  
35 certification shall be \$5 in addition to the fee required for a  
36 title or registration search. Certification shall be made under

1 the signature of the Secretary of State and shall be  
2 authenticated by Seal of the Secretary of State.

3 The Secretary of State may notify the vehicle owner or  
4 registrant of the request for purchase of his title or  
5 registration information as the Secretary deems appropriate.

6 No information shall be released to the requestor until  
7 expiration of a 10 day period. This 10 day period shall not  
8 apply to requests for information made by law enforcement  
9 officials, government agencies, financial institutions,  
10 attorneys, insurers, employers, automobile associated  
11 businesses, persons licensed as a private detective or firms  
12 licensed as a private detective agency under the Private  
13 Detective, Private Alarm, Private Security, and Locksmith Act  
14 of 2004, who are employed by or are acting on behalf of law  
15 enforcement officials, government agencies, financial  
16 institutions, attorneys, insurers, employers, automobile  
17 associated businesses, and other business entities for  
18 purposes consistent with the Illinois Vehicle Code, the vehicle  
19 owner or registrant or other entities as the Secretary may  
20 exempt by rule and regulation.

21 Any misrepresentation made by a requestor of title or  
22 vehicle information shall be punishable as a petty offense,  
23 except in the case of persons licensed as a private detective  
24 or firms licensed as a private detective agency which shall be  
25 subject to disciplinary sanctions under Section 40-10 of the  
26 Private Detective, Private Alarm, Private Security, and  
27 Locksmith Act of 2004.

28 (f-5) The Secretary of State shall not disclose or  
29 otherwise make available to any person or entity any personally  
30 identifying information obtained by the Secretary of State in  
31 connection with a driver's license, vehicle, or title  
32 registration record unless the information is disclosed for one  
33 of the following purposes:

34 (1) For use by any government agency, including any  
35 court or law enforcement agency, in carrying out its  
36 functions, or any private person or entity acting on behalf

1 of a federal, State, or local agency in carrying out its  
2 functions.

3 (2) For use in connection with matters of motor vehicle  
4 or driver safety and theft; motor vehicle emissions; motor  
5 vehicle product alterations, recalls, or advisories;  
6 performance monitoring of motor vehicles, motor vehicle  
7 parts, and dealers; and removal of non-owner records from  
8 the original owner records of motor vehicle manufacturers.

9 (3) For use in the normal course of business by a  
10 legitimate business or its agents, employees, or  
11 contractors, but only:

12 (A) to verify the accuracy of personal information  
13 submitted by an individual to the business or its  
14 agents, employees, or contractors; and

15 (B) if such information as so submitted is not  
16 correct or is no longer correct, to obtain the correct  
17 information, but only for the purposes of preventing  
18 fraud by, pursuing legal remedies against, or  
19 recovering on a debt or security interest against, the  
20 individual.

21 (4) For use in research activities and for use in  
22 producing statistical reports, if the personally  
23 identifying information is not published, redisclosed, or  
24 used to contact individuals.

25 (5) For use in connection with any civil, criminal,  
26 administrative, or arbitral proceeding in any federal,  
27 State, or local court or agency or before any  
28 self-regulatory body, including the service of process,  
29 investigation in anticipation of litigation, and the  
30 execution or enforcement of judgments and orders, or  
31 pursuant to an order of a federal, State, or local court.

32 (6) For use by any insurer or insurance support  
33 organization or by a self-insured entity or its agents,  
34 employees, or contractors in connection with claims  
35 investigation activities, antifraud activities, rating, or  
36 underwriting.

1           (7) For use in providing notice to the owners of towed  
2 or impounded vehicles.

3           (8) For use by any person licensed as a private  
4 detective or firm licensed as a private detective agency  
5 under the Private Detective, Private Alarm, Private  
6 Security, and Locksmith Act of 1993, private investigative  
7 agency or security service licensed in Illinois for any  
8 purpose permitted under this subsection.

9           (9) For use by an employer or its agent or insurer to  
10 obtain or verify information relating to a holder of a  
11 commercial driver's license that is required under chapter  
12 313 of title 49 of the United States Code.

13           (10) For use in connection with the operation of  
14 private toll transportation facilities.

15           (11) For use by any requester, if the requester  
16 demonstrates it has obtained the written consent of the  
17 individual to whom the information pertains.

18           (12) For use by members of the news media, as defined  
19 in Section 1-148.5, for the purpose of newsgathering when  
20 the request relates to the operation of a motor vehicle or  
21 public safety.

22           (13) For any other use specifically authorized by law,  
23 if that use is related to the operation of a motor vehicle  
24 or public safety.

25           (f-6) The Secretary of State shall not disclose or  
26 otherwise make available to any person or entity any highly  
27 restricted personal information obtained by the Secretary of  
28 State in connection with a driver's license, vehicle, or title  
29 registration record unless specifically authorized by this  
30 Code.

31           (g) 1. The Secretary of State may, upon receipt of a  
32 written request and a fee of \$6 before October 1, 2003 and  
33 a fee of \$12 on and after October 1, 2003, furnish to the  
34 person or agency so requesting a driver's record. Such  
35 document may include a record of: current driver's license  
36 issuance information, except that the information on

1 judicial driving permits shall be available only as  
2 otherwise provided by this Code; convictions; orders  
3 entered revoking, suspending or cancelling a driver's  
4 license or privilege; and notations of accident  
5 involvement. All other information, unless otherwise  
6 permitted by this Code, shall remain confidential.  
7 Information released pursuant to a request for a driver's  
8 record shall not contain personally identifying  
9 information, unless the request for the driver's record was  
10 made for one of the purposes set forth in subsection (f-5)  
11 of this Section.

12 2. The Secretary of State shall not disclose or  
13 otherwise make available to any person or entity any highly  
14 restricted personal information obtained by the Secretary  
15 of State in connection with a driver's license, vehicle, or  
16 title registration record unless specifically authorized  
17 by this Code. The Secretary of State may certify an  
18 abstract of a driver's record upon written request  
19 therefor. Such certification shall be made under the  
20 signature of the Secretary of State and shall be  
21 authenticated by the Seal of his office.

22 3. All requests for driving record information shall be  
23 made in a manner prescribed by the Secretary and shall set  
24 forth the intended use of the requested information.

25 The Secretary of State may notify the affected driver  
26 of the request for purchase of his driver's record as the  
27 Secretary deems appropriate.

28 No information shall be released to the requester until  
29 expiration of a 10 day period. This 10 day period shall not  
30 apply to requests for information made by law enforcement  
31 officials, government agencies, financial institutions,  
32 attorneys, insurers, employers, automobile associated  
33 businesses, persons licensed as a private detective or  
34 firms licensed as a private detective agency under the  
35 Private Detective, Private Alarm, Private Security, and  
36 Locksmith Act of 2004, who are employed by or are acting on



1       behalf of law enforcement officials, government agencies,  
2       financial institutions, attorneys, insurers, employers,  
3       automobile associated businesses, and other business  
4       entities for purposes consistent with the Illinois Vehicle  
5       Code, the affected driver or other entities as the  
6       Secretary may exempt by rule and regulation.

7       Any misrepresentation made by a requestor of driver  
8       information shall be punishable as a petty offense, except  
9       in the case of persons licensed as a private detective or  
10      firms licensed as a private detective agency which shall be  
11      subject to disciplinary sanctions under Section 40-10 of  
12      the Private Detective, Private Alarm, Private Security,  
13      and Locksmith Act of 2004.

14      4. The Secretary of State may furnish without fee, upon  
15      the written request of a law enforcement agency, any  
16      information from a driver's record on file with the  
17      Secretary of State when such information is required in the  
18      enforcement of this Code or any other law relating to the  
19      operation of motor vehicles, including records of  
20      dispositions; documented information involving the use of  
21      a motor vehicle; whether such individual has, or previously  
22      had, a driver's license; and the address and personal  
23      description as reflected on said driver's record.

24      5. Except as otherwise provided in this Section, the  
25      Secretary of State may furnish, without fee, information  
26      from an individual driver's record on file, if a written  
27      request therefor is submitted by any public transit system  
28      or authority, public defender, law enforcement agency, a  
29      state or federal agency, or an Illinois local  
30      intergovernmental association, if the request is for the  
31      purpose of a background check of applicants for employment  
32      with the requesting agency, or for the purpose of an  
33      official investigation conducted by the agency, or to  
34      determine a current address for the driver so public funds  
35      can be recovered or paid to the driver, or for any other  
36      purpose set forth in subsection (f-5) of this Section.

1           The Secretary may also furnish the courts a copy of an  
2 abstract of a driver's record, without fee, subsequent to  
3 an arrest for a violation of Section 11-501 or a similar  
4 provision of a local ordinance. Such abstract may include  
5 records of dispositions; documented information involving  
6 the use of a motor vehicle as contained in the current  
7 file; whether such individual has, or previously had, a  
8 driver's license; and the address and personal description  
9 as reflected on said driver's record.

10           6. Any certified abstract issued by the Secretary of  
11 State or transmitted electronically by the Secretary of  
12 State pursuant to this Section, to a court or on request of  
13 a law enforcement agency, for the record of a named person  
14 as to the status of the person's driver's license shall be  
15 prima facie evidence of the facts therein stated and if the  
16 name appearing in such abstract is the same as that of a  
17 person named in an information or warrant, such abstract  
18 shall be prima facie evidence that the person named in such  
19 information or warrant is the same person as the person  
20 named in such abstract and shall be admissible for any  
21 prosecution under this Code and be admitted as proof of any  
22 prior conviction or proof of records, notices, or orders  
23 recorded on individual driving records maintained by the  
24 Secretary of State.

25           7. Subject to any restrictions contained in the  
26 Juvenile Court Act of 1987, and upon receipt of a proper  
27 request and a fee of \$6 before October 1, 2003 and a fee of  
28 \$12 on or after October 1, 2003, the Secretary of State  
29 shall provide a driver's record to the affected driver, or  
30 the affected driver's attorney, upon verification. Such  
31 record shall contain all the information referred to in  
32 paragraph 1 of this subsection (g) plus: any recorded  
33 accident involvement as a driver; information recorded  
34 pursuant to subsection (e) of Section 6-117 and paragraph  
35 (4) of subsection (a) of Section 6-204 of this Code. All  
36 other information, unless otherwise permitted by this

1 Code, shall remain confidential.

2 (h) The Secretary shall not disclose social security  
3 numbers or any associated information obtained from the Social  
4 Security Administration except pursuant to a written request  
5 by, or with the prior written consent of, the individual  
6 except: (1) to officers and employees of the Secretary who have  
7 a need to know the social security numbers in performance of  
8 their official duties, (2) to law enforcement officials for a  
9 lawful, civil or criminal law enforcement investigation, and if  
10 the head of the law enforcement agency has made a written  
11 request to the Secretary specifying the law enforcement  
12 investigation for which the social security numbers are being  
13 sought, (3) to the United States Department of Transportation,  
14 or any other State, pursuant to the administration and  
15 enforcement of the Commercial Motor Vehicle Safety Act of 1986,  
16 (4) pursuant to the order of a court of competent jurisdiction,  
17 or (5) to the Department of Child Support Services ~~Public Aid~~  
18 for utilization in the child support enforcement duties  
19 assigned to that Department under provisions of the Illinois  
20 Public Aid Code after the individual has received advanced  
21 meaningful notification of what redisclosure is sought by the  
22 Secretary in accordance with the federal Privacy Act.

23 (i) (Blank).

24 (j) Medical statements or medical reports received in the  
25 Secretary of State's Office shall be confidential. No  
26 confidential information may be open to public inspection or  
27 the contents disclosed to anyone, except officers and employees  
28 of the Secretary who have a need to know the information  
29 contained in the medical reports and the Driver License Medical  
30 Advisory Board, unless so directed by an order of a court of  
31 competent jurisdiction.

32 (k) All fees collected under this Section shall be paid  
33 into the Road Fund of the State Treasury, except that (i) for  
34 fees collected before October 1, 2003, \$3 of the \$6 fee for a  
35 driver's record shall be paid into the Secretary of State  
36 Special Services Fund, (ii) for fees collected on and after

1 October 1, 2003, of the \$12 fee for a driver's record, \$3 shall  
2 be paid into the Secretary of State Special Services Fund and  
3 \$6 shall be paid into the General Revenue Fund, and (iii) for  
4 fees collected on and after October 1, 2003, 50% of the amounts  
5 collected pursuant to subsection (b) shall be paid into the  
6 General Revenue Fund.

7 (l) (Blank).

8 (m) Notations of accident involvement that may be disclosed  
9 under this Section shall not include notations relating to  
10 damage to a vehicle or other property being transported by a  
11 tow truck. This information shall remain confidential,  
12 provided that nothing in this subsection (m) shall limit  
13 disclosure of any notification of accident involvement to any  
14 law enforcement agency or official.

15 (n) Requests made by the news media for driver's license,  
16 vehicle, or title registration information may be furnished  
17 without charge or at a reduced charge, as determined by the  
18 Secretary, when the specific purpose for requesting the  
19 documents is deemed to be in the public interest. Waiver or  
20 reduction of the fee is in the public interest if the principal  
21 purpose of the request is to access and disseminate information  
22 regarding the health, safety, and welfare or the legal rights  
23 of the general public and is not for the principal purpose of  
24 gaining a personal or commercial benefit. The information  
25 provided pursuant to this subsection shall not contain  
26 personally identifying information unless the information is  
27 to be used for one of the purposes identified in subsection  
28 (f-5) of this Section.

29 (o) The redisclosure of personally identifying information  
30 obtained pursuant to this Section is prohibited, except to the  
31 extent necessary to effectuate the purpose for which the  
32 original disclosure of the information was permitted.

33 (p) The Secretary of State is empowered to adopt rules to  
34 effectuate this Section.

35 (Source: P.A. 92-32, eff. 7-1-01; 92-651, eff. 7-11-02; 93-32,  
36 eff. 7-1-03; 93-438, eff. 8-5-03; 93-895, eff. 1-1-05.)

1 Section 985. The Attorney Act is amended by changing  
2 Section 1 as follows:

3 (705 ILCS 205/1) (from Ch. 13, par. 1)

4 Sec. 1. No person shall be permitted to practice as an  
5 attorney or counselor at law within this State without having  
6 previously obtained a license for that purpose from the Supreme  
7 Court of this State.

8 No person shall receive any compensation directly or  
9 indirectly for any legal services other than a regularly  
10 licensed attorney.

11 A license, as provided for herein, constitutes the person  
12 receiving the same an attorney and counselor at law, according  
13 to the law and customs thereof, for and during his good  
14 behavior in the practice and authorizes him to demand and  
15 receive fees for any services which he may render as an  
16 attorney and counselor at law in this State. No person shall be  
17 granted a license or renewal authorized by this Act who has  
18 defaulted on an educational loan guaranteed by the Illinois  
19 Student Assistance Commission; however, a license or renewal  
20 may be issued to the aforementioned persons who have  
21 established a satisfactory repayment record as determined by  
22 the Illinois Student Assistance Commission. No person shall be  
23 granted a license or renewal authorized by this Act who is more  
24 than 30 days delinquent in complying with a child support  
25 order; a license or renewal may be issued, however, if the  
26 person has established a satisfactory repayment record as  
27 determined (i) by the ~~Illinois~~ Department of Child Support  
28 Services ~~Public Aid~~ for cases being enforced under Article X of  
29 the Illinois Public Aid Code or (ii) in all other cases by  
30 order of court or by written agreement between the custodial  
31 parent and non-custodial parent. No person shall be refused a  
32 license under this Act on account of sex.

33 Any person practicing, charging or receiving fees for legal  
34 services within this State, either directly or indirectly,

1 without being licensed to practice as herein required, is  
2 guilty of contempt of court and shall be punished accordingly,  
3 upon complaint being filed in any Circuit Court of this State.  
4 Such proceedings shall be conducted in the Courts of the  
5 respective counties where the alleged contempt has been  
6 committed in the same manner as in cases of indirect contempt  
7 and with the right of review by the parties thereto.

8 The provisions of this Act shall be in addition to other  
9 remedies permitted by law and shall not be construed to deprive  
10 courts of this State of their inherent right to punish for  
11 contempt or to restrain the unauthorized practice of law.

12 Nothing in this Act shall be construed to prohibit  
13 representation of a party by a person who is not an attorney in  
14 a proceeding before either panel of the Illinois Labor  
15 Relations Board under the Illinois Public Labor Relations Act,  
16 as now or hereafter amended, the Illinois Educational Labor  
17 Relations Board under the Illinois Educational Labor Relations  
18 Act, as now or hereafter amended, the State Civil Service  
19 Commission, the local Civil Service Commissions, or the  
20 University Civil Service Merit Board, to the extent allowed  
21 pursuant to rules and regulations promulgated by those Boards  
22 and Commissions.

23 (Source: P.A. 91-798, eff. 7-9-00.)

24 Section 990. The Unified Code of Corrections is amended by  
25 changing Section 3-5-4 as follows:

26 (730 ILCS 5/3-5-4)

27 Sec. 3-5-4. Exchange of information for child support  
28 enforcement.

29 (a) The Department shall exchange with the ~~Illinois~~  
30 Department of Child Support Services ~~Public Aid~~ information  
31 that may be necessary for the enforcement of child support  
32 orders entered pursuant to the Illinois Public Aid Code, the  
33 Illinois Marriage and Dissolution of Marriage Act, the  
34 Non-Support of Spouse and Children Act, the Non-Support

1 Punishment Act, the Revised Uniform Reciprocal Enforcement of  
2 Support Act, the Uniform Interstate Family Support Act, or the  
3 Illinois Parentage Act of 1984.

4 (b) Notwithstanding any provisions in this Code to the  
5 contrary, the Department shall not be liable to any person for  
6 any disclosure of information to the Department of Child  
7 Support Services or its predecessor, the Illinois Department of  
8 Public Aid, under subsection (a) or for any other action taken  
9 in good faith to comply with the requirements of subsection  
10 (a).

11 (Source: P.A. 90-18, eff. 1-1-97; 91-613, eff. 10-1-99.)

12 Section 995. The Illinois Marriage and Dissolution of  
13 Marriage Act is amended by changing Sections 505, 505.1, 505.2,  
14 505.3, 506, 507, 507.1, 510, 516, 704, 705, 709, and 712 as  
15 follows:

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

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

18 (a) In a proceeding for dissolution of marriage, legal  
19 separation, declaration of invalidity of marriage, a  
20 proceeding for child support following dissolution of the  
21 marriage by a court which lacked personal jurisdiction over the  
22 absent spouse, a proceeding for modification of a previous  
23 order for child support under Section 510 of this Act, or any  
24 proceeding authorized under Section 501 or 601 of this Act, the  
25 court may order either or both parents owing a duty of support  
26 to a child of the marriage to pay an amount reasonable and  
27 necessary for his support, without regard to marital  
28 misconduct. The duty of support owed to a child includes the  
29 obligation to provide for the reasonable and necessary  
30 physical, mental and emotional health needs of the child. For  
31 purposes of this Section, the term "child" shall include any  
32 child under age 18 and any child under age 19 who is still  
33 attending high school.

34 (1) The Court shall determine the minimum amount of

1 support by using the following guidelines:

2	Number of Children	Percent of Supporting Party's
3		Net Income
4	1	20%
5	2	28%
6	3	32%
7	4	40%
8	5	45%
9	6 or more	50%

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

16 (a) the financial resources and needs of the child;

17 (b) the financial resources and needs of the  
18 custodial parent;

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

21 (d) the physical and emotional condition of the  
22 child, and his educational needs; and

23 (e) the financial resources and needs of the  
24 non-custodial parent.

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

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

32 (a) Federal income tax (properly calculated  
33 withholding or estimated payments);

34 (b) State income tax (properly calculated  
35 withholding or estimated payments);

36 (c) Social Security (FICA payments);



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

3 (e) Union dues;

4 (f) Dependent and individual  
5 health/hospitalization insurance premiums;

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

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

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

28 (4.5) In a proceeding for child support following  
29 dissolution of the marriage by a court that lacked personal  
30 jurisdiction over the absent spouse, and in which the court  
31 is requiring payment of support for the period before the  
32 date an order for current support is entered, there is a  
33 rebuttable presumption that the supporting party's net  
34 income for the prior period was the same as his or her net  
35 income at the time the order for current support is  
36 entered.

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

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

26          (a-5) In an action to enforce an order for support based on  
27          the respondent's failure to make support payments as required  
28          by the order, notice of proceedings to hold the respondent in  
29          contempt for that failure may be served on the respondent by  
30          personal service or by regular mail addressed to the  
31          respondent's last known address. The respondent's last known  
32          address may be determined from records of the clerk of the  
33          court, from the Federal Case Registry of Child Support Orders,  
34          or by any other reasonable means.

35          (b) Failure of either parent to comply with an order to pay  
36          support shall be punishable as in other cases of contempt. In

1 addition to other penalties provided by law the Court may,  
2 after finding the parent guilty of contempt, order that the  
3 parent be:

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

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

10 (A) work; or

11 (B) conduct a business or other self-employed  
12 occupation.

13 The Court may further order any part or all of the earnings  
14 of a parent during a sentence of periodic imprisonment paid to  
15 the Clerk of the Circuit Court or to the parent having custody  
16 or to the guardian having custody of the children of the  
17 sentenced parent for the support of said children until further  
18 order of the Court.

19 If there is a unity of interest and ownership sufficient to  
20 render no financial separation between a non-custodial parent  
21 and another person or persons or business entity, the court may  
22 pierce the ownership veil of the person, persons, or business  
23 entity to discover assets of the non-custodial parent held in  
24 the name of that person, those persons, or that business  
25 entity. The following circumstances are sufficient to  
26 authorize a court to order discovery of the assets of a person,  
27 persons, or business entity and to compel the application of  
28 any discovered assets toward payment on the judgment for  
29 support:

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

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

35 (3) the non-custodial parent transfers assets to the  
36 person, persons, or business entity with the intent to

1           perpetrate a fraud on the custodial parent.

2           With respect to assets which are real property, no order  
3 entered under this paragraph shall affect the rights of bona  
4 fide purchasers, mortgagees, judgment creditors, or other lien  
5 holders who acquire their interests in the property prior to  
6 the time a notice of lis pendens pursuant to the Code of Civil  
7 Procedure or a copy of the order is placed of record in the  
8 office of the recorder of deeds for the county in which the  
9 real property is located.

10          The court may also order in cases where the parent is 90  
11 days or more delinquent in payment of support or has been  
12 adjudicated in arrears in an amount equal to 90 days obligation  
13 or more, that the parent's Illinois driving privileges be  
14 suspended until the court determines that the parent is in  
15 compliance with the order of support. The court may also order  
16 that the parent be issued a family financial responsibility  
17 driving permit that would allow limited driving privileges for  
18 employment and medical purposes in accordance with Section  
19 7-702.1 of the Illinois Vehicle Code. The clerk of the circuit  
20 court shall certify the order suspending the driving privileges  
21 of the parent or granting the issuance of a family financial  
22 responsibility driving permit to the Secretary of State on  
23 forms prescribed by the Secretary. Upon receipt of the  
24 authenticated documents, the Secretary of State shall suspend  
25 the parent's driving privileges until further order of the  
26 court and shall, if ordered by the court, subject to the  
27 provisions of Section 7-702.1 of the Illinois Vehicle Code,  
28 issue a family financial responsibility driving permit to the  
29 parent.

30          In addition to the penalties or punishment that may be  
31 imposed under this Section, any person whose conduct  
32 constitutes a violation of Section 15 of the Non-Support  
33 Punishment Act may be prosecuted under that Act, and a person  
34 convicted under that Act may be sentenced in accordance with  
35 that Act. The sentence may include but need not be limited to a  
36 requirement that the person perform community service under

1 Section 50 of that Act or participate in a work alternative  
2 program under Section 50 of that Act. A person may not be  
3 required to participate in a work alternative program under  
4 Section 50 of that Act if the person is currently participating  
5 in a work program pursuant to Section 505.1 of this Act.

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

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

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

35 (e) When child support is to be paid through the clerk of  
36 the court in a county of 1,000,000 inhabitants or less, the

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

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

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

1 that date. Nothing in this subsection shall be construed to  
2 prevent the court from modifying the order or terminating the  
3 order in the event the child is otherwise emancipated.

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

33 (h) An order entered under this Section shall include a  
34 provision requiring the obligor to report to the obligee and to  
35 the clerk of court within 10 days each time the obligor obtains  
36 new employment, and each time the obligor's employment is

1 terminated for any reason. The report shall be in writing and  
2 shall, in the case of new employment, include the name and  
3 address of the new employer. Failure to report new employment  
4 or the termination of current employment, if coupled with  
5 nonpayment of support for a period in excess of 60 days, is  
6 indirect criminal contempt. For any obligor arrested for  
7 failure to report new employment bond shall be set in the  
8 amount of the child support that should have been paid during  
9 the period of unreported employment. An order entered under  
10 this Section shall also include a provision requiring the  
11 obligor and obligee parents to advise each other of a change in  
12 residence within 5 days of the change except when the court  
13 finds that the physical, mental, or emotional health of a party  
14 or that of a child, or both, would be seriously endangered by  
15 disclosure of the 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. 92-16, eff. 6-28-01; 92-203, eff. 8-1-01; 92-374,  
22 eff. 8-15-01; 92-651, eff. 7-11-02; 92-876, eff. 6-1-03;  
23 93-148, eff. 7-10-03; 93-1061, eff. 1-1-05.)

24 (750 ILCS 5/505.1) (from Ch. 40, par. 505.1)

25 Sec. 505.1. (a) Whenever it is determined in a proceeding  
26 to establish or enforce a child support or maintenance  
27 obligation that the person owing a duty of support is  
28 unemployed, the court may order the person to seek employment  
29 and report periodically to the court with a diary, listing or  
30 other memorandum of his or her efforts in accordance with such  
31 order. Additionally, the court may order the unemployed person  
32 to report to the Department of Employment Security for job  
33 search services or to make application with the local Job  
34 Training Partnership Act provider for participation in job  
35 search, training or work programs and where the duty of support



1 is owed to a child receiving child support enforcement services  
2 under Article X of the Illinois Public Aid Code, as amended,  
3 the court may order the unemployed person to report to the  
4 ~~Illinois~~ Department of Child Support Services ~~Public Aid~~ for  
5 participation in job search, training or work programs  
6 established under Section 9-6 and Article IXA of that Code.

7 (b) Whenever it is determined that a person owes past-due  
8 support for a child or for a child and the parent with whom the  
9 child is living, and the child is receiving assistance under  
10 the Illinois Public Aid Code, the court shall order at the  
11 request of the ~~Illinois~~ Department of Child Support Services  
12 ~~Public Aid~~:

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

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

21 (Source: P.A. 91-357, eff. 7-29-99; 92-590, eff. 7-1-02.)

22 (750 ILCS 5/505.2) (from Ch. 40, par. 505.2)

23 Sec. 505.2. Health insurance.

24 (a) Definitions. As used in this Section:

25 (1) "Obligee" means the individual to whom the duty of  
26 support is owed or the individual's legal representative.

27 (2) "Obligor" means the individual who owes a duty of  
28 support pursuant to an order for support.

29 (3) "Public office" means any elected official or any  
30 State or local agency which is or may become responsible by  
31 law for enforcement of, or which is or may become  
32 authorized to enforce, an order for support, including, but  
33 not limited to: the Attorney General, the ~~Illinois~~  
34 Department of Child Support Services ~~Public Aid~~, the  
35 Illinois Department of Human Services, the Illinois

1 Department of Children and Family Services, and the various  
2 State's Attorneys, Clerks of the Circuit Court and  
3 supervisors of general assistance.

4 (4) "Child" shall have the meaning ascribed to it in  
5 Section 505.

6 (b) Order.

7 (1) Whenever the court establishes, modifies or  
8 enforces an order for child support or for child support  
9 and maintenance the court shall include in the order a  
10 provision for the health care coverage of the child which  
11 shall, upon request of the obligee or Public Office,  
12 require that any child covered by the order be named as a  
13 beneficiary of any health insurance plan that is available  
14 to the obligor through an employer or labor union or trade  
15 union. If the court finds that such a plan is not available  
16 to the obligor, or that the plan is not accessible to the  
17 obligee, the court may, upon request of the obligee or  
18 Public Office, order the obligor to name the child covered  
19 by the order as a beneficiary of any health insurance plan  
20 that is available to the obligor on a group basis, or as a  
21 beneficiary of an independent health insurance plan to be  
22 obtained by the obligor, after considering the following  
23 factors:

24 (A) the medical needs of the child;

25 (B) the availability of a plan to meet those needs;

26 and

27 (C) the cost of such a plan to the obligor.

28 (2) If the employer or labor union or trade union  
29 offers more than one plan, the order shall require the  
30 obligor to name the child as a beneficiary of the plan in  
31 which the obligor is enrolled.

32 (3) Nothing in this Section shall be construed to limit  
33 the authority of the court to establish or modify a support  
34 order to provide for payment of expenses, including  
35 deductibles, copayments and any other health expenses,  
36 which are in addition to expenses covered by an insurance

1 plan of which a child is ordered to be named a beneficiary  
2 pursuant to this Section.

3 (c) Implementation and enforcement.

4 (1) When the court order requires that a minor child be  
5 named as a beneficiary of a health insurance plan, other  
6 than a health insurance plan available through an employer  
7 or labor union or trade union, the obligor shall provide  
8 written proof to the obligee or Public Office that the  
9 required insurance has been obtained, or that application  
10 for insurability has been made, within 30 days of receiving  
11 notice of the court order. Unless the obligor was present  
12 in court when the order was issued, notice of the order  
13 shall be given pursuant to Illinois Supreme Court Rules. If  
14 an obligor fails to provide the required proof, he may be  
15 held in contempt of court.

16 (2) When the court requires that a child be named as a  
17 beneficiary of a health insurance plan available through an  
18 employer or labor union or trade union, the court's order  
19 shall be implemented in accordance with the Income  
20 Withholding for Support Act.

21 (d) Failure to maintain insurance. The dollar amount of the  
22 premiums for court-ordered health insurance, or that portion of  
23 the premiums for which the obligor is responsible in the case  
24 of insurance provided under a group health insurance plan  
25 through an employer or labor union or trade union where the  
26 employer or labor union or trade union pays a portion of the  
27 premiums, shall be considered an additional child support  
28 obligation owed by the obligor. Whenever the obligor fails to  
29 provide or maintain health insurance pursuant to an order for  
30 support, the obligor shall be liable to the obligee for the  
31 dollar amount of the premiums which were not paid, and shall  
32 also be liable for all medical expenses incurred by the child  
33 which would have been paid or reimbursed by the health  
34 insurance which the obligor was ordered to provide or maintain.  
35 In addition, the obligee may petition the court to modify the  
36 order based solely on the obligor's failure to pay the premiums

1 for court-ordered health insurance.

2 (e) Authorization for payment. The signature of the obligee  
3 is a valid authorization to the insurer to process a claim for  
4 payment under the insurance plan to the provider of the health  
5 care services or to the obligee.

6 (f) Disclosure of information. The obligor's employer or  
7 labor union or trade union shall disclose to the obligee or  
8 Public Office, upon request, information concerning any  
9 dependent coverage plans which would be made available to a new  
10 employee or labor union member or trade union member. The  
11 employer or labor union or trade union shall disclose such  
12 information whether or not a court order for medical support  
13 has been entered.

14 (g) Employer obligations. If a parent is required by an  
15 order for support to provide coverage for a child's health care  
16 expenses and if that coverage is available to the parent  
17 through an employer who does business in this State, the  
18 employer must do all of the following upon receipt of a copy of  
19 the order of support or order for withholding:

20 (1) The employer shall, upon the parent's request,  
21 permit the parent to include in that coverage a child who  
22 is otherwise eligible for that coverage, without regard to  
23 any enrollment season restrictions that might otherwise be  
24 applicable as to the time period within which the child may  
25 be added to that coverage.

26 (2) If the parent has health care coverage through the  
27 employer but fails to apply for coverage of the child, the  
28 employer shall include the child in the parent's coverage  
29 upon application by the child's other parent or the  
30 Illinois Department of Public Aid.

31 (3) The employer may not eliminate any child from the  
32 parent's health care coverage unless the employee is no  
33 longer employed by the employer and no longer covered under  
34 the employer's group health plan or unless the employer is  
35 provided with satisfactory written evidence of either of  
36 the following:

1 (A) The order for support is no longer in effect.

2 (B) The child is or will be included in a  
3 comparable health care plan obtained by the parent  
4 under such order that is currently in effect or will  
5 take effect no later than the date the prior coverage  
6 is terminated.

7 The employer may eliminate a child from a parent's  
8 health care plan obtained by the parent under such order if  
9 the employer has eliminated dependent health care coverage  
10 for all of its employees.

11 (Source: P.A. 92-16, eff. 6-28-01; 92-876, eff. 6-1-03.)

12 (750 ILCS 5/505.3)

13 Sec. 505.3. Information to State Case Registry.

14 (a) In this Section:

15 "Order for support", "obligor", "obligee", and "business  
16 day" are defined as set forth in the Income Withholding for  
17 Support Act.

18 "State Case Registry" means the State Case Registry  
19 established under Section 10-27 of the Illinois Public Aid  
20 Code.

21 (b) Each order for support entered or modified by the  
22 circuit court under this Act shall require that the obligor and  
23 obligee (i) file with the clerk of the circuit court the  
24 information required by this Section (and any other information  
25 required under Title IV, Part D of the Social Security Act or  
26 by the federal Department of Health and Human Services) at the  
27 time of entry or modification of the order for support and (ii)  
28 file updated information with the clerk within 5 business days  
29 of any change. Failure of the obligor or obligee to file or  
30 update the required information shall be punishable as in cases  
31 of contempt. The failure shall not prevent the court from  
32 entering or modifying the order for support, however.

33 (c) The obligor shall file the following information: the  
34 obligor's name, date of birth, social security number, and  
35 mailing address.

1           If either the obligor or the obligee receives child support  
2 enforcement services from the ~~Illinois~~ Department of Child  
3 Support Services ~~Public Aid~~ under Article X of the Illinois  
4 Public Aid Code, the obligor shall also file the following  
5 information: the obligor's telephone number, driver's license  
6 number, and residential address (if different from the  
7 obligor's mailing address), and the name, address, and  
8 telephone number of the obligor's employer or employers.

9           (d) The obligee shall file the following information:

10           (1) The names of the obligee and the child or children  
11 covered by the order for support.

12           (2) The dates of birth of the obligee and the child or  
13 children covered by the order for support.

14           (3) The social security numbers of the obligee and the  
15 child or children covered by the order for support.

16           (4) The obligee's mailing address.

17           (e) In cases in which the obligee receives child support  
18 enforcement services from the ~~Illinois~~ Department of Child  
19 Support Services ~~Public Aid~~ under Article X of the Illinois  
20 Public Aid Code, the order for support shall (i) require that  
21 the obligee file the information required under subsection (d)  
22 with the ~~Illinois~~ Department of Child Support Services ~~Public~~  
23 ~~Aid~~ for inclusion in the State Case Registry, rather than file  
24 the information with the clerk, and (ii) require that the  
25 obligee include the following additional information:

26           (1) The obligee's telephone and driver's license  
27 numbers.

28           (2) The obligee's residential address, if different  
29 from the obligee's mailing address.

30           (3) The name, address, and telephone number of the  
31 obligee's employer or employers.

32           The order for support shall also require that the obligee  
33 update the information filed with the ~~Illinois~~ Department of  
34 Child Support Services ~~Public Aid~~ within 5 business days of any  
35 change.

36           (f) The clerk shall provide the information filed under

1 this Section, together with the court docket number and county  
2 in which the order for support was entered, to the State Case  
3 Registry within 5 business days after receipt of the  
4 information.

5 (g) In a case in which a party is receiving child support  
6 enforcement services under Article X of the Illinois Public Aid  
7 Code, the clerk shall provide the following additional  
8 information to the State Case Registry within 5 business days  
9 after entry or modification of an order for support or request  
10 from the ~~Illinois~~ Department of Child Support Services ~~Public~~  
11 ~~Aid~~:

12 (1) The amount of monthly or other periodic support  
13 owed under the order for support and other amounts,  
14 including arrearage, interest, or late payment penalties  
15 and fees, due or overdue under the order.

16 (2) Any such amounts that have been received by the  
17 clerk, and the distribution of those amounts by the clerk.

18 (h) Information filed by the obligor and obligee under this  
19 Section that is not specifically required to be included in the  
20 body of an order for support under other laws is not a public  
21 record and shall be treated as confidential and subject to  
22 disclosure only in accordance with the provisions of this  
23 Section, Section 10-27 of the Illinois Public Aid Code, and  
24 Title IV, Part D of the Social Security Act.

25 (Source: P.A. 91-212, eff. 7-20-99; 92-16, eff. 6-28-01;  
26 92-463, eff. 8-22-01; 92-651, eff. 7-11-02.)

27 (750 ILCS 5/506) (from Ch. 40, par. 506)  
28 Sec. 506. Representation of child.

29 (a) Duties. In any proceedings involving the support,  
30 custody, visitation, education, parentage, property interest,  
31 or general welfare of a minor or dependent child, the court  
32 may, on its own motion or that of any party, and subject to the  
33 terms or specifications the court determines, appoint an  
34 attorney to serve in one of the following capacities:

35 (1) as an attorney to represent the child;

1 (2) as a guardian ad litem to address issues the court  
2 delineates;

3 (3) as a child's representative whose duty shall be to  
4 advocate what the representative finds to be in the best  
5 interests of the child after reviewing the facts and  
6 circumstances of the case. The child's representative  
7 shall have the same power and authority to take part in the  
8 conduct of the litigation as does an attorney for a party  
9 and shall possess all the powers of investigation and  
10 recommendation as does a guardian ad litem. The child's  
11 representative shall consider, but not be bound by, the  
12 expressed wishes of the child. A child's representative  
13 shall have received training in child advocacy or shall  
14 possess such experience as determined to be equivalent to  
15 such training by the chief judge of the circuit where the  
16 child's representative has been appointed. The child's  
17 representative shall not disclose confidential  
18 communications made by the child, except as required by law  
19 or by the Rules of Professional Conduct. The child's  
20 representative shall not be called as a witness regarding  
21 the issues set forth in this subsection.

22 During the proceedings the court may appoint an additional  
23 attorney to serve in another of the capacities described in  
24 subdivisions (a)(1), (a)(2), or (a)(3) on its own motion or  
25 that of a party only for good cause shown and when the reasons  
26 for the additional appointment are set forth in specific  
27 findings.

28 (b) Fees and costs. The court shall enter an order as  
29 appropriate for costs, fees, and disbursements, including a  
30 retainer, when the attorney, guardian ad litem, or child's  
31 representative is appointed, and thereafter as necessary. Such  
32 orders shall require payment by either or both parents, by any  
33 other party or source, or from the marital estate or the  
34 child's separate estate. The court may not order payment by the  
35 ~~Illinois~~ Department of Child Support Services ~~Public Aid~~ in  
36 cases in which the Department is providing child support



1 enforcement services under Article X of the Illinois Public Aid  
2 Code. Unless otherwise ordered by the court at the time fees  
3 and costs are approved, all fees and costs payable to an  
4 attorney, guardian ad litem, or child's representative under  
5 this Section are by implication deemed to be in the nature of  
6 support of the child and are within the exceptions to discharge  
7 in bankruptcy under 11 U.S.C.A. 523. The provisions of Sections  
8 501 and 508 of this Act shall apply to fees and costs for  
9 attorneys appointed under this Section.

10 (Source: P.A. 91-410, eff. 1-1-00; 92-590, eff. 7-1-02.)

11 (750 ILCS 5/507) (from Ch. 40, par. 507)

12 Sec. 507. Payment of maintenance or support to court.

13 (a) In actions instituted under this Act, the court shall  
14 order that maintenance and support payments be made to the  
15 clerk of court as trustee for remittance to the person entitled  
16 to receive the payments. However, the court in its discretion  
17 may direct otherwise where circumstances so warrant.

18 Upon notification in writing or by electronic transmission  
19 from the ~~Illinois~~ Department of Child Support Services ~~Public~~  
20 ~~Aid~~ to the clerk of the court that a person who is receiving  
21 support payments under this Section is receiving services under  
22 the Child Support Enforcement Program established by Title IV-D  
23 of the Social Security Act, any support payments subsequently  
24 received by the clerk of the court shall be transmitted in  
25 accordance with the instructions of the ~~Illinois~~ Department of  
26 Child Support Services ~~Public Aid~~ until the Department gives  
27 notice to the clerk of the court to cease the transmittal.  
28 After providing the notification authorized under this  
29 paragraph, the ~~Illinois~~ Department of Child Support Services  
30 ~~Public Aid~~ shall be entitled as a party to notice of any  
31 further proceedings in the case. The clerk of the court shall  
32 file a copy of the ~~Illinois~~ Department of Child Support  
33 Services' ~~Public Aid's~~ notification in the court file. The  
34 failure of the clerk to file a copy of the notification in the  
35 court file shall not, however, affect the ~~Illinois~~ Department

1 of Child Support Services' ~~Public Aid's~~ right to receive notice  
2 of further proceedings.

3 (b) The clerk of court shall maintain records listing the  
4 amount of payments, the date payments are required to be made  
5 and the names and addresses of the parties affected by the  
6 order. For those cases in which support is payable to the clerk  
7 of the circuit court for transmittal to the ~~Illinois~~ Department  
8 of Child Support Services ~~Public Aid~~ by order of the court or  
9 upon notification of the ~~Illinois~~ Department of Child Support  
10 Services ~~Public Aid~~, and the ~~Illinois~~ Department of Child  
11 Support Services ~~Public Aid~~ collects support by assignment,  
12 offset, withholding, deduction or other process permitted by  
13 law, the ~~Illinois~~ Department shall notify the clerk of the date  
14 and amount of such collection. Upon notification, the clerk  
15 shall record the collection on the payment record for the case.

16 (c) The parties affected by the order shall inform the  
17 clerk of court of any change of address or of other condition  
18 that may affect the administration of the order.

19 (d) The provisions of this Section shall not apply to cases  
20 that come under the provisions of Sections 709 through 712.

21 (e) To the extent the provisions of this Section are  
22 inconsistent with the requirements pertaining to the State  
23 Disbursement Unit under Section 507.1 of this Act and Section  
24 10-26 of the Illinois Public Aid Code, the requirements  
25 pertaining to the State Disbursement Unit shall apply.

26 (Source: P.A. 90-18, eff. 7-1-97; 90-673, eff. 1-1-99; 90-790,  
27 eff. 8-14-98; 91-212, eff. 7-20-99; 91-357, eff. 7-29-99.)

28 (750 ILCS 5/507.1)

29 Sec. 507.1. Payment of Support to State Disbursement Unit.

30 (a) As used in this Section:

31 "Order for support", "obligor", "obligee", and "payor"  
32 mean those terms as defined in the Income Withholding for  
33 Support Act, except that "order for support" shall not mean  
34 orders providing for spousal maintenance under which there is  
35 no child support obligation.

1 (b) Notwithstanding any other provision of this Act to the  
2 contrary, each order for support entered or modified on or  
3 after October 1, 1999 shall require that support payments be  
4 made to the State Disbursement Unit established under Section  
5 10-26 of the Illinois Public Aid Code if:

6 (1) a party to the order is receiving child support  
7 enforcement services under Article X of the Illinois Public  
8 Aid Code; or

9 (2) no party to the order is receiving child support  
10 enforcement services, but the support payments are made  
11 through income withholding.

12 (c) Support payments shall be made to the State  
13 Disbursement Unit if:

14 (1) the order for support was entered before October 1,  
15 1999, and a party to the order is receiving child support  
16 enforcement services under Article X of the Illinois Public  
17 Aid Code; or

18 (2) no party to the order is receiving child support  
19 enforcement services, and the support payments are being  
20 made through income withholding.

21 (c-5) If no party to the order is receiving child support  
22 enforcement services under Article X of the Illinois Public Aid  
23 Code, and the support payments are not made through income  
24 withholding, then support payments shall be made as directed by  
25 the order for support.

26 (c-10) At any time, and notwithstanding the existence of an  
27 order directing payments to be made elsewhere, the Department  
28 of Child Support Services ~~Public Aid~~ may provide notice to the  
29 obligor and, where applicable, to the obligor's payor:

30 (1) to make support payments to the State Disbursement  
31 Unit if:

32 (A) a party to the order for support is receiving  
33 child support enforcement services under Article X of  
34 the Illinois Public Aid Code; or

35 (B) no party to the order for support is receiving  
36 child support enforcement services under Article X of

1 the Illinois Public Aid Code, but the support payments  
2 are made through income withholding; or

3 (2) to make support payments to the State Disbursement  
4 Unit of another state upon request of another state's Title  
5 IV-D child support enforcement agency, in accordance with  
6 the requirements of Title IV, Part D of the Social Security  
7 Act and regulations promulgated under that Part D.

8 The Department of Child Support Services ~~Public Aid~~ shall  
9 provide a copy of the notice to the obligee and to the clerk of  
10 the circuit court.

11 (c-15) Within 15 days after the effective date of this  
12 amendatory Act of the 91st General Assembly, the clerk of the  
13 circuit court shall provide written notice to the obligor to  
14 make payments directly to the clerk of the circuit court if no  
15 party to the order is receiving child support enforcement  
16 services under Article X of the Illinois Public Aid Code, the  
17 support payments are not made through income withholding, and  
18 the order for support requires support payments to be made  
19 directly to the clerk of the circuit court. The clerk shall  
20 provide a copy of the notice to the obligee.

21 (c-20) If the State Disbursement Unit receives a support  
22 payment that was not appropriately made to the Unit under this  
23 Section, the Unit shall immediately return the payment to the  
24 sender, including, if possible, instructions detailing where  
25 to send the support payment.

26 (d) The notices under subsections (c-10) and (c-15) may be  
27 sent by ordinary mail, certified mail, return receipt  
28 requested, facsimile transmission, or other electronic  
29 process, or may be served upon the obligor or payor using any  
30 method provided by law for service of a summons.

31 (Source: P.A. 91-212, eff. 7-20-99; 91-677, eff. 1-5-00;  
32 92-590, eff. 7-1-02.)

33 (750 ILCS 5/510) (from Ch. 40, par. 510)

34 Sec. 510. Modification and termination of provisions for  
35 maintenance, support, educational expenses, and property

1 disposition.

2 (a) Except as otherwise provided in paragraph (f) of  
3 Section 502 and in subsection (b), clause (3) of Section 505.2,  
4 the provisions of any judgment respecting maintenance or  
5 support may be modified only as to installments accruing  
6 subsequent to due notice by the moving party of the filing of  
7 the motion for modification. An order for child support may be  
8 modified as follows:

9 (1) upon a showing of a substantial change in  
10 circumstances; and

11 (2) without the necessity of showing a substantial  
12 change in circumstances, as follows:

13 (A) upon a showing of an inconsistency of at least  
14 20%, but no less than \$10 per month, between the amount  
15 of the existing order and the amount of child support  
16 that results from application of the guidelines  
17 specified in Section 505 of this Act unless the  
18 inconsistency is due to the fact that the amount of the  
19 existing order resulted from a deviation from the  
20 guideline amount and there has not been a change in the  
21 circumstances that resulted in that deviation; or

22 (B) Upon a showing of a need to provide for the  
23 health care needs of the child under the order through  
24 health insurance or other means. In no event shall the  
25 eligibility for or receipt of medical assistance be  
26 considered to meet the need to provide for the child's  
27 health care needs.

28 The provisions of subparagraph (a)(2)(A) shall apply only  
29 in cases in which a party is receiving child support  
30 enforcement services from the ~~Illinois~~ Department of Child  
31 Support Services ~~Public Aid~~ under Article X of the Illinois  
32 Public Aid Code, and only when at least 36 months have elapsed  
33 since the order for child support was entered or last modified.

34 (a-5) An order for maintenance may be modified or  
35 terminated only upon a showing of a substantial change in  
36 circumstances. In all such proceedings, as well as in

1 proceedings in which maintenance is being reviewed, the court  
2 shall consider the applicable factors set forth in subsection  
3 (a) of Section 504 and the following factors:

4 (1) any change in the employment status of either party  
5 and whether the change has been made in good faith;

6 (2) the efforts, if any, made by the party receiving  
7 maintenance to become self-supporting, and the  
8 reasonableness of the efforts where they are appropriate;

9 (3) any impairment of the present and future earning  
10 capacity of either party;

11 (4) the tax consequences of the maintenance payments  
12 upon the respective economic circumstances of the parties;

13 (5) the duration of the maintenance payments  
14 previously paid (and remaining to be paid) relative to the  
15 length of the marriage;

16 (6) the property, including retirement benefits,  
17 awarded to each party under the judgment of dissolution of  
18 marriage, judgment of legal separation, or judgment of  
19 declaration of invalidity of marriage and the present  
20 status of the property;

21 (7) the increase or decrease in each party's income  
22 since the prior judgment or order from which a review,  
23 modification, or termination is being sought;

24 (8) the property acquired and currently owned by each  
25 party after the entry of the judgment of dissolution of  
26 marriage, judgment of legal separation, or judgment of  
27 declaration of invalidity of marriage; and

28 (9) any other factor that the court expressly finds to  
29 be just and equitable.

30 (b) The provisions as to property disposition may not be  
31 revoked or modified, unless the court finds the existence of  
32 conditions that justify the reopening of a judgment under the  
33 laws of this State.

34 (c) Unless otherwise agreed by the parties in a written  
35 agreement set forth in the judgment or otherwise approved by  
36 the court, the obligation to pay future maintenance is

1 terminated upon the death of either party, or the remarriage of  
2 the party receiving maintenance, or if the party receiving  
3 maintenance cohabits with another person on a resident,  
4 continuing conjugal basis.

5 (d) Unless otherwise provided in this Act, or as agreed in  
6 writing or expressly provided in the judgment, provisions for  
7 the support of a child are terminated by emancipation of the  
8 child, or if the child has attained the age of 18 and is still  
9 attending high school, provisions for the support of the child  
10 are terminated upon the date that the child graduates from high  
11 school or the date the child attains the age of 19, whichever  
12 is earlier, but not by the death of a parent obligated to  
13 support or educate the child. An existing obligation to pay for  
14 support or educational expenses, or both, is not terminated by  
15 the death of a parent. When a parent obligated to pay support  
16 or educational expenses, or both, dies, the amount of support  
17 or educational expenses, or both, may be enforced, modified,  
18 revoked or commuted to a lump sum payment, as equity may  
19 require, and that determination may be provided for at the time  
20 of the dissolution of the marriage or thereafter.

21 (e) The right to petition for support or educational  
22 expenses, or both, under Sections 505 and 513 is not  
23 extinguished by the death of a parent. Upon a petition filed  
24 before or after a parent's death, the court may award sums of  
25 money out of the decedent's estate for the child's support or  
26 educational expenses, or both, as equity may require. The time  
27 within which a claim may be filed against the estate of a  
28 decedent under Sections 505 and 513 and subsection (d) and this  
29 subsection shall be governed by the provisions of the Probate  
30 Act of 1975, as a barrable, noncontingent claim.

31 (f) A petition to modify or terminate child support,  
32 custody, or visitation shall not delay any child support  
33 enforcement litigation or supplementary proceeding on behalf  
34 of the obligee, including, but not limited to, a petition for a  
35 rule to show cause, for non-wage garnishment, or for a  
36 restraining order.

1 (Source: P.A. 92-289, eff. 8-9-01; 92-590, eff. 7-1-02; 92-651,  
2 eff. 7-11-02; 92-876, eff. 6-1-03; 93-353, eff. 1-1-04.)

3 (750 ILCS 5/516) (from Ch. 40, par. 516)

4 Sec. 516. Public Aid collection fee. In all cases  
5 instituted by the Department of Child Support Services or its  
6 predecessor, the Illinois Department of Public Aid, on behalf  
7 of a child or spouse, other than one receiving a grant of  
8 financial aid under Article IV of The Illinois Public Aid Code,  
9 on whose behalf an application has been made and approved for  
10 child support enforcement services as provided by Section 10-1  
11 of that Code, the court shall impose a collection fee on the  
12 individual who owes a child or spouse support obligation in an  
13 amount equal to 10% of the amount so owed as long as such  
14 collection is required by federal law, which fee shall be in  
15 addition to the support obligation. The imposition of such fee  
16 shall be in accordance with provisions of Title IV, Part D, of  
17 the Social Security Act and regulations duly promulgated  
18 thereunder. The fee shall be payable to the clerk of the  
19 circuit court for transmittal to the ~~Illinois~~ Department of  
20 Child Support Services ~~Public Aid~~ and shall continue until  
21 child support enforcement services are terminated by that  
22 Department.

23 (Source: P.A. 92-590, eff. 7-1-02.)

24 (750 ILCS 5/704) (from Ch. 40, par. 704)

25 Sec. 704. Public Aid Provisions.) Except as provided in  
26 Sections 709 through 712, if maintenance, child support or  
27 both, is awarded to persons who are recipients of aid under  
28 "The Illinois Public Aid Code", the court shall direct the  
29 husband or wife, as the case may be, to make the payments to  
30 (1) the ~~Illinois~~ Department of Child Support Services ~~Public~~  
31 ~~Aid~~ if the persons are recipients under Articles III, IV or V  
32 of the Code, or (2) the local governmental unit responsible for  
33 their support if they are recipients under Article VI or VII of  
34 the Code. The order shall permit the ~~Illinois~~ Department of



1 Child Support Services ~~Public Aid~~ or the local governmental  
2 unit, as the case may be, to direct that subsequent payments be  
3 made directly to the former spouse, the children, or both, or  
4 to some person or agency in their behalf, upon removal of the  
5 former spouse or children from the public aid rolls; and upon  
6 such direction and removal of the recipients from the public  
7 aid rolls, the ~~Illinois~~ Department or local governmental unit,  
8 as the case requires, shall give written notice of such action  
9 to the court.

10 (Source: P.A. 81-1474.)

11 (750 ILCS 5/705) (from Ch. 40, par. 705)

12 Sec. 705. Support payments; receiving and disbursing  
13 agents.

14 (1) The provisions of this Section shall apply, except as  
15 provided in Sections 709 through 712.

16 (2) In a dissolution of marriage action filed in a county  
17 of less than 3 million population in which an order or judgment  
18 for child support is entered, and in supplementary proceedings  
19 in any such county to enforce or vary the terms of such order  
20 or judgment arising out of an action for dissolution of  
21 marriage filed in such county, the court, except as it  
22 otherwise orders, under subsection (4) of this Section, may  
23 direct that child support payments be made to the clerk of the  
24 court.

25 (3) In a dissolution of marriage action filed in any county  
26 of 3 million or more population in which an order or judgment  
27 for child support is entered, and in supplementary proceedings  
28 in any such county to enforce or vary the terms of such order  
29 or judgment arising out of an action for dissolution of  
30 marriage filed in such county, the court, except as it  
31 otherwise orders under subsection (4) of this Section, may  
32 direct that child support payments be made either to the clerk  
33 of the court or to the Court Service Division of the County  
34 Department of Public Aid. After the effective date of this Act,  
35 the court, except as it otherwise orders under subsection (4)

1 of this Section, may direct that child support payments be made  
2 either to the clerk of the court or to the ~~Illinois~~ Department  
3 of Child Support Services ~~Public Aid~~.

4 (4) In a dissolution of marriage action or supplementary  
5 proceedings involving maintenance or child support payments,  
6 or both, to persons who are recipients of aid under the  
7 Illinois Public Aid Code, the court shall direct that such  
8 payments be made to (a) the ~~Illinois~~ Department of Child  
9 Support Services ~~Public Aid~~ if the persons are recipients under  
10 Articles III, IV, or V of the Code, or (b) the local  
11 governmental unit responsible for their support if they are  
12 recipients under Articles VI or VII of the Code. In accordance  
13 with federal law and regulations, the ~~Illinois~~ Department of  
14 Child Support Services ~~Public Aid~~ may continue to collect  
15 current maintenance payments or child support payments, or  
16 both, after those persons cease to receive public assistance  
17 and until termination of services under Article X of the  
18 Illinois Public Aid Code. The ~~Illinois~~ Department of Child  
19 Support Services ~~Public Aid~~ shall pay the net amount collected  
20 to those persons after deducting any costs incurred in making  
21 the collection or any collection fee from the amount of any  
22 recovery made. The order shall permit the ~~Illinois~~ Department  
23 of Child Support Services ~~Public Aid~~ or the local governmental  
24 unit, as the case may be, to direct that payments be made  
25 directly to the former spouse, the children, or both, or to  
26 some person or agency in their behalf, upon removal of the  
27 former spouse or children from the public aid rolls or upon  
28 termination of services under Article X of the Illinois Public  
29 Aid Code; and upon such direction, the ~~Illinois~~ Department or  
30 local governmental unit, as the case requires, shall give  
31 notice of such action to the court in writing or by electronic  
32 transmission.

33 (5) All clerks of the court and the Court Service Division  
34 of a County Department of Public Aid and, after the effective  
35 date of this Act, all clerks of the court and the ~~Illinois~~  
36 Department of Child Support Services ~~Public Aid~~, receiving

1 child support payments under subsections (2) and (3) of this  
2 Section shall disburse the payments to the person or persons  
3 entitled thereto under the terms of the order or judgment. They  
4 shall establish and maintain current records of all moneys  
5 received and disbursed and of defaults and delinquencies in  
6 required payments. The court, by order or rule, shall make  
7 provision for the carrying out of these duties.

8 Upon notification in writing or by electronic transmission  
9 from the ~~Illinois~~ Department of Child Support Services ~~Public~~  
10 ~~Aid~~ to the clerk of the court that a person who is receiving  
11 support payments under this Section is receiving services under  
12 the Child Support Enforcement Program established by Title IV-D  
13 of the Social Security Act, any support payments subsequently  
14 received by the clerk of the court shall be transmitted in  
15 accordance with the instructions of the ~~Illinois~~ Department of  
16 Child Support Services ~~Public Aid~~ until the Department gives  
17 notice to the clerk of the court to cease the transmittal.  
18 After providing the notification authorized under this  
19 paragraph, the ~~Illinois~~ Department of Child Support Services  
20 ~~Public Aid~~ shall be entitled as a party to notice of any  
21 further proceedings in the case. The clerk of the court shall  
22 file a copy of the ~~Illinois~~ Department of Child Support  
23 Services' ~~Public Aid's~~ notification in the court file. The  
24 failure of the clerk to file a copy of the notification in the  
25 court file shall not, however, affect the ~~Illinois~~ Department  
26 of Child Support Services' ~~Public Aid's~~ right to receive notice  
27 of further proceedings.

28 Payments under this Section to the ~~Illinois~~ Department of  
29 Child Support Services ~~Public Aid~~ pursuant to the Child Support  
30 Enforcement Program established by Title IV-D of the Social  
31 Security Act shall be paid into the Child Support Enforcement  
32 Trust Fund. All payments under this Section to the Illinois  
33 Department of Human Services shall be deposited in the DHS  
34 Recoveries Trust Fund. Disbursements from these funds shall be  
35 as provided in the Illinois Public Aid Code. Payments received  
36 by a local governmental unit shall be deposited in that unit's

1 General Assistance Fund. Any order of court directing payment  
2 of child support to a clerk of court or the Court Service  
3 Division of a County Department of Public Aid, which order has  
4 been entered on or after August 14, 1961, and prior to the  
5 effective date of this Act, may be amended by the court in line  
6 with this Act; and orders involving payments of maintenance or  
7 child support to recipients of public aid may in like manner be  
8 amended to conform to this Act.

9 (6) No filing fee or costs will be required in any action  
10 brought at the request of the Department of Child Support  
11 Services or its predecessor, the Illinois Department of Public  
12 Aid, in any proceeding under this Act. However, any such fees  
13 or costs may be assessed by the court against the respondent in  
14 the court's order of support or any modification thereof in a  
15 proceeding under this Act.

16 (7) For those cases in which child support is payable to  
17 the clerk of the circuit court for transmittal to the  
18 Department of Child Support Services or its predecessor, the  
19 Illinois Department of Public Aid, by order of court or upon  
20 notification by the ~~Illinois~~ Department of Child Support  
21 Services ~~Public Aid,~~ the clerk shall transmit all such  
22 payments, within 4 working days of receipt, to insure that  
23 funds are available for immediate distribution by the  
24 Department to the person or entity entitled thereto in  
25 accordance with standards of the Child Support Enforcement  
26 Program established under Title IV-D of the Social Security  
27 Act. The clerk shall notify the Department of the date of  
28 receipt and amount thereof at the time of transmittal. Where  
29 the clerk has entered into an agreement of cooperation with the  
30 Department to record the terms of child support orders and  
31 payments made thereunder directly into the Department's  
32 automated data processing system, the clerk shall account for,  
33 transmit and otherwise distribute child support payments in  
34 accordance with such agreement in lieu of the requirements  
35 contained herein.

36 In any action filed in a county with a population of

1 1,000,000 or less, the court shall assess against the  
2 respondent in any order of maintenance or child support any sum  
3 up to \$36 annually authorized by ordinance of the county board  
4 to be collected by the clerk of the court as costs for  
5 administering the collection and disbursement of maintenance  
6 and child support payments. Such sum shall be in addition to  
7 and separate from amounts ordered to be paid as maintenance or  
8 child support.

9 (8) To the extent the provisions of this Section are  
10 inconsistent with the requirements pertaining to the State  
11 Disbursement Unit under Section 507.1 of this Act and Section  
12 10-26 of the Illinois Public Aid Code, the requirements  
13 pertaining to the State Disbursement Unit shall apply.

14 (Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99; 91-357,  
15 eff. 7-29-99; 92-16, eff. 6-28-01.)

16 (750 ILCS 5/709) (from Ch. 40, par. 709)

17 Sec. 709. Mandatory child support payments to clerk.

18 (a) As of January 1, 1982, child support orders entered in  
19 any county covered by this subsection shall be made pursuant to  
20 the provisions of Sections 709 through 712 of this Act. For  
21 purposes of these Sections, the term "child support payment" or  
22 "payment" shall include any payment ordered to be made solely  
23 for the purpose of the support of a child or children or any  
24 payment ordered for general support which includes any amount  
25 for support of any child or children.

26 The provisions of Sections 709 through 712 shall be  
27 applicable to any county with a population of 2 million or more  
28 and to any other county which notifies the Supreme Court of its  
29 desire to be included within the coverage of these Sections and  
30 is certified pursuant to Supreme Court Rules.

31 The effective date of inclusion, however, shall be subject  
32 to approval of the application for reimbursement of the costs  
33 of the support program by the Department of Public Aid as  
34 provided in Section 712.

35 (b) In any proceeding for a dissolution of marriage, legal

1 separation, or declaration of invalidity of marriage, or in any  
2 supplementary proceedings in which a judgment or modification  
3 thereof for the payment of child support is entered on or after  
4 January 1, 1982, in any county covered by Sections 709 through  
5 712, and the person entitled to payment is receiving a grant of  
6 financial aid under Article IV of the Illinois Public Aid Code  
7 or has applied and qualified for child support enforcement  
8 services under Section 10-1 of that Code, the court shall  
9 direct: (1) that such payments be made to the clerk of the  
10 court and (2) that the parties affected shall each thereafter  
11 notify the clerk of any change of address or change in other  
12 conditions that may affect the administration of the order,  
13 including the fact that a party who was previously not on  
14 public aid has become a recipient of public aid, within 10 days  
15 of such change. All notices sent to the obligor's last known  
16 address on file with the clerk shall be deemed sufficient to  
17 proceed with enforcement pursuant to the provisions of Sections  
18 709 through 712.

19 In all other cases, the court may direct that payments be  
20 made to the clerk of the court.

21 (c) Except as provided in subsection (d) of this Section,  
22 the clerk shall disburse the payments to the person or persons  
23 entitled thereto under the terms of the order or judgment.

24 (d) The court shall determine, prior to the entry of the  
25 support order, if the party who is to receive the support is  
26 presently receiving public aid or has a current application for  
27 public aid pending and shall enter the finding on the record.

28 If the person entitled to payment is a recipient of aid  
29 under the Illinois Public Aid Code, the clerk, upon being  
30 informed of this fact by finding of the court, by notification  
31 by the party entitled to payment, by the ~~Illinois~~ Department of  
32 Child Support Services ~~Public Aid~~ or by the local governmental  
33 unit, shall make all payments to: (1) the ~~Illinois~~ Department  
34 of Child Support Services ~~Public Aid~~ if the person is a  
35 recipient under Article III, IV, or V of the Code or (2) the  
36 local governmental unit responsible for his or her support if

1 the person is a recipient under Article VI or VII of the Code.  
2 In accordance with federal law and regulations, the ~~Illinois~~  
3 Department of Child Support Services ~~Public Aid~~ may continue to  
4 collect current maintenance payments or child support  
5 payments, or both, after those persons cease to receive public  
6 assistance and until termination of services under Article X of  
7 the Illinois Public Aid Code. The ~~Illinois~~ Department of Child  
8 Support Services ~~Public Aid~~ shall pay the net amount collected  
9 to those persons after deducting any costs incurred in making  
10 the collection or any collection fee from the amount of any  
11 recovery made. Upon termination of public aid payments to such  
12 a recipient or termination of services under Article X of the  
13 Illinois Public Aid Code, the ~~Illinois~~ Department of Child  
14 Support Services ~~Public Aid~~ or the appropriate local  
15 governmental unit shall notify the clerk in writing or by  
16 electronic transmission that all subsequent payments are to be  
17 sent directly to the person entitled thereto.

18 Upon notification in writing or by electronic transmission  
19 from the ~~Illinois~~ Department of Child Support Services ~~Public~~  
20 ~~Aid~~ to the clerk of the court that a person who is receiving  
21 support payments under this Section is receiving services under  
22 the Child Support Enforcement Program established by Title IV-D  
23 of the Social Security Act, any support payments subsequently  
24 received by the clerk of the court shall be transmitted in  
25 accordance with the instructions of the ~~Illinois~~ Department of  
26 Child Support Services ~~Public Aid~~ until the Department gives  
27 notice to the clerk of the court to cease the transmittal.  
28 After providing the notification authorized under this  
29 paragraph, the ~~Illinois~~ Department of Child Support Services  
30 ~~Public Aid~~ shall be entitled as a party to notice of any  
31 further proceedings in the case. The clerk of the court shall  
32 file a copy of the ~~Illinois~~ Department of Child Support  
33 Services' ~~Public Aid's~~ notification in the court file. The  
34 failure of the clerk to file a copy of the notification in the  
35 court file shall not, however, affect the ~~Illinois~~ Department  
36 of Child Support Services' ~~Public Aid's~~ right to receive notice

1 of further proceedings.

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

12 (e) Any order or judgment may be amended by the court, upon  
13 its own motion or upon the motion of either party, to conform  
14 with the provisions of Sections 709 through 712, either as to  
15 the requirement of making payments to the clerk or, where  
16 payments are already being made to the clerk, as to the  
17 statutory fees provided for under Section 711.

18 (f) The clerk may invest in any interest bearing account or  
19 in any securities, monies collected for the benefit of a payee,  
20 where such payee cannot be found; however, the investment may  
21 be only for the period until the clerk is able to locate and  
22 present the payee with such monies. The clerk may invest in any  
23 interest bearing account, or in any securities, monies  
24 collected for the benefit of any other payee; however, this  
25 does not alter the clerk's obligation to make payments to the  
26 payee in a timely manner. Any interest or capital gains accrued  
27 shall be for the benefit of the county and shall be paid into  
28 the special fund established in subsection (b) of Section 711.

29 (g) The clerk shall establish and maintain a payment record  
30 of all monies received and disbursed and such record shall  
31 constitute prima facie evidence of such payment and  
32 non-payment, as the case may be.

33 (h) For those cases in which child support is payable to  
34 the clerk of the circuit court for transmittal to the ~~Illinois~~  
35 Department of Child Support Services ~~Public Aid~~ by order of  
36 court or upon notification by the ~~Illinois~~ Department of Child



1 Support Services ~~Public Aid~~, the clerk shall transmit all such  
2 payments, within 4 working days of receipt, to insure that  
3 funds are available for immediate distribution by the  
4 Department to the person or entity entitled thereto in  
5 accordance with standards of the Child Support Enforcement  
6 Program established under Title IV-D of the Social Security  
7 Act. The clerk shall notify the Department of the date of  
8 receipt and amount thereof at the time of transmittal. Where  
9 the clerk has entered into an agreement of cooperation with the  
10 Department to record the terms of child support orders and  
11 payments made thereunder directly into the Department's  
12 automated data processing system, the clerk shall account for,  
13 transmit and otherwise distribute child support payments in  
14 accordance with such agreement in lieu of the requirements  
15 contained herein.

16 (i) To the extent the provisions of this Section are  
17 inconsistent with the requirements pertaining to the State  
18 Disbursement Unit under Section 507.1 of this Act and Section  
19 10-26 of the Illinois Public Aid Code, the requirements  
20 pertaining to the State Disbursement Unit shall apply.

21 (Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99; 92-16,  
22 eff. 6-28-01; 92-590, eff. 7-1-02.)

23 (750 ILCS 5/712) (from Ch. 40, par. 712)

24 Sec. 712. (a) The Supreme Court may make Rules concerning  
25 the certification of counties for inclusion in the child  
26 support enforcement program and the application of the  
27 procedures created by Sections 709 through 712 in the various  
28 counties.

29 The Supreme Court shall inform each circuit court and clerk  
30 of the court of the availability of the program to reimburse  
31 counties desiring to participate in the program of enforcement  
32 of child support payments.

33 The Supreme Court shall also distribute to each circuit  
34 court and clerk of the court any materials prepared by the  
35 Child and Spouse Support Unit comparing child support

1 enforcement in counties included and not included in this  
2 program.

3 (b) The ~~Illinois~~ Department of Child Support Services  
4 ~~Public Aid~~, through the Child and Spouse Support Unit provided  
5 for by Section 10-3.1 of The Illinois Public Aid Code, shall  
6 have general supervision of the child support programs created  
7 by Sections 709 through 712 and shall have the powers and  
8 duties provided in this Section, including the following:

9 (1) to make advance payments to any county included in the  
10 program for expenses in preparing programs to enforce payment  
11 of child support to the clerk from appropriations made for such  
12 purposes by the General Assembly;

13 (2) to make payments to each covered county to pay for its  
14 reasonable expenses actually necessary to maintain a  
15 continuing program not paid for by fees, penalties, or other  
16 monies; provided that, with respect to that portion of the  
17 program on behalf of dependent children included in a grant of  
18 financial aid under Article IV of The Illinois Public Aid Code  
19 the Unit shall pay only such expenses as is its current  
20 practice or as it may deem appropriate; provided further that  
21 the Unit shall only pay expenses of the entire program subject  
22 to the availability of federal monies to pay the majority of  
23 expenses of the entire child support enforcement program;  
24 provided further that the Unit or Department may set standards  
25 relating to enforcement which have to be met by any county  
26 seeking to enter a contract with the Department for  
27 reimbursement of expenses of the entire enforcement program  
28 prior to an application for reimbursement being approved and  
29 the contract granted; and provided further that such standards  
30 may relate to, but are not limited to the following factors:  
31 maintenance of the payment record, the definition of  
32 delinquency; the period of time in which a delinquency must be  
33 determined, the payor notified, the remittance received, the  
34 referral to the state's attorney made, and the payment remitted  
35 by the clerk to the payee or other party entitled to the  
36 payment; the conditions under which referral will not be made

1 to the state's attorney; and the definitions and procedures for  
2 other matters necessary for the conduct and operation of the  
3 program;

4 (3) to monitor the various local programs for enforcement  
5 of child support payments to the clerk;

6 (4) to act to encourage enforcement whenever local  
7 enforcement procedures are inadequate;

8 (5) to receive monies from any source for assistance in  
9 enforcement of child support; and

10 (6) to assist any county desirous of assistance in  
11 establishing and maintaining a child support enforcement  
12 program.

13 (c) Any county may apply for financial assistance to the  
14 Unit to initiate or maintain a program of child support  
15 enforcement. Every county which desires such assistance shall  
16 apply according to procedures established by the Unit. In its  
17 application, it shall state the following: financial needs,  
18 personnel requirements, anticipated caseloads, any amounts  
19 collected or anticipated in fees or penalties, and any other  
20 information required by the Unit.

21 (d) In the case that any advance money is given to any  
22 county under this Section to initiate an enforcement system,  
23 the county shall reimburse the state within 2 years from the  
24 date such monies are given to it. The Unit may establish an  
25 appropriate schedule of reimbursement for any county.

26 (e) In the event of the unavailability of federal monies to  
27 pay for the greater part of the costs to a county of the child  
28 support enforcement program under Sections 709 through 712 and  
29 the resulting cessation of state participation, the operation  
30 of the child support enforcement program under Sections 709  
31 through 712 shall terminate. The date and the method of  
32 termination shall be determined by Supreme Court Rule.

33 (Source: P.A. 84-1395.)

34 Section 1000. The Non-Support Punishment Act is amended by  
35 changing Sections 7, 20, 25, 30, 35, and 60 as follows:

1 (750 ILCS 16/7)

2 Sec. 7. Prosecutions by Attorney General. In addition to  
3 enforcement proceedings by the several State's Attorneys, a  
4 proceeding for the enforcement of this Act may be instituted  
5 and prosecuted by the Attorney General in cases referred by the  
6 ~~Illinois~~ Department of Child Support Services ~~Public Aid~~  
7 involving persons receiving child support enforcement services  
8 under Article X of the Illinois Public Aid Code. Before  
9 referring a case to the Attorney General for enforcement under  
10 this Act, the Department of Child Support Services ~~Public Aid~~  
11 shall notify the person receiving child support enforcement  
12 services under Article X of the Illinois Public Aid Code of the  
13 Department's intent to refer the case to the Attorney General  
14 under this Section for prosecution.

15 (Source: P.A. 91-613, eff. 10-1-99; 92-590, eff. 7-1-02.)

16 (750 ILCS 16/20)

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

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

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

28 (2) before trial with the consent of the defendant, or  
29 at the trial on entry of a plea of guilty, or after  
30 conviction, instead of imposing the penalty provided in  
31 this Act, or in addition thereto, the court may enter an  
32 order for support, subject to modification by the court  
33 from time to time as circumstances may require, directing  
34 the defendant to pay a certain sum for maintenance of the

1 spouse, or for support of the child or children, or both.

2 (b) The court shall determine the amount of child support  
3 by using the guidelines and standards set forth in subsection  
4 (a) of Section 505 and in Section 505.2 of the Illinois  
5 Marriage and Dissolution of Marriage Act.

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

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

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

26 (e) Any order for support entered by the court under this  
27 Section shall be deemed to be a series of judgments against the  
28 person obligated to pay support under the judgments, each such  
29 judgment to be in the amount of each payment or installment of  
30 support and each judgment to be deemed entered as of the date  
31 the corresponding payment or installment becomes due under the  
32 terms of the support order. Each judgment shall have the full  
33 force, effect, and attributes of any other judgment of this  
34 State, including the ability to be enforced. Each judgment is  
35 subject to modification or termination only in accordance with  
36 Section 510 of the Illinois Marriage and Dissolution of

1 Marriage Act. A lien arises by operation of law against the  
2 real and personal property of the noncustodial parent for each  
3 installment of overdue support owed by the noncustodial parent.

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

11 Failure to report new employment or the termination of  
12 current employment, if coupled with nonpayment of support for a  
13 period in excess of 60 days, is indirect criminal contempt. For  
14 any obligor arrested for failure to report new employment, bond  
15 shall be set in the amount of the child support that should  
16 have been paid during the period of unreported employment.

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

24 (g) An order for support entered or modified in a case in  
25 which a party is receiving child support enforcement services  
26 under Article X of the Illinois Public Aid Code shall include a  
27 provision requiring the noncustodial parent to notify the  
28 ~~Illinois~~ Department of Child Support Services ~~Public Aid~~,  
29 within 7 days, of the name and address of any new employer of  
30 the noncustodial parent, whether the noncustodial parent has  
31 access to health insurance coverage through the employer or  
32 other group coverage and, if so, the policy name and number and  
33 the names of persons covered under the policy.

34 (h) In any subsequent action to enforce an order for  
35 support entered under this Act, upon sufficient showing that  
36 diligent effort has been made to ascertain the location of the

1 noncustodial parent, service of process or provision of notice  
2 necessary in that action may be made at the last known address  
3 of the noncustodial parent, in any manner expressly provided by  
4 the Code of Civil Procedure or in this Act, which service shall  
5 be sufficient for purposes of due process.

6 (i) An order for support shall include a date on which the  
7 current support obligation terminates. The termination date  
8 shall be no earlier than the date on which the child covered by  
9 the order will attain the age of 18. However, if the child will  
10 not graduate from high school until after attaining the age of  
11 18, then the termination date shall be no earlier than the  
12 earlier of the date on which the child's high school graduation  
13 will occur or the date on which the child will attain the age  
14 of 19. The order for support shall state that the termination  
15 date does not apply to any arrearage that may remain unpaid on  
16 that date. Nothing in this subsection shall be construed to  
17 prevent the court from modifying the order or terminating the  
18 order in the event the child is otherwise emancipated.

19 (i-5) If there is an unpaid arrearage or delinquency (as  
20 those terms are defined in the Income Withholding for Support  
21 Act) equal to at least one month's support obligation on the  
22 termination date stated in the order for support or, if there  
23 is no termination date stated in the order, on the date the  
24 child attains the age of majority or is otherwise emancipated,  
25 the periodic amount required to be paid for current support of  
26 that child immediately prior to that date shall automatically  
27 continue to be an obligation, not as current support but as  
28 periodic payment toward satisfaction of the unpaid arrearage or  
29 delinquency. That periodic payment shall be in addition to any  
30 periodic payment previously required for satisfaction of the  
31 arrearage or delinquency. The total periodic amount to be paid  
32 toward satisfaction of the arrearage or delinquency may be  
33 enforced and collected by any method provided by law for  
34 enforcement and collection of child support, including but not  
35 limited to income withholding under the Income Withholding for  
36 Support Act. Each order for support entered or modified on or

1 after the effective date of this amendatory Act of the 93rd  
2 General Assembly must contain a statement notifying the parties  
3 of the requirements of this subsection. Failure to include the  
4 statement in the order for support does not affect the validity  
5 of the order or the operation of the provisions of this  
6 subsection with regard to the order. This subsection shall not  
7 be construed to prevent or affect the establishment or  
8 modification of an order for support of a minor child or the  
9 establishment or modification of an order for support of a  
10 non-minor child or educational expenses under Section 513 of  
11 the Illinois Marriage and Dissolution of Marriage Act.

12 (j) A support obligation, or any portion of a support  
13 obligation, which becomes due and remains unpaid for 30 days or  
14 more shall accrue simple interest at the rate of 9% per annum.  
15 An order for support entered or modified on or after January 1,  
16 2002 shall contain a statement that a support obligation  
17 required under the order, or any portion of a support  
18 obligation required under the order, that becomes due and  
19 remains unpaid for 30 days or more shall accrue simple interest  
20 at the rate of 9% per annum. Failure to include the statement  
21 in the order for support does not affect the validity of the  
22 order or the accrual of interest as provided in this Section.

23 (Source: P.A. 92-374, eff. 8-15-01; 92-590, eff. 7-1-02;  
24 92-876, eff. 6-1-03; 93-1061, eff. 1-1-05.)

25 (750 ILCS 16/25)

26 Sec. 25. Payment of support to State Disbursement Unit;  
27 clerk of the court.

28 (a) As used in this Section, "order for support",  
29 "obligor", "obligee", and "payor" mean those terms as defined  
30 in the Income Withholding for Support Act.

31 (b) Each order for support entered or modified under  
32 Section 20 of this Act shall require that support payments be  
33 made to the State Disbursement Unit established under the  
34 Illinois Public Aid Code, under the following circumstances:

35 (1) when a party to the order is receiving child



1 support enforcement services under Article X of the  
2 Illinois Public Aid Code; or

3 (2) when no party to the order is receiving child  
4 support enforcement services, but the support payments are  
5 made through income withholding.

6 (c) When no party to the order is receiving child support  
7 enforcement services, and payments are not being made through  
8 income withholding, the court shall order the obligor to make  
9 support payments to the clerk of the court.

10 (d) At any time, and notwithstanding the existence of an  
11 order directing payments to be made elsewhere, the Department  
12 of Child Support Services ~~Public Aid~~ may provide notice to the  
13 obligor and, where applicable, to the obligor's payor:

14 (1) to make support payments to the State Disbursement  
15 Unit if:

16 (A) a party to the order for support is receiving  
17 child support enforcement services under Article X of  
18 the Illinois Public Aid Code; or

19 (B) no party to the order for support is receiving  
20 child support enforcement services under Article X of  
21 the Illinois Public Aid Code, but the support payments  
22 are made through income withholding; or

23 (2) to make support payments to the State Disbursement  
24 Unit of another state upon request of another state's Title  
25 IV-D child support enforcement agency, in accordance with  
26 the requirements of Title IV, Part D of the Social Security  
27 Act and regulations promulgated under that Part D.

28 The Department of Child Support Services ~~Public Aid~~ shall  
29 provide a copy of the notice to the obligee and to the clerk of  
30 the circuit court.

31 (e) If a State Disbursement Unit as specified by federal  
32 law has not been created in Illinois upon the effective date of  
33 this Act, then, until the creation of a State Disbursement Unit  
34 as specified by federal law, the following provisions regarding  
35 payment and disbursement of support payments shall control and  
36 the provisions in subsections (a), (b), (c), and (d) shall be

1 inoperative. Upon the creation of a State Disbursement Unit as  
2 specified by federal law, the payment and disbursement  
3 provisions of subsections (a), (b), (c), and (d) shall control,  
4 and this subsection (e) shall be inoperative to the extent that  
5 it conflicts with those subsections.

6 (1) In cases in which an order for support is entered  
7 under Section 20 of this Act, the court shall order that  
8 maintenance and support payments be made to the clerk of  
9 the court for remittance to the person or agency entitled  
10 to receive the payments. However, the court in its  
11 discretion may direct otherwise where exceptional  
12 circumstances so warrant.

13 (2) The court shall direct that support payments be  
14 sent by the clerk to (i) the ~~Illinois~~ Department of Child  
15 Support Services ~~Public Aid~~ if the person in whose behalf  
16 payments are made is receiving aid under Articles III, IV,  
17 or V of the Illinois Public Aid Code, or child support  
18 enforcement services under Article X of the Code, or (ii)  
19 to the local governmental unit responsible for the support  
20 of the person if he or she is a recipient under Article VI  
21 of the Code. In accordance with federal law and  
22 regulations, the ~~Illinois~~ Department of Child Support  
23 Services ~~Public Aid~~ may continue to collect current  
24 maintenance payments or child support payments, or both,  
25 after those persons cease to receive public assistance and  
26 until termination of services under Article X of the  
27 Illinois Public Aid Code. The ~~Illinois~~ Department shall pay  
28 the net amount collected to those persons after deducting  
29 any costs incurred in making the collection or any  
30 collection fee from the amount of any recovery made. The  
31 order shall permit the ~~Illinois~~ Department of Child Support  
32 Services ~~Public Aid~~ or the local governmental unit, as the  
33 case may be, to direct that support payments be made  
34 directly to the spouse, children, or both, or to some  
35 person or agency in their behalf, upon removal of the  
36 spouse or children from the public aid rolls or upon

1 termination of services under Article X of the Illinois  
2 Public Aid Code; and upon such direction, the ~~Illinois~~  
3 Department or the local governmental unit, as the case  
4 requires, shall give notice of such action to the court in  
5 writing or by electronic transmission.

6 (3) The clerk of the court shall establish and maintain  
7 current records of all moneys received and disbursed and of  
8 delinquencies and defaults in required payments. The  
9 court, by order or rule, shall make provision for the  
10 carrying out of these duties.

11 (4) Upon notification in writing or by electronic  
12 transmission from the ~~Illinois~~ Department of Child Support  
13 Services ~~Public Aid~~ to the clerk of the court that a person  
14 who is receiving support payments under this Section is  
15 receiving services under the Child Support Enforcement  
16 Program established by Title IV-D of the Social Security  
17 Act, any support payments subsequently received by the  
18 clerk of the court shall be transmitted in accordance with  
19 the instructions of the ~~Illinois~~ Department of Child  
20 Support Services ~~Public Aid~~ until the Department gives  
21 notice to cease the transmittal. After providing the  
22 notification authorized under this paragraph, the ~~Illinois~~  
23 Department of Child Support Services ~~Public Aid~~ shall be a  
24 party and entitled to notice of any further proceedings in  
25 the case. The clerk of the court shall file a copy of the  
26 ~~Illinois~~ Department of Child Support Services' ~~Public~~  
27 ~~Aid's~~ notification in the court file. The failure of the  
28 clerk to file a copy of the notification in the court file  
29 shall not, however, affect the ~~Illinois~~ Department of Child  
30 Support Services' ~~Public Aid's~~ rights as a party or its  
31 right to receive notice of further proceedings.

32 (5) Payments under this Section to the ~~Illinois~~  
33 Department of Child Support Services ~~Public Aid~~ pursuant to  
34 the Child Support Enforcement Program established by Title  
35 IV-D of the Social Security Act shall be paid into the  
36 Child Support Enforcement Trust Fund. All ~~other~~ payments

1 under this Section to the Illinois Department of Public Aid  
2 shall be deposited in the Public Assistance Recoveries  
3 Trust Fund. Disbursements from these funds shall be as  
4 provided in the Illinois Public Aid Code. Payments received  
5 by a local governmental unit shall be deposited in that  
6 unit's General Assistance Fund.

7 (6) For those cases in which child support is payable  
8 to the clerk of the circuit court for transmittal to the  
9 ~~Illinois~~ Department of Child Support Services ~~Public Aid~~ by  
10 order of court or upon notification by the ~~Illinois~~  
11 Department of Child Support Services ~~Public Aid~~, the clerk  
12 shall transmit all such payments, within 4 working days of  
13 receipt, to insure that funds are available for immediate  
14 distribution by the Department to the person or entity  
15 entitled thereto in accordance with standards of the Child  
16 Support Enforcement Program established under Title IV-D  
17 of the Social Security Act. The clerk shall notify the  
18 Department of the date of receipt and amount thereof at the  
19 time of transmittal. Where the clerk has entered into an  
20 agreement of cooperation with the Department to record the  
21 terms of child support orders and payments made thereunder  
22 directly into the Department's automated data processing  
23 system, the clerk shall account for, transmit and otherwise  
24 distribute child support payments in accordance with such  
25 agreement in lieu of the requirements contained herein.

26 (Source: P.A. 91-613, eff. 10-1-99; 92-590, eff. 7-1-02.)

27 (750 ILCS 16/30)

28 Sec. 30. Information to State Case Registry.

29 (a) In this Section:

30 "Order for support", "obligor", "obligee", and "business  
31 day" are defined as set forth in the Income Withholding for  
32 Support Act.

33 "State Case Registry" means the State Case Registry  
34 established under Section 10-27 of the Illinois Public Aid  
35 Code.

1 (b) Each order for support entered or modified by the  
2 circuit court under this Act shall require that the obligor and  
3 obligee (i) file with the clerk of the circuit court the  
4 information required by this Section (and any other information  
5 required under Title IV, Part D of the Social Security Act or  
6 by the federal Department of Health and Human Services) at the  
7 time of entry or modification of the order for support and (ii)  
8 file updated information with the clerk within 5 business days  
9 of any change. Failure of the obligor or obligee to file or  
10 update the required information shall be punishable as in cases  
11 of contempt. The failure shall not prevent the court from  
12 entering or modifying the order for support, however.

13 (c) The obligor shall file the following information: the  
14 obligor's name, date of birth, social security number, and  
15 mailing address.

16 If either the obligor or the obligee receives child support  
17 enforcement services from the ~~Illinois~~ Department of Child  
18 Support Services ~~Public Aid~~ under Article X of the Illinois  
19 Public Aid Code, the obligor shall also file the following  
20 information: the obligor's telephone number, driver's license  
21 number, and residential address (if different from the  
22 obligor's mailing address), and the name, address, and  
23 telephone number of the obligor's employer or employers.

24 (d) The obligee shall file the following information:

25 (1) The names of the obligee and the child or children  
26 covered by the order for support.

27 (2) The dates of birth of the obligee and the child or  
28 children covered by the order for support.

29 (3) The social security numbers of the obligee and the  
30 child or children covered by the order for support.

31 (4) The obligee's mailing address.

32 (e) In cases in which the obligee receives child support  
33 enforcement services from the ~~Illinois~~ Department of Child  
34 Support Services ~~Public Aid~~ under Article X of the Illinois  
35 Public Aid Code, the order for support shall (i) require that  
36 the obligee file the information required under subsection (d)

1 with the ~~Illinois~~ Department of Child Support Services ~~Public~~  
2 ~~Aid~~ for inclusion in the State Case Registry, rather than file  
3 the information with the clerk, and (ii) require that the  
4 obligee include the following additional information:

5 (1) The obligee's telephone and driver's license  
6 numbers.

7 (2) The obligee's residential address, if different  
8 from the obligee's mailing address.

9 (3) The name, address, and telephone number of the  
10 obligee's employer or employers.

11 The order for support shall also require that the obligee  
12 update the information filed with the ~~Illinois~~ Department of  
13 Child Support Services ~~Public Aid~~ within 5 business days of any  
14 change.

15 (f) The clerk shall provide the information filed under  
16 this Section, together with the court docket number and county  
17 in which the order for support was entered, to the State Case  
18 Registry within 5 business days after receipt of the  
19 information.

20 (g) In a case in which a party is receiving child support  
21 enforcement services under Article X of the Illinois Public Aid  
22 Code, the clerk shall provide the following additional  
23 information to the State Case Registry within 5 business days  
24 after entry or modification of an order for support or request  
25 from the ~~Illinois~~ Department of Child Support Services ~~Public~~  
26 ~~Aid~~:

27 (1) The amount of monthly or other periodic support  
28 owed under the order for support and other amounts,  
29 including arrearage, interest, or late payment penalties  
30 and fees, due or overdue under the order.

31 (2) Any such amounts that have been received by the  
32 clerk, and the distribution of those amounts by the clerk.

33 (h) Information filed by the obligor and obligee under this  
34 Section that is not specifically required to be included in the  
35 body of an order for support under other laws is not a public  
36 record and shall be treated as confidential and subject to

1 disclosure only in accordance with the provisions of this  
2 Section, Section 10-27 of the Illinois Public Aid Code, and  
3 Title IV, Part D of the Social Security Act.

4 (Source: P.A. 91-613, eff. 10-1-99; 92-463, eff. 8-22-01.)

5 (750 ILCS 16/35)

6 Sec. 35. Fine; release of defendant on probation; violation  
7 of order for support; forfeiture of recognizance.

8 (a) Whenever a fine is imposed it may be directed by the  
9 court to be paid, in whole or in part, to the spouse,  
10 ex-spouse, or if the support of a child or children is  
11 involved, to the custodial parent, to the clerk, probation  
12 officer, or to the ~~Illinois~~ Department of Child Support  
13 Services ~~Public Aid~~ if a recipient of child support enforcement  
14 services under Article X of the Illinois Public Aid Code is  
15 involved as the case requires, to be disbursed by such officers  
16 or agency under the terms of the order.

17 (b) The court may also relieve the defendant from custody  
18 on probation for the period fixed in the order or judgment upon  
19 his or her entering into a recognizance, with or without  
20 surety, in the sum as the court orders and approves. The  
21 condition of the recognizance shall be such that if the  
22 defendant makes his or her personal appearance in court  
23 whenever ordered to do so by the court, during such period as  
24 may be so fixed, and further complies with the terms of the  
25 order for support, or any subsequent modification of the order,  
26 then the recognizance shall be void; otherwise it will remain  
27 in full force and effect.

28 (c) If the court is satisfied by testimony in open court,  
29 that at any time during the period of one year the defendant  
30 has violated the terms of the order for support, it may proceed  
31 with the trial of the defendant under the original charge, or  
32 sentence him or her under the original conviction, or enforce  
33 the suspended sentence, as the case may be. In case of  
34 forfeiture of recognizance, and enforcement of recognizance by  
35 execution, the sum so recovered may, in the discretion of the

1 court, be paid, in whole or in part, to the spouse, ex-spouse,  
2 or if the support of a child or children is involved, to the  
3 custodial parent, to the clerk, or to the ~~Illinois~~ Department  
4 of Child Support Services ~~Public Aid~~ if a recipient of child  
5 support enforcement services under Article X of the Illinois  
6 Public Aid Code is involved as the case requires, to be  
7 disbursed by the clerk or the Department under the terms of the  
8 order.

9 (Source: P.A. 91-613, eff. 10-1-99; 92-590, eff. 7-1-02.)

10 (750 ILCS 16/60)

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

12 (a) Whenever it is determined in a proceeding to establish  
13 or enforce a child support or maintenance obligation that the  
14 person owing a duty of support is unemployed, the court may  
15 order the person to seek employment and report periodically to  
16 the court with a diary, listing or other memorandum of his or  
17 her efforts in accordance with such order. Additionally, the  
18 court may order the unemployed person to report to the  
19 Department of Employment Security for job search services or to  
20 make application with the local Job Training Partnership Act  
21 provider for participation in job search, training, or work  
22 programs and where the duty of support is owed to a child  
23 receiving child support enforcement services under Article X of  
24 the Illinois Public Aid Code the court may order the unemployed  
25 person to report to the ~~Illinois~~ Department of Child Support  
26 Services ~~Public Aid~~ for participation in job search, training,  
27 or work programs established under Section 9-6 and Article IXA  
28 of that Code.

29 (b) Whenever it is determined that a person owes past due  
30 support for a child or for a child and the parent with whom the  
31 child is living, and the child is receiving assistance under  
32 the Illinois Public Aid Code, the court shall order at the  
33 request of the ~~Illinois~~ Department of Child Support Services  
34 ~~Public Aid~~:

35 (1) that the person pay the past-due support in



1 accordance with a plan approved by the court; or

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

8 (Source: P.A. 91-613, eff. 10-1-99; 92-16, eff. 6-28-01;  
9 92-590, eff. 7-1-02.)

10 Section 1005. The Uniform Interstate Family Support Act is  
11 amended by changing Sections 103, 310, and 320 as follows:

12 (750 ILCS 22/103) (was 750 ILCS 22/102)

13 (Text of Section before amendment by P.A. 93-479)

14 Sec. 103. Remedies cumulative. Remedies provided by this  
15 Act are cumulative and do not affect the availability of  
16 remedies under other law.

17 (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96  
18 by P.A. 88-691.)

19 (Text of Section after amendment by P.A. 93-479; for  
20 operative date see Section 99 of P.A. 93-479)

21 Sec. 103. Tribunal of State. The circuit court is a  
22 tribunal of this State. The ~~Illinois~~ Department of Child  
23 Support Services ~~Public Aid~~ is an initiating tribunal. The  
24 ~~Illinois~~ Department of Child Support Services ~~Public Aid~~ is  
25 also a responding tribunal of this State to the extent that it  
26 can administratively establish paternity and establish,  
27 modify, and enforce an administrative child-support order  
28 under authority of Article X of the Illinois Public Aid Code.

29 (Source: P.A. 93-479, eff. 1-1-04; for operative date see  
30 Section 99 of P.A. 93-479.)

31 (750 ILCS 22/310)

32 (Text of Section before amendment by P.A. 93-479)

1 Sec. 310. Duties of the Illinois Department of Public Aid.

2 (a) The Illinois Department of Public Aid is the state  
3 information agency under this Act.

4 (b) The state information agency shall:

5 (1) compile and maintain a current list, including  
6 addresses, of the tribunals in this State which have  
7 jurisdiction under this Act and any support enforcement  
8 agencies in this State and transmit a copy to the state  
9 information agency of every other state;

10 (2) maintain a register of tribunals and support  
11 enforcement agencies received from other states;

12 (3) forward to the appropriate tribunal in the place in  
13 this State in which the individual obligee or the obligor  
14 resides, or in which the obligor's property is believed to  
15 be located, all documents concerning a proceeding under  
16 this Act received from an initiating tribunal or the state  
17 information agency of the initiating state; and

18 (4) obtain information concerning the location of the  
19 obligor and the obligor's property within this State not  
20 exempt from execution, by such means as postal verification  
21 and federal or state locator services, examination of  
22 telephone directories, requests for the obligor's address  
23 from employers, and examination of governmental records,  
24 including, to the extent not prohibited by other law, those  
25 relating to real property, vital statistics, law  
26 enforcement, taxation, motor vehicles, driver's licenses,  
27 and social security.

28 (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96  
29 by P.A. 88-691.)

30 (Text of Section after amendment by P.A. 93-479; for  
31 operative date see Section 99 of P.A. 93-479)

32 Sec. 310. Duties of the ~~Illinois~~ Department of Child  
33 Support Services ~~Public Aid~~.

34 (a) The ~~Illinois~~ Department of Child Support Services  
35 ~~Public Aid~~ is the state information agency under this Act.

1 (b) The state information agency shall:

2 (1) compile and maintain a current list, including  
3 addresses, of the tribunals in this State which have  
4 jurisdiction under this Act and any support enforcement  
5 agencies in this State and transmit a copy to the state  
6 information agency of every other state;

7 (2) maintain a register of names and addresses of  
8 tribunals and support enforcement agencies received from  
9 other states;

10 (3) forward to the appropriate tribunal in the county  
11 in this State in which the obligee who is an individual or  
12 the obligor resides, or in which the obligor's property is  
13 believed to be located, all documents concerning a  
14 proceeding under this Act received from an initiating  
15 tribunal or the state information agency of the initiating  
16 state; and

17 (4) obtain information concerning the location of the  
18 obligor and the obligor's property within this State not  
19 exempt from execution, by such means as postal verification  
20 and federal or state locator services, examination of  
21 telephone directories, requests for the obligor's address  
22 from employers, and examination of governmental records,  
23 including, to the extent not prohibited by other law, those  
24 relating to real property, vital statistics, law  
25 enforcement, taxation, motor vehicles, driver's licenses,  
26 and social security.

27 (c) The ~~Illinois~~ Department of Child Support Services  
28 ~~Public Aid~~ may determine that a foreign country or political  
29 subdivision has established a reciprocal arrangement for child  
30 support with Illinois and take appropriate action for  
31 notification of this determination.

32 (Source: P.A. 93-479, eff. 1-1-04; for operative date see  
33 Section 99 of P.A. 93-479.)

34 (750 ILCS 22/320)

35 Sec. 320. Payment of Support to State Disbursement Unit.

1 (a) As used in this Section:

2 "Order for support", "obligor", "obligee", and "payor"  
3 mean those terms as defined in the Income Withholding for  
4 Support Act, except that "order for support" means an order  
5 entered by any tribunal of this State but shall not mean orders  
6 providing for spousal maintenance under which there is no child  
7 support obligation.

8 (b) Notwithstanding any other provision of this Act to the  
9 contrary, each order for support entered or modified on or  
10 after October 1, 1999 shall require that support payments be  
11 made to the State Disbursement Unit established under Section  
12 10-26 of the Illinois Public Aid Code if:

13 (1) a party to the order is receiving child support  
14 enforcement services under Article X of the Illinois Public  
15 Aid Code; or

16 (2) no party to the order is receiving child support  
17 enforcement services, but the support payments are made  
18 through income withholding.

19 (c) Support payments shall be made to the State  
20 Disbursement Unit if:

21 (1) the order for support was entered before October 1,  
22 1999, and a party to the order is receiving child support  
23 enforcement services under Article X of the Illinois Public  
24 Aid Code; or

25 (2) no party to the order is receiving child support  
26 enforcement services, and the support payments are being  
27 made through income withholding.

28 (c-5) If no party to the order is receiving child support  
29 enforcement services under Article X of the Illinois Public Aid  
30 Code, and the support payments are not made through income  
31 withholding, then support payments shall be made as directed by  
32 the order for support.

33 (c-10) At any time, and notwithstanding the existence of an  
34 order directing payments to be made elsewhere, the Department  
35 of Child Support Services ~~Public Aid~~ may provide notice to the  
36 obligor and, where applicable, to the obligor's payor:

1 (1) to make support payments to the State Disbursement  
2 Unit if:

3 (A) a party to the order for support is receiving  
4 child support enforcement services under Article X of  
5 the Illinois Public Aid Code; or

6 (B) no party to the order for support is receiving  
7 child support enforcement services under Article X of  
8 the Illinois Public Aid Code, but the support payments  
9 are made through income withholding; or

10 (2) to make support payments to the State Disbursement  
11 Unit of another state upon request of another state's Title  
12 IV-D child support enforcement agency, in accordance with  
13 the requirements of Title IV, Part D of the Social Security  
14 Act and regulations promulgated under that Part D.

15 The Department of Child Support Services ~~Public Aid~~ shall  
16 provide a copy of the notice to the obligee and to the clerk of  
17 the circuit court.

18 (c-15) Within 15 days after the effective date of this  
19 amendatory Act of the 91st General Assembly, the clerk of the  
20 circuit court shall provide written notice to the obligor to  
21 make payments directly to the clerk of the circuit court if no  
22 party to the order is receiving child support enforcement  
23 services under Article X of the Illinois Public Aid Code, the  
24 support payments are not made through income withholding, and  
25 the order for support requires support payments to be made  
26 directly to the clerk of the circuit court. The clerk shall  
27 provide a copy of the notice to the obligee.

28 (c-20) If the State Disbursement Unit receives a support  
29 payment that was not appropriately made to the Unit under this  
30 Section, the Unit shall immediately return the payment to the  
31 sender, including, if possible, instructions detailing where  
32 to send the support payments.

33 (d) The notices under subsections (c-10) and (c-15) may be  
34 sent by ordinary mail, certified mail, return receipt  
35 requested, facsimile transmission, or other electronic  
36 process, or may be served upon the obligor or payor using any

1 method provided by law for service of a summons.

2 (Source: P.A. 91-677, eff. 1-5-00; 92-590, eff. 7-1-02.)

3 Section 1010. The Unified Child Support Services Act is  
4 amended by changing Section 5 as follows:

5 (750 ILCS 24/5)

6 Sec. 5. Definitions. In this Act:

7 "Child support services" mean any services provided with  
8 respect to parentage establishment, support establishment,  
9 medical support establishment, support modification, or  
10 support enforcement.

11 "Child support specialist" means a paralegal, attorney, or  
12 other staff member with specialized training in child support  
13 services.

14 "Current child support case" means a case that is pending  
15 in the IV-D Child Support Program for which any action is being  
16 taken by a Unified Child Support Services Program.

17 "Department" means the ~~Illinois~~ Department of Child  
18 Support Services ~~Public Aid~~.

19 "IV-D Child Support Program" means the child support  
20 enforcement program established pursuant to Title IV, Part D of  
21 the federal Social Security Act and Article X of the Illinois  
22 Public Aid Code.

23 "KIDS" means the Key Information Delivery System that  
24 includes a statewide database of all cases in the IV-D Child  
25 Support Program.

26 "Medicaid" means the medical assistance program under  
27 Article V of the Illinois Public Aid Code.

28 "Obligor" and "obligee" mean those terms as defined in the  
29 Income Withholding for Support Act.

30 "Plan" means a plan for a Unified Child Support Services  
31 Program.

32 "Program" means the Unified Child Support Services Program  
33 in a county or group of counties.

34 "State Disbursement Unit" means the State Disbursement

1 Unit established under Section 10-26 of the Illinois Public Aid  
2 Code.

3 "State's Attorney" means the duly elected State's Attorney  
4 of an Illinois county or 2 or more State's Attorneys who have  
5 formed a consortium for purposes of managing a Unified Child  
6 Support Services Program within a specific region of the State.

7 "Temporary Assistance for Needy Families" means the  
8 Temporary Assistance for Needy Families (TANF) program under  
9 Article IV of the Illinois Public Aid Code.

10 (Source: P.A. 92-876, eff. 6-1-03.)

11 Section 1015. The Expedited Child Support Act of 1990 is  
12 amended by changing Sections 3 and 6 as follows:

13 (750 ILCS 25/3) (from Ch. 40, par. 2703)

14 Sec. 3. Definitions. For the purposes of this Act, the  
15 following terms shall have the following meaning:

16 (a) "Administrative Hearing Officer" shall mean the person  
17 employed by the Chief Judge of the Circuit Court of each county  
18 establishing an Expedited Child Support System for the purpose  
19 of hearing child support and parentage matters and making  
20 recommendations.

21 (b) "Administrative expenses" shall mean, but not be  
22 limited to, the costs of personnel, travel, equipment,  
23 telecommunications, postage, space, contractual services, and  
24 other related costs necessary to implement the provisions of  
25 this Act.

26 (c) "Arrearage" shall mean the total amount of unpaid child  
27 support obligations.

28 (d) "Department" shall mean the ~~Illinois~~ Department of  
29 Child Support Services ~~Public Aid~~.

30 (e) "Expedited child support hearing" shall mean a hearing  
31 before an Administrative Hearing Officer pursuant to this Act.

32 (f) "Federal time frames" shall mean the time frames  
33 established for the IV-D program in regulations promulgated by  
34 the United States Department of Health and Human Services,

1 Office of Child Support Enforcement, (codified at 45 C.F.R.  
2 303), for the disposition of parentage and child support cases  
3 and shall, for purposes of this Act, apply to all parentage and  
4 child support matters, whether IV-D or non-IV-D.

5 (g) "System" shall mean the procedures and personnel  
6 created by this Act for the expedited establishment,  
7 modification, and enforcement of child support orders, and for  
8 the expedited establishment of parentage.

9 (h) "IV-D program" shall mean the Child Support Enforcement  
10 Program established pursuant to Title IV, Part D of the Social  
11 Security Act, (42 U.S.C. 651 et seq.) as administered by the  
12 Illinois Department of Public Aid.

13 (i) "Medical support" shall mean support provided pursuant  
14 to Section 505.2 of the Illinois Marriage and Dissolution of  
15 Marriage Act.

16 (j) "Obligee" shall mean the individual to whom a duty of  
17 support is owed or that individual's legal representative.

18 (k) "Obligor" shall mean the individual who owes a duty to  
19 make payments under an order of support.

20 (l) "Plan" shall mean the plan submitted by the Chief Judge  
21 of a Judicial Circuit to the Supreme Court for the creation of  
22 an Expedited Child Support System in such circuit pursuant to  
23 this Act.

24 (m) "Pre-hearing motions" shall mean all motions, the  
25 disposition of which requires a court order, except motions for  
26 the ultimate relief requested in the petition to commence the  
27 action.

28 (n) "Recommendations" shall mean the Administrative  
29 Hearing Officer's proposed findings of fact, recommended  
30 orders and any other recommendations made by the Administrative  
31 Hearing Officer.

32 (Source: P.A. 86-1401.)

33 (750 ILCS 25/6) (from Ch. 40, par. 2706)

34 Sec. 6. Authority of hearing officers.

35 (a) With the exception of judicial functions exclusively



1 retained by the court in Section 8 of this Act and in  
2 accordance with Supreme Court rules promulgated pursuant to  
3 this Act, Administrative Hearing Officers shall be authorized  
4 to:

5 (1) Accept voluntary agreements reached by the parties  
6 setting the amount of child support to be paid and medical  
7 support liability and recommend the entry of orders  
8 incorporating such agreements.

9 (2) Accept voluntary acknowledgments of parentage and  
10 recommend entry of an order establishing parentage based on  
11 such acknowledgement. Prior to accepting such  
12 acknowledgment, the Administrative Hearing Officer shall  
13 advise the putative father of his rights and obligations in  
14 accordance with Supreme Court rules promulgated pursuant  
15 to this Act.

16 (3) Manage all stages of discovery, including setting  
17 deadlines by which discovery must be completed; and  
18 directing the parties to submit to appropriate tests  
19 pursuant to Section 11 of the Illinois Parentage Act of  
20 1984.

21 (4) Cause notices to be issued requiring the Obligor to  
22 appear either before the Administrative Hearing Officer or  
23 in court.

24 (5) Administer the oath or affirmation and take  
25 testimony under oath or affirmation.

26 (6) Analyze the evidence and prepare written  
27 recommendations based on such evidence, including but not  
28 limited to: (i) proposed findings as to the amount of the  
29 Obligor's income; (ii) proposed findings as to the amount  
30 and nature of appropriate deductions from the Obligor's  
31 income to determine the Obligor's net income; (iii)  
32 proposed findings as to the existence of relevant factors  
33 as set forth in subsection (a)(2) of Section 505 of the  
34 Illinois Marriage and Dissolution of Marriage Act, which  
35 justify setting child support payment levels above or below  
36 the guidelines; (iv) recommended orders for temporary

1 child support; (v) recommended orders setting the amount of  
2 current child support to be paid; (vi) proposed findings as  
3 to the existence and amount of any arrearages; (vii)  
4 recommended orders reducing any arrearages to judgement  
5 and for the payment of amounts towards such arrearages;  
6 (viii) proposed findings as to whether there has been a  
7 substantial change of circumstances since the entry of the  
8 last child support order, or other circumstances  
9 justifying a modification of the child support order; and  
10 (ix) proposed findings as to whether the Obligor is  
11 employed.

12 (7) With respect to any unemployed Obligor who is not  
13 making child support payments or is otherwise unable to  
14 provide support, recommend that the Obligor be ordered to  
15 seek employment and report periodically of his or her  
16 efforts in accordance with such order. Additionally, the  
17 Administrative Hearing Officer may recommend that the  
18 Obligor be ordered to report to the Department of  
19 Employment Security for job search services or to make  
20 application with the local Job Training Partnership Act  
21 provider for participation in job search, training or work  
22 programs and, where the duty of support is owed to a child  
23 receiving child support enforcement services under Article  
24 X of the Illinois Public Aid Code, the Administrative  
25 Hearing Officer may recommend that the Obligor be ordered  
26 to report to the ~~Illinois~~ Department of Child Support  
27 Services ~~Public Aid~~ for participation in the job search,  
28 training or work programs established under Section 9-6 of  
29 the Public Aid Code.

30 (8) Recommend the registration of any foreign support  
31 judgments or orders as the judgments or orders of Illinois.

32 (b) In any case in which the Obligee is not participating  
33 in the IV-D program or has not applied to participate in the  
34 IV-D program, the Administrative Hearing Officer shall:

35 (1) inform the Obligee of the existence of the IV-D  
36 program and provide applications on request; and

1 (2) inform the Obligee and the Obligor of the option of  
2 requesting payment to be made through the Clerk of the  
3 Circuit Court.

4 If a request for payment through the Clerk is made, the  
5 Administrative Hearing Officer shall note this fact in the  
6 recommendations to the court.

7 (c) The Administrative Hearing Officer may make  
8 recommendations in addition to the proposed findings of fact  
9 and recommended order to which the parties have agreed.  
10 (Source: P.A. 92-16, eff. 6-28-01; 92-590, eff. 7-1-02.)

11 Section 1020. The Income Withholding for Support Act is  
12 amended by changing Sections 15, 22, and 45 as follows:

13 (750 ILCS 28/15)

14 Sec. 15. Definitions.

15 (a) "Order for support" means any order of the court which  
16 provides for periodic payment of funds for the support of a  
17 child or maintenance of a spouse, whether temporary or final,  
18 and includes any such order which provides for:

19 (1) modification or resumption of, or payment of  
20 arrearage accrued under, a previously existing order;

21 (2) reimbursement of support;

22 (3) payment or reimbursement of the expenses of  
23 pregnancy and delivery (for orders for support entered  
24 under the Illinois Parentage Act of 1984 or its predecessor  
25 the Paternity Act); or

26 (4) enrollment in a health insurance plan that is  
27 available to the obligor through an employer or labor union  
28 or trade union.

29 (b) "Arrearage" means the total amount of unpaid support  
30 obligations as determined by the court and incorporated into an  
31 order for support.

32 (b-5) "Business day" means a day on which State offices are  
33 open for regular business.

34 (c) "Delinquency" means any payment under an order for

1 support which becomes due and remains unpaid after entry of the  
2 order for support.

3 (d) "Income" means any form of periodic payment to an  
4 individual, regardless of source, including, but not limited  
5 to: wages, salary, commission, compensation as an independent  
6 contractor, workers' compensation, disability, annuity,  
7 pension, and retirement benefits, lottery prize awards,  
8 insurance proceeds, vacation pay, bonuses, profit-sharing  
9 payments, interest, and any other payments, made by any person,  
10 private entity, federal or state government, any unit of local  
11 government, school district or any entity created by Public  
12 Act; however, "income" excludes:

13 (1) any amounts required by law to be withheld, other  
14 than creditor claims, including, but not limited to,  
15 federal, State and local taxes, Social Security and other  
16 retirement and disability contributions;

17 (2) union dues;

18 (3) any amounts exempted by the federal Consumer Credit  
19 Protection Act;

20 (4) public assistance payments; and

21 (5) unemployment insurance benefits except as provided  
22 by law.

23 Any other State or local laws which limit or exempt income  
24 or the amount or percentage of income that can be withheld  
25 shall not apply.

26 (e) "Obligor" means the individual who owes a duty to make  
27 payments under an order for support.

28 (f) "Obligee" means the individual to whom a duty of  
29 support is owed or the individual's legal representative.

30 (g) "Payor" means any payor of income to an obligor.

31 (h) "Public office" means any elected official or any State  
32 or local agency which is or may become responsible by law for  
33 enforcement of, or which is or may become authorized to  
34 enforce, an order for support, including, but not limited to:  
35 the Attorney General, the ~~Illinois~~ Department of Child Support  
36 Services ~~Public Aid~~, the Illinois Department of Human Services,

1 the Illinois Department of Children and Family Services, and  
2 the various State's Attorneys, Clerks of the Circuit Court and  
3 supervisors of general assistance.

4 (i) "Premium" means the dollar amount for which the obligor  
5 is liable to his employer or labor union or trade union and  
6 which must be paid to enroll or maintain a child in a health  
7 insurance plan that is available to the obligor through an  
8 employer or labor union or trade union.

9 (j) "State Disbursement Unit" means the unit established to  
10 collect and disburse support payments in accordance with the  
11 provisions of Section 10-26 of the Illinois Public Aid Code.

12 (k) "Title IV-D Agency" means the agency of this State  
13 charged by law with the duty to administer the child support  
14 enforcement program established under Title IV, Part D of the  
15 Social Security Act and Article X of the Illinois Public Aid  
16 Code.

17 (l) "Title IV-D case" means a case in which an obligee or  
18 obligor is receiving child support enforcement services under  
19 Title IV, Part D of the Social Security Act and Article X of  
20 the Illinois Public Aid Code.

21 (m) "National Medical Support Notice" means the notice  
22 required for enforcement of orders for support providing for  
23 health insurance coverage of a child under Title IV, Part D of  
24 the Social Security Act, the Employee Retirement Income  
25 Security Act of 1974, and federal regulations promulgated under  
26 those Acts.

27 (n) "Employer" means a payor or labor union or trade union  
28 with an employee group health insurance plan and, for purposes  
29 of the National Medical Support Notice, also includes but is  
30 not limited to:

31 (1) any State or local governmental agency with a group  
32 health plan; and

33 (2) any payor with a group health plan or "church plan"  
34 covered under the Employee Retirement Income Security Act  
35 of 1974.

36 (Source: P.A. 91-357, eff. 7-29-99; 92-590, eff. 7-1-02.)

1 (750 ILCS 28/22)

2 Sec. 22. Use of National Medical Support Notice to enforce  
3 health insurance coverage.

4 (a) Notwithstanding the provisions of subdivision (c)(4)  
5 of Section 20, when an order for support is being enforced by  
6 the Title IV-D Agency under this Act, any requirement for  
7 health insurance coverage to be provided through an employer,  
8 including withholding of premiums from the income of the  
9 obligor, shall be enforced through use of a National Medical  
10 Support Notice instead of through provisions in an income  
11 withholding notice.

12 (b) A National Medical Support Notice may be served on the  
13 employer in the manner and under the circumstances provided for  
14 serving an income withholding notice under this Act, except  
15 that an order for support that conditions service of an income  
16 withholding notice on the obligor becoming delinquent in paying  
17 the order for support, as provided under subdivision (a)(1) of  
18 Section 20, shall not prevent immediate service of a National  
19 Medical Support Notice by the Title IV-D Agency. The Title IV-D  
20 Agency may serve a National Medical Support Notice on an  
21 employer in conjunction with service of an income withholding  
22 notice. Service of an income withholding notice is not a  
23 condition for service of a National Medical Support Notice,  
24 however.

25 (c) At the time of service of a National Medical Support  
26 Notice on the employer, the Title IV-D Agency shall serve a  
27 copy of the Notice on the obligor by ordinary mail addressed to  
28 the obligor's last known address. The Title IV-D Agency shall  
29 file a copy of the National Medical Support Notice, together  
30 with proofs of service on the employer and the obligor, with  
31 the clerk of the circuit court.

32 (d) Within 20 business days after the date of a National  
33 Medical Support Notice, an employer served with the Notice  
34 shall transfer the severable notice to plan administrator to  
35 the appropriate group health plan providing any health

1 insurance coverage for which the child is eligible. As required  
2 in the part of the National Medical Support Notice directed to  
3 the employer, the employer shall withhold any employee premium  
4 necessary for coverage of the child and shall send any amount  
5 withheld directly to the plan. The employer shall commence the  
6 withholding no later than the next payment of income that  
7 occurs 14 days following the date the National Medical Support  
8 Notice was mailed, sent by facsimile or other electronic means,  
9 or placed for personal delivery to or service on the employer.

10 Notwithstanding the requirement to withhold premiums from  
11 the obligor's income, if the plan administrator informs the  
12 employer that the child is enrolled in an option under the plan  
13 for which the employer has determined that the obligor's  
14 premium exceeds the amount that may be withheld from the  
15 obligor's income due to the withholding limitation or  
16 prioritization contained in Section 35 of this Act, the  
17 employer shall complete the appropriate item in the part of the  
18 National Medical Support Notice directed to the employer  
19 according to the instructions in the Notice and shall return  
20 that part to the Title IV-D Agency.

21 (e) If one of the following circumstances exists, an  
22 employer served with a National Medical Support Notice shall  
23 complete the part of the Notice directed to the employer in  
24 accordance with the instructions in the Notice and shall return  
25 that part to the Title IV-D Agency within 20 business days  
26 after the date of the Notice:

27 (1) The employer does not maintain or contribute to  
28 plans providing dependent or family health insurance  
29 coverage.

30 (2) The obligor is among a class of employees that is  
31 not eligible for family health insurance coverage under any  
32 group health plan maintained by the employer or to which  
33 the employer contributes.

34 (3) Health insurance coverage is not available because  
35 the obligor is no longer employed by the employer.

36 (f) The administrator of a health insurance plan to whom an

1 employer has transferred the severable notice to plan  
2 administrator part of a National Medical Support Notice shall  
3 complete that part with the health insurance coverage  
4 information required under the instructions in the Notice and  
5 shall return that part to the Title IV-D Agency within 40  
6 business days after the date of the Notice.

7 (g) The obligor may contest withholding under this Section  
8 based only on a mistake of fact and may contest withholding by  
9 filing a petition with the clerk of the circuit court within 20  
10 days after service of a copy of the National Medical Support  
11 Notice on the obligor. The obligor must serve a copy of the  
12 petition on the Title IV-D Agency at the address stated in the  
13 National Medical Support Notice. The National Medical Support  
14 Notice, including the requirement to withhold any required  
15 premium, shall continue to be binding on the employer until the  
16 employer is served with a court order resolving the contest or  
17 until notified by the Title IV-D Agency.

18 (h) Whenever the obligor is no longer receiving income from  
19 the employer, the employer shall return a copy of the National  
20 Medical Support Notice to the Title IV-D Agency and shall  
21 provide information for the purpose of enforcing health  
22 insurance coverage under this Section.

23 (i) The Title IV-D Agency shall promptly notify the  
24 employer when there is no longer a current order for health  
25 insurance coverage in effect which the Title IV-D Agency is  
26 responsible for enforcing.

27 (j) Unless stated otherwise in this Section, all of the  
28 provisions of this Act relating to income withholding for  
29 support shall pertain to income withholding for health  
30 insurance coverage under a National Medical Support Notice,  
31 including but not limited to the duties of the employer and  
32 obligor, and the penalties contained in Section 35 and Section  
33 50. In addition, an employer who willfully fails to transfer  
34 the severable notice to plan administrator part of a National  
35 Medical Support Notice to the appropriate group health plan  
36 providing health insurance coverage for which the child is



1 eligible, within 20 business days after the date of the Notice,  
2 is liable for the full amount of medical expenses incurred by  
3 or on behalf of the child which would have been paid or  
4 reimbursed by the health insurance coverage had the severable  
5 notice to plan administrator part of the Notice been timely  
6 transferred to the group health insurance plan. This penalty  
7 may be collected in a civil action that may be brought against  
8 the employer in favor of the obligee or the Title IV-D Agency.

9 (k) To the extent that any other State or local law may be  
10 construed to limit or prevent compliance by an employer or  
11 health insurance plan administrator with the requirements of  
12 this Section and federal law and regulations pertaining to the  
13 National Medical Support Notice, that State or local law shall  
14 not apply.

15 (l) As the Title IV-D Agency, the Department of Child  
16 Support Services ~~Public Aid~~ shall adopt any rules necessary for  
17 use of and compliance with the National Medical Support Notice.

18 (Source: P.A. 92-590, eff. 7-1-02.)

19 (750 ILCS 28/45)

20 Sec. 45. Additional duties.

21 (a) An obligee who is receiving income withholding payments  
22 under this Act shall notify the State Disbursement Unit and the  
23 Clerk of the Circuit Court of any change of address within 7  
24 days of such change.

25 (b) An obligee who is a recipient of public aid shall send  
26 a copy of any income withholding notice served by the obligee  
27 to the ~~Division of Child Support Enforcement of the Illinois~~  
28 Department of Child Support Services ~~Public Aid~~.

29 (c) Each obligor shall notify the obligee, the public  
30 office, and the Clerk of the Circuit Court of any change of  
31 address within 7 days.

32 (d) An obligor whose income is being withheld pursuant to  
33 this Act shall notify the obligee, the public office, and the  
34 Clerk of the Circuit Court of any new payor, within 7 days.

35 (e) (Blank.)

1 (f) The obligee or public office shall provide notice to  
2 the payor and Clerk of the Circuit Court of any other support  
3 payment made, including but not limited to, a set-off under  
4 federal and State law or partial payment of the delinquency or  
5 arrearage, or both.

6 (g) The State Disbursement Unit shall maintain complete,  
7 accurate, and clear records of all income withholding payments  
8 and their disbursements. Certified copies of payment records  
9 maintained by the State Disbursement Unit, a public office, or  
10 the Clerk of the Circuit Court shall, without further proof, be  
11 admitted into evidence in any legal proceedings under this Act.

12 (h) The ~~Illinois~~ Department of Child Support Services  
13 ~~Public Aid~~ shall design suggested legal forms for proceeding  
14 under this Act and shall make available to the courts such  
15 forms and informational materials which describe the  
16 procedures and remedies set forth herein for distribution to  
17 all parties in support actions.

18 (i) At the time of transmitting each support payment, the  
19 State Disbursement Unit shall provide the obligee or public  
20 office, as appropriate, with any information furnished by the  
21 payor as to the date the amount would (but for the duty to  
22 withhold income) have been paid or credited to the obligor.

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

25 Section 1025. The Illinois Parentage Act of 1984 is amended  
26 by changing Sections 4.1, 5, 7, 8, 13.1, 14, 14.1, 15.1, 18,  
27 21, 21.1, 22, and 23 as follows:

28 (750 ILCS 45/4.1)

29 Sec. 4.1. Administrative paternity determinations.  
30 Notwithstanding any other provision of this Act, the ~~Illinois~~  
31 Department of Child Support Services ~~Public Aid~~ may make  
32 administrative determinations of paternity and nonpaternity in  
33 accordance with Section 10-17.7 of the Illinois Public Aid  
34 Code. These determinations of paternity or nonpaternity shall

1 have the full force and effect of judgments entered under this  
2 Act.

3 (Source: P.A. 88-687, eff. 1-24-95.)

4 (750 ILCS 45/5) (from Ch. 40, par. 2505)

5 Sec. 5. Presumption of Paternity.

6 (a) A man is presumed to be the natural father of a child  
7 if:

8 (1) he and the child's natural mother are or have been  
9 married to each other, even though the marriage is or could  
10 be declared invalid, and the child is born or conceived  
11 during such marriage;

12 (2) after the child's birth, he and the child's natural  
13 mother have married each other, even though the marriage is  
14 or could be declared invalid, and he is named, with his  
15 written consent, as the child's father on the child's birth  
16 certificate;

17 (3) he and the child's natural mother have signed an  
18 acknowledgment of paternity in accordance with rules  
19 adopted by the ~~Illinois~~ Department of Child Support  
20 Services ~~Public Aid~~ under Section 10-17.7 of the Illinois  
21 Public Aid Code; or

22 (4) he and the child's natural mother have signed an  
23 acknowledgment of parentage or, if the natural father is  
24 someone other than one presumed to be the father under this  
25 Section, an acknowledgment of parentage and denial of  
26 paternity in accordance with Section 12 of the Vital  
27 Records Act.

28 (b) A presumption under subdivision (a)(1) or (a)(2) of  
29 this Section may be rebutted only by clear and convincing  
30 evidence. A presumption under subdivision (a)(3) or (a)(4) is  
31 conclusive, unless the acknowledgment of parentage is  
32 rescinded under the process provided in Section 12 of the Vital  
33 Records Act, upon the earlier of:

34 (1) 60 days after the date the acknowledgment of  
35 parentage is signed, or

1           (2) the date of an administrative or judicial  
2           proceeding relating to the child (including a proceeding to  
3           establish a support order) in which the signatory is a  
4           party;

5           except that if a minor has signed the acknowledgment of  
6           paternity or acknowledgment of parentage and denial of  
7           paternity, the presumption becomes conclusive 6 months after  
8           the minor reaches majority or is otherwise emancipated.

9           (Source: P.A. 89-641, eff. 8-9-96; 90-18, eff. 7-1-97.)

10           (750 ILCS 45/7) (from Ch. 40, par. 2507)

11           Sec. 7. Determination of Father and Child Relationship; Who  
12           May Bring Action; Parties.

13           (a) An action to determine the existence of the father and  
14           child relationship, whether or not such a relationship is  
15           already presumed under Section 5 of this Act, may be brought by  
16           the child; the mother; a pregnant woman; any person or public  
17           agency who has custody of, or is providing or has provided  
18           financial support to, the child; the Department of Child  
19           Support Services, if the Illinois Department of Public Aid ~~if~~  
20           ~~it~~ is providing or has provided financial support to the child  
21           or if the Department of Child Support Services ~~it~~ is assisting  
22           with child support collection services; or a man presumed or  
23           alleging himself to be the father of the child or expected  
24           child. The complaint shall be verified and shall name the  
25           person or persons alleged to be the father of the child.

26           (b) An action to declare the non-existence of the parent  
27           and child relationship may be brought by the child, the natural  
28           mother, or a man presumed to be the father under subdivision  
29           (a) (1) or (a) (2) of Section 5 of this Act. Actions brought by  
30           the child, the natural mother or a presumed father shall be  
31           brought by verified complaint.

32           After the presumption that a man presumed to be the father  
33           under subdivision (a) (1) or (a) (2) of Section 5 has been  
34           rebutted, paternity of the child by another man may be  
35           determined in the same action, if he has been made a party.

1 (b-5) An action to declare the non-existence of the parent  
2 and child relationship may be brought subsequent to an  
3 adjudication of paternity in any judgment by the man  
4 adjudicated to be the father pursuant to the presumptions in  
5 Section 5 of this Act if, as a result of deoxyribonucleic acid  
6 (DNA) tests, it is discovered that the man adjudicated to be  
7 the father is not the natural father of the child. Actions  
8 brought by the adjudicated father shall be brought by verified  
9 complaint. If, as a result of the deoxyribonucleic acid (DNA)  
10 tests, the plaintiff is determined not to be the father of the  
11 child, the adjudication of paternity and any orders regarding  
12 custody, visitation, and future payments of support may be  
13 vacated.

14 (c) If any party is a minor, he or she may be represented  
15 by his or her general guardian or a guardian ad litem appointed  
16 by the court, which may include an appropriate agency. The  
17 court may align the parties.

18 (d) Regardless of its terms, an agreement, other than a  
19 settlement approved by the court, between an alleged or  
20 presumed father and the mother or child, does not bar an action  
21 under this Section.

22 (e) If an action under this Section is brought before the  
23 birth of the child, all proceedings shall be stayed until after  
24 the birth, except for service or process, the taking of  
25 depositions to perpetuate testimony, and the ordering of blood  
26 tests under appropriate circumstances.

27 (Source: P.A. 89-674, eff. 8-14-96; 90-18, eff. 7-1-97; 90-715,  
28 eff. 8-7-98.)

29 (750 ILCS 45/8) (from Ch. 40, par. 2508)

30 Sec. 8. Statute of limitations.

31 (a) (1) An action brought by or on behalf of a child, an  
32 action brought by a party alleging that he or she is the  
33 child's natural parent, or an action brought by the  
34 Department of Child Support Services or its predecessor,  
35 the Illinois Department of Public Aid, if the Illinois

1 Department of Public Aid ~~it~~ is providing or has provided  
2 financial support to the child or if the Department of  
3 Child Support Services or its predecessor, the Illinois  
4 Department of Public Aid, ~~it~~ is assisting or has assisted  
5 with child support collection services, shall be barred if  
6 brought later than 2 years after the child reaches the age  
7 of majority; however, if the action on behalf of the child  
8 is brought by a public agency, other than the Department of  
9 Child Support Services or its predecessor, the Department  
10 of Public Aid, if the Illinois Department of Public Aid ~~if~~  
11 ~~it~~ is providing or has provided financial support to the  
12 child or if the Department of Child Support Services or its  
13 predecessor, the Illinois Department of Public Aid, ~~it~~ is  
14 assisting or has assisted with child support collection  
15 services, it shall be barred 2 years after the agency has  
16 ceased to provide assistance to the child.

17 (2) Failure to bring an action within 2 years shall not  
18 bar any party from asserting a defense in any action to  
19 declare the non-existence of the parent and child  
20 relationship.

21 (3) An action to declare the non-existence of the  
22 parent and child relationship brought under subsection (b)  
23 of Section 7 of this Act shall be barred if brought later  
24 than 2 years after the petitioner obtains knowledge of  
25 relevant facts. The 2-year period for bringing an action to  
26 declare the nonexistence of the parent and child  
27 relationship shall not extend beyond the date on which the  
28 child reaches the age of 18 years. Failure to bring an  
29 action within 2 years shall not bar any party from  
30 asserting a defense in any action to declare the existence  
31 of the parent and child relationship.

32 (4) An action to declare the non-existence of the  
33 parent and child relationship brought under subsection  
34 (b-5) of Section 7 of this Act shall be barred if brought  
35 more than 6 months after the effective date of this  
36 amendatory Act of 1998 or more than 2 years after the

1 petitioner obtains actual knowledge of relevant facts,  
2 whichever is later. The 2-year period shall not apply to  
3 periods of time where the natural mother or the child  
4 refuses to submit to deoxyribonucleic acid (DNA) tests. The  
5 2-year period for bringing an action to declare the  
6 nonexistence of the parent and child relationship shall not  
7 extend beyond the date on which the child reaches the age  
8 of 18 years. Failure to bring an action within 2 years  
9 shall not bar any party from asserting a defense in any  
10 action to declare the existence of the parent and child  
11 relationship.

12 (b) The time during which any party is not subject to  
13 service of process or is otherwise not subject to the  
14 jurisdiction of the courts of this State shall toll the  
15 aforementioned periods.

16 (c) This Act does not affect the time within which any  
17 rights under the Probate Act of 1975 may be asserted beyond the  
18 time provided by law relating to distribution and closing of  
19 decedent's estates or to the determination of heirship, or  
20 otherwise.

21 (Source: P.A. 89-674, eff. 8-14-96; 90-18, eff. 7-1-97; 90-715,  
22 eff. 8-7-98.)

23 (750 ILCS 45/13.1)

24 Sec. 13.1. Temporary order for child support.  
25 Notwithstanding any other law to the contrary, pending the  
26 outcome of a judicial determination of parentage, the court  
27 shall issue a temporary order for child support, upon motion by  
28 a party and a showing of clear and convincing evidence of  
29 paternity. In determining the amount of the temporary child  
30 support award, the court shall use the guidelines and standards  
31 set forth in subsection (a) of Section 505 and in Section 505.2  
32 of the Illinois Marriage and Dissolution of Marriage Act.

33 Any new or existing support order entered by the court  
34 under this Section shall be deemed to be a series of judgments  
35 against the person obligated to pay support thereunder, each

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

13 All orders for support, when entered or modified, shall  
14 include a provision requiring the non-custodial parent to  
15 notify the court, and in cases in which a party is receiving  
16 child support enforcement services under Article X of the  
17 Illinois Public Aid Code, the ~~Illinois~~ Department of Child  
18 Support Services ~~Public Aid~~, within 7 days, (i) of the name,  
19 address, and telephone number of any new employer of the  
20 non-custodial parent, (ii) whether the non-custodial parent  
21 has access to health insurance coverage through the employer or  
22 other group coverage, and, if so, the policy name and number  
23 and the names of persons covered under the policy, and (iii) of  
24 any new residential or mailing address or telephone number of  
25 the non-custodial parent.

26 In any subsequent action to enforce a support order, upon  
27 sufficient showing that diligent effort has been made to  
28 ascertain the location of the non-custodial parent, service of  
29 process or provision of notice necessary in that action may be  
30 made at the last known address of the non-custodial parent, in  
31 any manner expressly provided by the Code of Civil Procedure or  
32 in this Act, which service shall be sufficient for purposes of  
33 due process.

34 An order for support shall include a date on which the  
35 current support obligation terminates. The termination date  
36 shall be no earlier than the date on which the child covered by



1 the order will attain the age of majority or is otherwise  
2 emancipated. The order for support shall state that the  
3 termination date does not apply to any arrearage that may  
4 remain unpaid on that date. Nothing in this paragraph shall be  
5 construed to prevent the court from modifying the order.

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

36 (Source: P.A. 92-590, eff. 7-1-02; 93-1061, eff. 1-1-05.)

1 (750 ILCS 45/14) (from Ch. 40, par. 2514)

2 Sec. 14. Judgment.

3 (a) (1) The judgment shall contain or explicitly reserve  
4 provisions concerning any duty and amount of child support and  
5 may contain provisions concerning the custody and guardianship  
6 of the child, visitation privileges with the child, the  
7 furnishing of bond or other security for the payment of the  
8 judgment, which the court shall determine in accordance with  
9 the relevant factors set forth in the Illinois Marriage and  
10 Dissolution of Marriage Act and any other applicable law of  
11 Illinois, to guide the court in a finding in the best interests  
12 of the child. In determining custody, joint custody, removal,  
13 or visitation, the court shall apply the relevant standards of  
14 the Illinois Marriage and Dissolution of Marriage Act,  
15 including Section 609. Specifically, in determining the amount  
16 of any child support award, the court shall use the guidelines  
17 and standards set forth in subsection (a) of Section 505 and in  
18 Section 505.2 of the Illinois Marriage and Dissolution of  
19 Marriage Act. For purposes of Section 505 of the Illinois  
20 Marriage and Dissolution of Marriage Act, "net income" of the  
21 non-custodial parent shall include any benefits available to  
22 that person under the Illinois Public Aid Code or from other  
23 federal, State or local government-funded programs. The court  
24 shall, in any event and regardless of the amount of the  
25 non-custodial parent's net income, in its judgment order the  
26 non-custodial parent to pay child support to the custodial  
27 parent in a minimum amount of not less than \$10 per month. In  
28 an action brought within 2 years after a child's birth, the  
29 judgment or order may direct either parent to pay the  
30 reasonable expenses incurred by either parent related to the  
31 mother's pregnancy and the delivery of the child. The judgment  
32 or order shall contain the father's social security number,  
33 which the father shall disclose to the court; however, failure  
34 to include the father's social security number on the judgment  
35 or order does not invalidate the judgment or order.

1 (2) If a judgment of parentage contains no explicit award  
2 of custody, the establishment of a support obligation or of  
3 visitation rights in one parent shall be considered a judgment  
4 granting custody to the other parent. If the parentage judgment  
5 contains no such provisions, custody shall be presumed to be  
6 with the mother; however, the presumption shall not apply if  
7 the father has had physical custody for at least 6 months prior  
8 to the date that the mother seeks to enforce custodial rights.

9 (b) The court shall order all child support payments,  
10 determined in accordance with such guidelines, to commence with  
11 the date summons is served. The level of current periodic  
12 support payments shall not be reduced because of payments set  
13 for the period prior to the date of entry of the support order.  
14 The Court may order any child support payments to be made for a  
15 period prior to the commencement of the action. In determining  
16 whether and the extent to which the payments shall be made for  
17 any prior period, the court shall consider all relevant facts,  
18 including the factors for determining the amount of support  
19 specified in the Illinois Marriage and Dissolution of Marriage  
20 Act and other equitable factors including but not limited to:

21 (1) The father's prior knowledge of the fact and  
22 circumstances of the child's birth.

23 (2) The father's prior willingness or refusal to help  
24 raise or support the child.

25 (3) The extent to which the mother or the public agency  
26 bringing the action previously informed the father of the  
27 child's needs or attempted to seek or require his help in  
28 raising or supporting the child.

29 (4) The reasons the mother or the public agency did not  
30 file the action earlier.

31 (5) The extent to which the father would be prejudiced  
32 by the delay in bringing the action.

33 For purposes of determining the amount of child support to  
34 be paid for any period before the date the order for current  
35 child support is entered, there is a rebuttable presumption  
36 that the father's net income for the prior period was the same

1 as his net income at the time the order for current child  
2 support is entered.

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

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

27 (d) If the judgment or order of the court is at variance  
28 with the child's birth certificate, the court shall order that  
29 a new birth certificate be issued under the Vital Records Act.

30 (e) On request of the mother and the father, the court  
31 shall order a change in the child's name. After hearing  
32 evidence the court may stay payment of support during the  
33 period of the father's minority or period of disability.

34 (f) If, upon a showing of proper service, the father fails  
35 to appear in court, or otherwise appear as provided by law, the  
36 court may proceed to hear the cause upon testimony of the

1 mother or other parties taken in open court and shall enter a  
2 judgment by default. The court may reserve any order as to the  
3 amount of child support until the father has received notice,  
4 by regular mail, of a hearing on the matter.

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

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

30 (i) An order for support shall include a date on which the  
31 current support obligation terminates. The termination date  
32 shall be no earlier than the date on which the child covered by  
33 the order will attain the age of 18. However, if the child will  
34 not graduate from high school until after attaining the age of  
35 18, then the termination date shall be no earlier than the  
36 earlier of the date on which the child's high school graduation

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

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

36 (j) An order entered under this Section shall include a

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

19 (Source: P.A. 92-590, eff. 7-1-02; 92-876, eff. 6-1-03; 93-139,  
20 eff. 7-10-03; 93-1061, eff. 1-1-05.)

21 (750 ILCS 45/14.1)

22 Sec. 14.1. Information to State Case Registry.

23 (a) In this Section:

24 "Order for support", "obligor", "obligee", and "business  
25 day" are defined as set forth in the Income Withholding for  
26 Support Act.

27 "State Case Registry" means the State Case Registry  
28 established under Section 10-27 of the Illinois Public Aid  
29 Code.

30 (b) Each order for support entered or modified by the  
31 circuit court under this Act shall require that the obligor and  
32 obligee (i) file with the clerk of the circuit court the  
33 information required by this Section (and any other information  
34 required under Title IV, Part D of the Social Security Act or  
35 by the federal Department of Health and Human Services) at the

1 time of entry or modification of the order for support and (ii)  
2 file updated information with the clerk within 5 business days  
3 of any change. Failure of the obligor or obligee to file or  
4 update the required information shall be punishable as in cases  
5 of contempt. The failure shall not prevent the court from  
6 entering or modifying the order for support, however.

7 (c) The obligor shall file the following information: the  
8 obligor's name, date of birth, social security number, and  
9 mailing address.

10 If either the obligor or the obligee receives child support  
11 enforcement services from the ~~Illinois~~ Department of Child  
12 Support Services ~~Public Aid~~ under Article X of the Illinois  
13 Public Aid Code, the obligor shall also file the following  
14 information: the obligor's telephone number, driver's license  
15 number, and residential address (if different from the  
16 obligor's mailing address), and the name, address, and  
17 telephone number of the obligor's employer or employers.

18 (d) The obligee shall file the following information:

19 (1) The names of the obligee and the child or children  
20 covered by the order for support.

21 (2) The dates of birth of the obligee and the child or  
22 children covered by the order for support.

23 (3) The social security numbers of the obligee and the  
24 child or children covered by the order for support.

25 (4) The obligee's mailing address.

26 (e) In cases in which the obligee receives child support  
27 enforcement services from the ~~Illinois~~ Department of Child  
28 Support Services ~~Public Aid~~ under Article X of the Illinois  
29 Public Aid Code, the order for support shall (i) require that  
30 the obligee file the information required under subsection (d)  
31 with the ~~Illinois~~ Department of Child Support Services ~~Public~~  
32 ~~Aid~~ for inclusion in the State Case Registry, rather than file  
33 the information with the clerk, and (ii) require that the  
34 obligee include the following additional information:

35 (1) The obligee's telephone and driver's license  
36 numbers.



1 (2) The obligee's residential address, if different  
2 from the obligee's mailing address.

3 (3) The name, address, and telephone number of the  
4 obligee's employer or employers.

5 The order for support shall also require that the obligee  
6 update the information filed with the ~~Illinois~~ Department of  
7 Child Support Services ~~Public Aid~~ within 5 business days of any  
8 change.

9 (f) The clerk shall provide the information filed under  
10 this Section, together with the court docket number and county  
11 in which the order for support was entered, to the State Case  
12 Registry within 5 business days after receipt of the  
13 information.

14 (g) In a case in which a party is receiving child support  
15 enforcement services under Article X of the Illinois Public Aid  
16 Code, the clerk shall provide the following additional  
17 information to the State Case Registry within 5 business days  
18 after entry or modification of an order for support or request  
19 from the ~~Illinois~~ Department of Child Support Services ~~Public~~  
20 ~~Aid~~:

21 (1) The amount of monthly or other periodic support  
22 owed under the order for support and other amounts,  
23 including arrearage, interest, or late payment penalties  
24 and fees, due or overdue under the order.

25 (2) Any such amounts that have been received by the  
26 clerk, and the distribution of those amounts by the clerk.

27 (h) Information filed by the obligor and obligee under this  
28 Section that is not specifically required to be included in the  
29 body of an order for support under other laws is not a public  
30 record and shall be treated as confidential and subject to  
31 disclosure only in accordance with the provisions of this  
32 Section, Section 10-27 of the Illinois Public Aid Code, and  
33 Title IV, Part D of the Social Security Act.

34 (Source: P.A. 91-212, eff. 7-20-99; 92-463, eff. 8-22-01.)

35 (750 ILCS 45/15.1) (from Ch. 40, par. 2515.1)

1           Sec. 15.1. (a) Whenever it is determined in a proceeding to  
2 establish or enforce a child support obligation that the person  
3 owing a duty of support is unemployed, the court may order the  
4 person to seek employment and report periodically to the court  
5 with a diary, listing or other memorandum of his or her efforts  
6 in accordance with such order. Additionally, the court may  
7 order the unemployed person to report to the Department of  
8 Employment Security for job search services or to make  
9 application with the local Job Training Partnership Act  
10 provider for participation in job search, training or work  
11 programs and where the duty of support is owed to a child  
12 receiving child support enforcement services under Article X of  
13 the Illinois Public Aid Code, as amended, the court may order  
14 the unemployed person to report to the ~~Illinois~~ Department of  
15 Child Support Services ~~Public Aid~~ for participation in job  
16 search, training or work programs established under Section 9-6  
17 and Article IXA of that Code.

18           (b) Whenever it is determined that a person owes past-due  
19 support for a child, and the child is receiving assistance  
20 under the Illinois Public Aid Code, the court shall order the  
21 following at the request of the ~~Illinois~~ Department of Child  
22 Support Services ~~Public Aid~~:

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 the Illinois Public Aid Code as the court deems  
30 appropriate.

31           (Source: P.A. 91-357, eff. 7-29-99; 92-590, eff. 7-1-02.)

32           (750 ILCS 45/18) (from Ch. 40, par. 2518)

33           Sec. 18. Right to Counsel; Free Transcript on Appeal.

34           (a) Any party may be represented by counsel at all  
35 proceedings under this Act.

1 (a-5) In any proceedings involving the support, custody,  
2 visitation, education, parentage, property interest, or  
3 general welfare of a minor or dependent child, the court may,  
4 on its own motion or that of any party, and subject to the  
5 terms or specifications the court determines, appoint an  
6 attorney to serve in one of the following capacities:

7 (1) as an attorney to represent the child;

8 (2) as a guardian ad litem to address issues the court  
9 delineates;

10 (3) as a child's representative whose duty shall be to  
11 advocate what the representative finds to be in the best  
12 interests of the child after reviewing the facts and  
13 circumstances of the case. The child's representative  
14 shall have the same power and authority to take part in the  
15 conduct of the litigation as does an attorney for a party  
16 and shall possess all the powers of investigation and  
17 recommendation as does a guardian ad litem. The child's  
18 representative shall consider, but not be bound by, the  
19 expressed wishes of the child. A child's representative  
20 shall have received training in child advocacy or shall  
21 possess such experience as determined to be equivalent to  
22 such training by the chief judge of the circuit where the  
23 child's representative has been appointed. The child's  
24 representative shall not disclose confidential  
25 communications made by the child, except as required by law  
26 or by the Rules of Professional Conduct. The child's  
27 representative shall not be called as a witness regarding  
28 the issues set forth in this subsection.

29 During the proceedings the court may appoint an additional  
30 attorney to serve in another of the capacities described in  
31 subdivisions (1), (2), or (3) of the preceding paragraph on its  
32 own motion or that of a party only for good cause shown and  
33 when the reasons for the additional appointment are set forth  
34 in specific findings.

35 The court shall enter an order as appropriate for costs,  
36 fees, and disbursements, including a retainer, when the

1 attorney, guardian ad litem, or child's representative is  
2 appointed, and thereafter as necessary. Such orders shall  
3 require payment by either or both parents, by any other party  
4 or source, or from the marital estate or the child's separate  
5 estate. The court may not order payment by the ~~Illinois~~  
6 Department of Child Support Services ~~Public Aid~~ in cases in  
7 which the Department is providing child support enforcement  
8 services under Article X of the Illinois Public Aid Code.  
9 Unless otherwise ordered by the court at the time fees and  
10 costs are approved, all fees and costs payable to an attorney,  
11 guardian ad litem, or child's representative under this Section  
12 are by implication deemed to be in the nature of support of the  
13 child and are within the exceptions to discharge in bankruptcy  
14 under 11 U.S.C.A. 523. The provisions of Sections 501 and 508  
15 of this Act shall apply to fees and costs for attorneys  
16 appointed under this Section.

17 (b) Upon the request of a mother or child seeking to  
18 establish the existence of a father and child relationship, the  
19 State's Attorney shall represent the mother or child in the  
20 trial court. If the child is an applicant for or a recipient of  
21 assistance as defined in Section 2-6 of "The Illinois Public  
22 Aid Code", approved April 11, 1967, as amended, or has applied  
23 to the ~~Illinois~~ Department of Child Support Services ~~Public Aid~~  
24 for services under Article X of such Code, the Department may  
25 file a complaint in the child's behalf under this Act. The  
26 Department shall refer the complaint to the Public Aid Claims  
27 Enforcement Division of the Office of the Attorney General as  
28 provided in Section 12-16 of "The Illinois Public Aid Code" for  
29 enforcement by the Attorney General. Legal representation by  
30 the State's Attorney or the Attorney General shall be limited  
31 to the establishment and enforcement of an order for support,  
32 and shall not extend to visitation, custody, property or other  
33 matters. If visitation, custody, property or other matters are  
34 raised by a party and considered by the court in any proceeding  
35 under this Act, the court shall provide a continuance  
36 sufficient to enable the mother or child to obtain

1 representation for such matters.

2 (c) The Court may appoint counsel to represent any indigent  
3 defendant in the trial court, except that this representation  
4 shall be limited to the establishment of a parent and child  
5 relationship and an order for support, and shall not extend to  
6 visitation, custody, property, enforcement of an order for  
7 support, or other matters. If visitation, custody, property or  
8 other matters are raised by a party and considered by the court  
9 in any proceeding under this Act, the court shall provide a  
10 continuance sufficient to enable the defendant to obtain  
11 representation for such matters.

12 (d) The court shall furnish on request of any indigent  
13 party a transcript for purposes of appeal.

14 (Source: P.A. 91-410, eff. 1-1-00; 92-590, eff. 7-1-02.)

15 (750 ILCS 45/21) (from Ch. 40, par. 2521)

16 Sec. 21. Support payments; receiving and disbursing  
17 agents.

18 (1) In an action filed in a county of less than 3 million  
19 population in which an order for child support is entered, and  
20 in supplementary proceedings in such a county to enforce or  
21 vary the terms of such order arising out of an action filed in  
22 such a county, the court, except in actions or supplementary  
23 proceedings in which the pregnancy and delivery expenses of the  
24 mother or the child support payments are for a recipient of aid  
25 under the Illinois Public Aid Code, shall direct that child  
26 support payments be made to the clerk of the court unless in  
27 the discretion of the court exceptional circumstances warrant  
28 otherwise. In cases where payment is to be made to persons  
29 other than the clerk of the court the judgment or order of  
30 support shall set forth the facts of the exceptional  
31 circumstances.

32 (2) In an action filed in a county of 3 million or more  
33 population in which an order for child support is entered, and  
34 in supplementary proceedings in such a county to enforce or  
35 vary the terms of such order arising out of an action filed in

1 such a county, the court, except in actions or supplementary  
2 proceedings in which the pregnancy and delivery expenses of the  
3 mother or the child support payments are for a recipient of aid  
4 under the Illinois Public Aid Code, shall direct that child  
5 support payments be made either to the clerk of the court or to  
6 the Court Service Division of the County Department of Public  
7 Aid, or to the clerk of the court or to the ~~Illinois~~ Department  
8 of Child Support Services ~~Public Aid~~, unless in the discretion  
9 of the court exceptional circumstances warrant otherwise. In  
10 cases where payment is to be made to persons other than the  
11 clerk of the court, the Court Service Division of the County  
12 Department of Public Aid, or the ~~Illinois~~ Department of Child  
13 Support Services ~~Public Aid~~, the judgment or order of support  
14 shall set forth the facts of the exceptional circumstances.

15 (3) Where the action or supplementary proceeding is in  
16 behalf of a mother for pregnancy and delivery expenses or for  
17 child support, or both, and the mother, child, or both, are  
18 recipients of aid under the Illinois Public Aid Code, the court  
19 shall order that the payments be made directly to (a) the  
20 ~~Illinois~~ Department of Child Support Services ~~Public Aid~~ if the  
21 mother or child, or both, are recipients under Articles IV or V  
22 of the Code, or (b) the local governmental unit responsible for  
23 the support of the mother or child, or both, if they are  
24 recipients under Articles VI or VII of the Code. In accordance  
25 with federal law and regulations, the ~~Illinois~~ Department of  
26 Child Support Services ~~Public Aid~~ may continue to collect  
27 current maintenance payments or child support payments, or  
28 both, after those persons cease to receive public assistance  
29 and until termination of services under Article X of the  
30 Illinois Public Aid Code. The ~~Illinois~~ Department of Child  
31 Support Services ~~Public Aid~~ shall pay the net amount collected  
32 to those persons after deducting any costs incurred in making  
33 the collection or any collection fee from the amount of any  
34 recovery made. The ~~Illinois~~ Department of Child Support  
35 Services ~~Public Aid~~ or the local governmental unit, as the case  
36 may be, may direct that payments be made directly to the mother

1 of the child, or to some other person or agency in the child's  
2 behalf, upon the removal of the mother and child from the  
3 public aid rolls or upon termination of services under Article  
4 X of the Illinois Public Aid Code; and upon such direction, the  
5 ~~Illinois~~ Department or the local governmental unit, as the case  
6 requires, shall give notice of such action to the court in  
7 writing or by electronic transmission.

8 (4) All clerks of the court and the Court Service Division  
9 of a County Department of Public Aid and the ~~Illinois~~  
10 Department of Child Support Services ~~Public Aid~~, receiving  
11 child support payments under paragraphs (1) or (2) shall  
12 disburse the same to the person or persons entitled thereto  
13 under the terms of the order. They shall establish and maintain  
14 clear and current records of all moneys received and disbursed  
15 and of defaults and delinquencies in required payments. The  
16 court, by order or rule, shall make provision for the carrying  
17 out of these duties.

18 Upon notification in writing or by electronic transmission  
19 from the ~~Illinois~~ Department of Child Support Services ~~Public~~  
20 ~~Aid~~ to the clerk of the court that a person who is receiving  
21 support payments under this Section is receiving services under  
22 the Child Support Enforcement Program established by Title IV-D  
23 of the Social Security Act, any support payments subsequently  
24 received by the clerk of the court shall be transmitted in  
25 accordance with the instructions of the ~~Illinois~~ Department of  
26 Child Support Services ~~Public Aid~~ until the Department gives  
27 notice to cease the transmittal. After providing the  
28 notification authorized under this paragraph, the ~~Illinois~~  
29 Department of Child Support Services ~~Public Aid~~ shall be  
30 entitled as a party to notice of any further proceedings in the  
31 case. The clerk of the court shall file a copy of the ~~Illinois~~  
32 Department of Child Support Services' ~~Public Aid's~~  
33 notification in the court file. The failure of the clerk to  
34 file a copy of the notification in the court file shall not,  
35 however, affect the ~~Illinois~~ Department of Child Support  
36 Services' ~~Public Aid's~~ right to receive notice of further

1 proceedings.

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

12 (5) The moneys received by persons or agencies designated  
13 by the court shall be disbursed by them in accordance with the  
14 order. However, the court, on petition of the state's attorney,  
15 may enter new orders designating the clerk of the court or the  
16 ~~Illinois~~ Department of Child Support Services ~~Public Aid~~, as  
17 the person or agency authorized to receive and disburse child  
18 support payments and, in the case of recipients of public aid,  
19 the court, on petition of the Attorney General or State's  
20 Attorney, shall direct subsequent payments to be paid to the  
21 ~~Illinois~~ Department of Child Support Services ~~Public Aid~~ or to  
22 the appropriate local governmental unit, as provided in  
23 paragraph (3). Payments of child support by principals or  
24 sureties on bonds, or proceeds of any sale for the enforcement  
25 of a judgment shall be made to the clerk of the court, the  
26 ~~Illinois~~ Department of Child Support Services ~~Public Aid~~ or the  
27 appropriate local governmental unit, as the respective  
28 provisions of this Section require.

29 (6) For those cases in which child support is payable to  
30 the clerk of the circuit court for transmittal to the ~~Illinois~~  
31 Department of Child Support Services ~~Public Aid~~ by order of  
32 court or upon notification by the ~~Illinois~~ Department of Child  
33 Support Services ~~Public Aid~~, the clerk shall transmit all such  
34 payments, within 4 working days of receipt, to insure that  
35 funds are available for immediate distribution by the  
36 Department to the person or entity entitled thereto in



1 accordance with standards of the Child Support Enforcement  
2 Program established under Title IV-D of the Social Security  
3 Act. The clerk shall notify the Department of the date of  
4 receipt and amount thereof at the time of transmittal. Where  
5 the clerk has entered into an agreement of cooperation with the  
6 Department to record the terms of child support orders and  
7 payments made thereunder directly into the Department's  
8 automated data processing system, the clerk shall account for,  
9 transmit and otherwise distribute child support payments in  
10 accordance with such agreement in lieu of the requirements  
11 contained herein.

12 (7) To the extent the provisions of this Section are  
13 inconsistent with the requirements pertaining to the State  
14 Disbursement Unit under Section 21.1 of this Act and Section  
15 10-26 of the Illinois Public Aid Code, the requirements  
16 pertaining to the State Disbursement Unit shall apply.

17 (Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99; 91-357,  
18 eff. 7-29-99; 92-16, eff. 6-28-01.)

19 (750 ILCS 45/21.1)

20 Sec. 21.1. Payment of Support to State Disbursement Unit.

21 (a) As used in this Section:

22 "Order for support", "obligor", "obligee", and "payor"  
23 mean those terms as defined in the Income Withholding for  
24 Support Act, except that "order for support" shall not mean  
25 orders providing for spousal maintenance under which there is  
26 no child support obligation.

27 (b) Notwithstanding any other provision of this Act to the  
28 contrary, each order for support entered or modified on or  
29 after October 1, 1999 shall require that support payments be  
30 made to the State Disbursement Unit established under Section  
31 10-26 of the Illinois Public Aid Code if:

32 (1) a party to the order is receiving child support  
33 enforcement services under Article X of the Illinois Public  
34 Aid Code; or

35 (2) no party to the order is receiving child support

1 enforcement services, but the support payments are made  
2 through income withholding.

3 (c) Support payments shall be made to the State  
4 Disbursement Unit if:

5 (1) the order for support was entered before October 1,  
6 1999, and a party to the order is receiving child support  
7 enforcement services under Article X of the Illinois Public  
8 Aid Code; or

9 (2) no party to the order is receiving child support  
10 enforcement services, and the support payments are being  
11 made through income withholding.

12 (c-5) If no party to the order is receiving child support  
13 enforcement services under Article X of the Illinois Public Aid  
14 Code, and the support payments are not made through income  
15 withholding, then support payments shall be made as directed by  
16 the order for support.

17 (c-10) At any time, and notwithstanding the existence of an  
18 order directing payments to be made elsewhere, the Department  
19 of Child Support Services ~~Public Aid~~ may provide notice to the  
20 obligor and, where applicable, to the obligor's payor:

21 (1) to make support payments to the State Disbursement  
22 Unit if:

23 (A) a party to the order for support is receiving  
24 child support enforcement services under Article X of  
25 the Illinois Public Aid Code; or

26 (B) no party to the order for support is receiving  
27 child support enforcement services under Article X of  
28 the Illinois Public Aid Code, but the support payments  
29 are made through income withholding; or

30 (2) to make support payments to the State Disbursement  
31 Unit of another state upon request of another state's Title  
32 IV-D child support enforcement agency, in accordance with  
33 the requirements of Title IV, Part D of the Social Security  
34 Act and regulations promulgated under that Part D.

35 The Department of Child Support Services ~~Public Aid~~ shall  
36 provide a copy of the notice to the obligee and to the clerk of

1 the circuit court.

2 (c-15) Within 15 days after the effective date of this  
3 amendatory Act of the 91st General Assembly, the clerk of the  
4 circuit court shall provide written notice to the obligor to  
5 directly to the clerk of the circuit court if no party to the  
6 order is receiving child support enforcement services under  
7 Article X of the Illinois Public Aid Code, the support payments  
8 are not made through income withholding, and the order for  
9 support requires support payments to be made directly to the  
10 clerk of the circuit court. The clerk shall provide a copy of  
11 the notice to the obligee.

12 (c-20) If the State Disbursement Unit receives a support  
13 payment that was not appropriately made to the Unit under this  
14 Section, the Unit shall immediately return the payment to the  
15 sender, including, if possible, instructions detailing where  
16 to send the support payments.

17 (d) The notices under subsections (c-10) and (c-15) may be  
18 sent by ordinary mail, certified mail, return receipt  
19 requested, facsimile transmission, or other electronic  
20 process, or may be served upon the obligor or payor using any  
21 method provided by law for service of a summons.

22 (Source: P.A. 91-212, eff. 7-20-99; 91-677, eff. 1-5-00;  
23 92-590, eff. 7-1-02.)

24 (750 ILCS 45/22) (from Ch. 40, par. 2522)

25 Sec. 22. In all cases instituted by the Department of Child  
26 Support Services or its predecessor, the Illinois Department of  
27 Public Aid, on behalf of a child or spouse, other than one  
28 receiving a grant of financial aid under Article IV of The  
29 Illinois Public Aid Code, on whose behalf an application has  
30 been made and approved for child support enforcement services  
31 as provided by Section 10-1 of that Code, the court shall  
32 impose a collection fee on the individual who owes a child or  
33 spouse support obligation in an amount equal to 10% of the  
34 amount so owed as long as such collection is required by  
35 federal law, which fee shall be in addition to the support

1 obligation. The imposition of such fee shall be in accordance  
2 with provisions of Title IV, Part D, of the Social Security Act  
3 and regulations duly promulgated thereunder. The fee shall be  
4 payable to the clerk of the circuit court for transmittal to  
5 the ~~Illinois~~ Department of Child Support Services ~~Public Aid~~  
6 and shall continue until support services are terminated by  
7 that Department.

8 (Source: P.A. 92-590, eff. 7-1-02.)

9 (750 ILCS 45/23) (from Ch. 40, par. 2523)

10 Sec. 23. Notice to Clerk of Circuit Court of Payment  
11 Received by ~~Illinois~~ Department of Child Support Services  
12 ~~Public Aid~~ for Recording. For those cases in which support is  
13 payable to the clerk of the circuit court for transmittal to  
14 the ~~Illinois~~ Department of Child Support Services ~~Public Aid~~ by  
15 order of court, and the ~~Illinois~~ Department of Child Support  
16 Services ~~Public Aid~~ collects support by assignment offset,  
17 withhold, deduction or other process permitted by law, the  
18 ~~Illinois~~ Department of Child Support Services ~~Public Aid~~ shall  
19 notify the clerk of the date and amount of such collection.  
20 Upon notification, the clerk shall record the collection on the  
21 payment record for the case.

22 (Source: P.A. 83-1372.)

23 Section 1030. The Business Corporation Act of 1983 is  
24 amended by changing Section 1.25 as follows:

25 (805 ILCS 5/1.25) (from Ch. 32, par. 1.25)

26 Sec. 1.25. List of corporations; exchange of information.

27 (a) The Secretary of State shall publish each year a list  
28 of corporations filing an annual report for the preceding year  
29 in accordance with the provisions of this Act, which report  
30 shall state the name of the corporation and the respective  
31 names and addresses of the president, secretary, and registered  
32 agent thereof and the address of the registered office in this  
33 State of each such corporation. The Secretary of State shall

1 furnish without charge a copy of such report to each recorder  
2 of this State, and to each member of the General Assembly and  
3 to each State agency or department requesting the same. The  
4 Secretary of State shall, upon receipt of a written request and  
5 a fee as determined by the Secretary, furnish such report to  
6 anyone else.

7 (b) (1) The Secretary of State shall publish daily a list  
8 of all newly formed corporations, business and not for profit,  
9 chartered by him on that day issued after receipt of the  
10 application. The daily list shall contain the same information  
11 as to each corporation as is provided for the corporation list  
12 published under subsection (a) of this Section. The daily list  
13 may be obtained at the Secretary's office by any person,  
14 newspaper, State department or agency, or local government for  
15 a reasonable charge to be determined by the Secretary.  
16 Inspection of the daily list may be made at the Secretary's  
17 office during normal business hours without charge by any  
18 person, newspaper, State department or agency, or local  
19 government.

20 (2) The Secretary shall compile the daily list mentioned in  
21 paragraph (1) of subsection (b) of this Section monthly, or  
22 more often at the Secretary's discretion. The compilation shall  
23 be immediately mailed free of charge to all local governments  
24 requesting in writing receipt of such publication, or shall be  
25 automatically mailed by the Secretary without charge to local  
26 governments as determined by the Secretary. The Secretary shall  
27 mail a copy of the compilations free of charge to all State  
28 departments or agencies making a written request. A request for  
29 a compilation of the daily list once made by a local government  
30 or State department or agency need not be renewed. However, the  
31 Secretary may request from time to time whether the local  
32 governments or State departments or agencies desire to continue  
33 receiving the compilation.

34 (3) The compilations of the daily list mentioned in  
35 paragraph (2) of subsection (b) of this Section shall be mailed  
36 to newspapers, or any other person not included as a recipient

1 in paragraph (2) of subsection (b) of this Section, upon  
2 receipt of a written application signed by the applicant and  
3 accompanied by the payment of a fee as determined by the  
4 Secretary.

5 (c) If a domestic or foreign corporation has filed with the  
6 Secretary of State an annual report for the preceding year or  
7 has been newly formed or is otherwise and in any manner  
8 registered with the Secretary of State, the Secretary of State  
9 shall exchange with the ~~Illinois~~ Department of Child Support  
10 Services ~~Public Aid~~ any information concerning that  
11 corporation that may be necessary for the enforcement of child  
12 support orders entered pursuant to the Illinois Public Aid  
13 Code, the Illinois Marriage and Dissolution of Marriage Act,  
14 the Non-Support of Spouse and Children Act, the Non-Support  
15 Punishment Act, the Revised Uniform Reciprocal Enforcement of  
16 Support Act, the Uniform Interstate Family Support Act, or the  
17 Illinois Parentage Act of 1984.

18 Notwithstanding any provisions in this Act to the contrary,  
19 the Secretary of State shall not be liable to any person for  
20 any disclosure of information to the Department of Child  
21 Support Services or its predecessor, the Illinois Department of  
22 Public Aid, under this subsection or for any other action taken  
23 in good faith to comply with the requirements of this  
24 subsection.

25 (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 10-1-99.)

26 Section 1035. The Limited Liability Company Act is amended  
27 by changing Section 50-5 as follows:

28 (805 ILCS 180/50-5)

29 Sec. 50-5. List of limited liability companies; exchange of  
30 information.

31 (a) The Secretary of State may publish a list or lists of  
32 limited liability companies and foreign limited liability  
33 companies, as often, in the format, and for the fees as the  
34 Secretary of State may in his or her discretion provide by

1 rule. The Secretary of State may disseminate information  
2 concerning limited liability companies and foreign limited  
3 liability companies by computer network in the format and for  
4 the fees as may be determined by rule.

5 (b) Upon written request, any list published under  
6 subsection (a) shall be free to each member of the General  
7 Assembly, to each State agency or department, and to each  
8 recorder in this State. An appropriate fee established by rule  
9 to cover the cost of producing the list shall be charged to all  
10 others.

11 (c) If a domestic or foreign limited liability company has  
12 filed with the Secretary of State an annual report for the  
13 preceding year or has been newly formed or is otherwise and in  
14 any manner registered with the Secretary of State, the  
15 Secretary of State shall exchange with the ~~Illinois~~ Department  
16 of Child Support Services ~~Public Aid~~ any information concerning  
17 that limited liability company that may be necessary for the  
18 enforcement of child support orders entered pursuant to the  
19 Illinois Public Aid Code, the Illinois Marriage and Dissolution  
20 of Marriage Act, the Non-Support of Spouse and Children Act,  
21 the Non-Support Punishment Act, the Revised Uniform Reciprocal  
22 Enforcement of Support Act, the Uniform Interstate Family  
23 Support Act, or the Illinois Parentage Act of 1984.

24 Notwithstanding any provisions in this Act to the contrary,  
25 the Secretary of State shall not be liable to any person for  
26 any disclosure of information to the Department of Child  
27 Support Services or its predecessor, the Illinois Department of  
28 Public Aid, under this subsection or for any other action taken  
29 in good faith to comply with the requirements of this  
30 subsection.

31 (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 10-1-99.)

32 Section 1040. The Unemployment Insurance Act is amended by  
33 changing Section 1300 as follows:

34 (820 ILCS 405/1300) (from Ch. 48, par. 540)

1           Sec. 1300. Waiver or transfer of benefit rights - Partial  
2 exemption.

3           (A) Except as otherwise provided herein any agreement by an  
4 individual to waive, release or commute his rights under this  
5 Act shall be void.

6           (B) Benefits due under this Act shall not be assigned,  
7 pledged, encumbered, released or commuted and shall be exempt  
8 from all claims of creditors and from levy, execution and  
9 attachment or other remedy for recovery or collection of a  
10 debt. However, nothing in this Section shall prohibit a  
11 specified or agreed upon deduction from benefits by an  
12 individual, or a court or administrative order for withholding  
13 of income, for payment of past due child support from being  
14 enforced and collected by the Department of Child Support  
15 Services ~~Public Aid~~ on behalf of persons receiving a grant of  
16 financial aid under Article IV of the Illinois Public Aid Code,  
17 persons for whom an application has been made and approved for  
18 child support enforcement services under Section 10-1 of such  
19 Code, or persons similarly situated and receiving like services  
20 in other states. It is provided that:

21           (1) The aforementioned deduction of benefits and order  
22 for withholding of income apply only if appropriate  
23 arrangements have been made for reimbursement to the  
24 Director by the Department of Child Support Services ~~Public~~  
25 ~~Aid~~ for any administrative costs incurred by the Director  
26 under this Section.

27           (2) The Director shall deduct and withhold from  
28 benefits payable under this Act, or under any arrangement  
29 for the payment of benefits entered into by the Director  
30 pursuant to the powers granted under Section 2700 of this  
31 Act, the amount specified or agreed upon. In the case of a  
32 court or administrative order for withholding of income,  
33 the Director shall withhold the amount of the order.

34           (3) Any amount deducted and withheld by the Director  
35 shall be paid to the Department of Child Support Services  
36 ~~Public Aid~~ or the State Disbursement Unit established under



1 Section 10-26 of the Illinois Public Aid Code, as directed  
2 by the Department of Child Support Services ~~Public Aid~~, on  
3 behalf of the individual.

4 (4) Any amount deducted and withheld under subsection  
5 (3) shall for all purposes be treated as if it were paid to  
6 the individual as benefits and paid by such individual to  
7 the Department of Child Support Services ~~Public Aid~~ or the  
8 State Disbursement Unit in satisfaction of the  
9 individual's child support obligations.

10 (5) For the purpose of this Section, child support is  
11 defined as those obligations which are being enforced  
12 pursuant to a plan described in Title IV, Part D, Section  
13 454 of the Social Security Act and approved by the  
14 Secretary of Health and Human Services.

15 (6) The deduction of benefits and order for withholding  
16 of income for child support shall be governed by Titles III  
17 and IV of the Social Security Act and all regulations duly  
18 promulgated thereunder.

19 (C) Nothing in this Section prohibits an individual from  
20 voluntarily electing to have federal income tax deducted and  
21 withheld from his or her unemployment insurance benefit  
22 payments.

23 (1) The Director shall, at the time that an individual  
24 files his or her claim for benefits that establishes his or  
25 her benefit year, inform the individual that:

26 (a) unemployment insurance is subject to federal,  
27 State, and local income taxes;

28 (b) requirements exist pertaining to estimated tax  
29 payments;

30 (c) the individual may elect to have federal income  
31 tax deducted and withheld from his or her payments of  
32 unemployment insurance in the amount specified in the  
33 federal Internal Revenue Code; and

34 (d) the individual is permitted to change a  
35 previously elected withholding status.

36 (2) Amounts deducted and withheld from unemployment

1 insurance shall remain in the unemployment fund until  
2 transferred to the federal taxing authority as a payment of  
3 income tax.

4 (3) The Director shall follow all procedures specified  
5 by the United States Department of Labor and the federal  
6 Internal Revenue Service pertaining to the deducting and  
7 withholding of income tax.

8 (4) Amounts shall be deducted and withheld in  
9 accordance with the priorities established in rules  
10 promulgated by the Director.

11 (D) Nothing in this Section prohibits an individual from  
12 voluntarily electing to have State of Illinois income tax  
13 deducted and withheld from his or her unemployment insurance  
14 benefit payments if such deduction and withholding is provided  
15 for pursuant to rules promulgated by the Director.

16 (1) If pursuant to rules promulgated by the Director,  
17 an individual may voluntarily elect to have State of  
18 Illinois income tax deducted and withheld from his or her  
19 unemployment insurance benefit payments, the Director  
20 shall, at the time that an individual files his or her  
21 claim for benefits that establishes his or her benefit  
22 year, in addition to providing the notice required under  
23 subsection C, inform the individual that:

24 (a) the individual may elect to have State of  
25 Illinois income tax deducted and withheld from his or  
26 her payments of unemployment insurance in the amount  
27 specified pursuant to rules promulgated by the  
28 Director; and

29 (b) the individual is permitted to change a  
30 previously elected withholding status.

31 (2) Amounts deducted and withheld from unemployment  
32 insurance shall remain in the unemployment fund until  
33 transferred to the Department of Revenue as a payment of  
34 State of Illinois income tax.

35 (3) Amounts shall be deducted and withheld in  
36 accordance with the priorities established in rules

1 promulgated by the Director.

2 (E) Nothing in this Section prohibits the deduction and  
3 withholding of an uncollected overissuance of food stamp  
4 coupons from unemployment insurance benefits pursuant to this  
5 subsection (E).

6 (1) At the time that an individual files a claim for  
7 benefits that establishes his or her benefit year, that  
8 individual must disclose whether or not he or she owes an  
9 uncollected overissuance (as defined in Section 13(c)(1)  
10 of the federal Food Stamp Act of 1977) of food stamp  
11 coupons. The Director shall notify the State food stamp  
12 agency enforcing such obligation of any individual who  
13 discloses that he or she owes an uncollected overissuance  
14 of food stamp coupons and who meets the monetary  
15 eligibility requirements of subsection E of Section 500.

16 (2) The Director shall deduct and withhold from any  
17 unemployment insurance benefits payable to an individual  
18 who owes an uncollected overissuance of food stamp coupons:

19 (a) the amount specified by the individual to the  
20 Director to be deducted and withheld under this  
21 subsection (E);

22 (b) the amount (if any) determined pursuant to an  
23 agreement submitted to the State food stamp agency  
24 under Section 13(c)(3)(A) of the federal Food Stamp Act  
25 of 1977; or

26 (c) any amount otherwise required to be deducted  
27 and withheld from unemployment insurance benefits  
28 pursuant to Section 13(c)(3)(B) of the federal Food  
29 Stamp Act of 1977.

30 (3) Any amount deducted and withheld pursuant to this  
31 subsection (E) shall be paid by the Director to the State  
32 food stamp agency.

33 (4) Any amount deducted and withheld pursuant to this  
34 subsection (E) shall for all purposes be treated as if it  
35 were paid to the individual as unemployment insurance  
36 benefits and paid by the individual to the State food stamp

1 agency as repayment of the individual's uncollected  
2 overissuance of food stamp coupons.

3 (5) For purposes of this subsection (E), "unemployment  
4 insurance benefits" means any compensation payable under  
5 this Act including amounts payable by the Director pursuant  
6 to an agreement under any federal law providing for  
7 compensation, assistance, or allowances with respect to  
8 unemployment.

9 (6) This subsection (E) applies only if arrangements  
10 have been made for reimbursement by the State food stamp  
11 agency for the administrative costs incurred by the  
12 Director under this subsection (E) which are attributable  
13 to the repayment of uncollected overissuances of food stamp  
14 coupons to the State food stamp agency.

15 (Source: P.A. 91-212, eff. 7-20-99; 91-712, eff. 7-1-00;  
16 92-590, eff. 7-1-02.)

17 Section 9995. 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 text  
21 does not accelerate or delay the taking effect of (i) the  
22 changes made by this Act or (ii) provisions derived from any  
23 other Public Act.

24 Section 9999. Effective date. This Act takes effect upon  
25 becoming law.

1

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2

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## 3 New Act

4 15 ILCS 405/10.05a from Ch. 15, par. 210.05a  
5 20 ILCS 5/5-15 was 20 ILCS 5/3  
6 20 ILCS 5/5-20 was 20 ILCS 5/4  
7 20 ILCS 5/5-323 new  
8 20 ILCS 1005/1005-130 was 20 ILCS 1005/43a.14  
9 20 ILCS 2105/2105-15 was 20 ILCS 2105/60  
10 20 ILCS 2505/2505-65 was 20 ILCS 2505/39b12  
11 20 ILCS 2505/2505-650 was 20 ILCS 2505/39b52  
12 20 ILCS 2605/2605-377 was 20 ILCS 2605/55a in part  
13 35 ILCS 5/901 from Ch. 120, par. 9-901  
14 55 ILCS 5/3-5036.5  
15 55 ILCS 5/4-2002 from Ch. 34, par. 4-2002  
16 55 ILCS 5/4-2002.1 from Ch. 34, par. 4-2002.1  
17 205 ILCS 5/48.4  
18 205 ILCS 105/1-6d  
19 205 ILCS 205/7007  
20 205 ILCS 305/43.1  
21 205 ILCS 645/20  
22 215 ILCS 5/238 from Ch. 73, par. 850  
23 215 ILCS 5/238.1  
24 215 ILCS 5/299.1a from Ch. 73, par. 911.1a  
25 215 ILCS 5/299.1b  
26 215 ILCS 5/337.1  
27 305 ILCS 5/2-12 from Ch. 23, par. 2-12  
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33 705 ILCS 205/1 from Ch. 13, par. 1  
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2	750 ILCS 5/505.2	from Ch. 40, par. 505.2
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7	750 ILCS 5/510	from Ch. 40, par. 510
8	750 ILCS 5/516	from Ch. 40, par. 516
9	750 ILCS 5/704	from Ch. 40, par. 704
10	750 ILCS 5/705	from Ch. 40, par. 705
11	750 ILCS 5/709	from Ch. 40, par. 709
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23	750 ILCS 25/3	from Ch. 40, par. 2703
24	750 ILCS 25/6	from Ch. 40, par. 2706
25	750 ILCS 28/15	
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28	750 ILCS 45/4.1	
29	750 ILCS 45/5	from Ch. 40, par. 2505
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31	750 ILCS 45/8	from Ch. 40, par. 2508
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- 1 750 ILCS 45/21 from Ch. 40, par. 2521
- 2 750 ILCS 45/21.1
- 3 750 ILCS 45/22 from Ch. 40, par. 2522
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- 5 805 ILCS 5/1.25 from Ch. 32, par. 1.25
- 6 805 ILCS 180/50-5
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