

1 AN ACT concerning families.

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

4 Section 5. The Illinois Marriage and Dissolution of  
5 Marriage Act is amended by changing Section 505.2 as follows:

6 (750 ILCS 5/505.2) (from Ch. 40, par. 505.2)

7 Sec. 505.2. Health insurance.

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

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

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

13 (3) "Public office" means any elected official or any  
14 State or local agency which is or may become responsible by  
15 law for enforcement of, or which is or may become  
16 authorized to enforce, an order for support, including, but  
17 not limited to: the Attorney General, the Illinois  
18 Department of Public Aid, the Illinois Department of Human  
19 Services, the Illinois Department of Children and Family  
20 Services, and the various State's Attorneys, Clerks of the  
21 Circuit Court and supervisors of general assistance.

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

24 (b) Order.

25 (1) Whenever the court establishes, modifies or  
26 enforces an order for child support or for child support  
27 and maintenance the court shall include in the order a  
28 provision for the health care coverage of the child which  
29 shall, upon request of the obligee or Public Office,  
30 require that any child covered by the order be named as a  
31 beneficiary of any health insurance plan that is available  
32 to the obligor through an employer or labor union or trade

1 union. If the court finds that such a plan is not available  
2 to the obligor, or that the plan is not accessible to the  
3 obligee, the court may, upon request of the obligee or  
4 Public Office, order the obligor to name the child covered  
5 by the order as a beneficiary of any health insurance plan  
6 that is available to the obligor on a group basis, or as a  
7 beneficiary of an independent health insurance plan to be  
8 obtained by the obligor, after considering the following  
9 factors:

10 (A) the medical needs of the child;

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

12 and

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

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

18 (3) Nothing in this Section shall be construed to limit  
19 the authority of the court to establish or modify a support  
20 order to provide for payment of expenses, including  
21 deductibles, copayments and any other health expenses,  
22 which are in addition to expenses covered by an insurance  
23 plan of which a child is ordered to be named a beneficiary  
24 pursuant to this Section.

25 (c) Implementation and enforcement.

26 (1) When the court order requires that a minor child be  
27 named as a beneficiary of a health insurance plan, other  
28 than a health insurance plan available through an employer  
29 or labor union or trade union, the obligor shall provide  
30 written proof to the obligee or Public Office that the  
31 required insurance has been obtained, or that application  
32 for insurability has been made, within 30 days of receiving  
33 notice of the court order. Unless the obligor was present  
34 in court when the order was issued, notice of the order  
35 shall be given pursuant to Illinois Supreme Court Rules. If  
36 an obligor fails to provide the required proof, he may be

1 held in contempt of court.

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

7 (2.5) The court shall order the obligor to reimburse  
8 the obligee for 50% of the premium for placing the child on  
9 his or her health insurance policy if:

10 (i) a health insurance plan is not available to the  
11 obligor through an employer or labor union or trade  
12 union and the court does not order the obligor to cover  
13 the child as a beneficiary of any health insurance plan  
14 that is available to the obligor on a group basis or as  
15 a beneficiary of an independent health insurance plan  
16 to be obtained by the obligor; or

17 (ii) the obligor does not obtain medical insurance  
18 for the child within 90 days of the date of the court  
19 order requiring the obligor to obtain insurance for the  
20 child.

21 The provisions of subparagraph (i) of paragraph 2.5 of  
22 subsection (c) shall be applied, unless the court makes a  
23 finding that to apply those provisions would be  
24 inappropriate after considering all of the factors listed  
25 in paragraph 2 of subsection (a) of Section 505.

26 The court may order the obligor to reimburse the  
27 obligee for 100% of the premium for placing the child on  
28 his or her health insurance policy.

29 (d) Failure to maintain insurance. The dollar amount of the  
30 premiums for court-ordered health insurance, or that portion of  
31 the premiums for which the obligor is responsible in the case  
32 of insurance provided under a group health insurance plan  
33 through an employer or labor union or trade union where the  
34 employer or labor union or trade union pays a portion of the  
35 premiums, shall be considered an additional child support  
36 obligation owed by the obligor. Whenever the obligor fails to

1 provide or maintain health insurance pursuant to an order for  
2 support, the obligor shall be liable to the obligee for the  
3 dollar amount of the premiums which were not paid, and shall  
4 also be liable for all medical expenses incurred by the child  
5 which would have been paid or reimbursed by the health  
6 insurance which the obligor was ordered to provide or maintain.  
7 In addition, the obligee may petition the court to modify the  
8 order based solely on the obligor's failure to pay the premiums  
9 for court-ordered health insurance.

10 (e) Authorization for payment. The signature of the obligee  
11 is a valid authorization to the insurer to process a claim for  
12 payment under the insurance plan to the provider of the health  
13 care services or to the obligee.

14 (f) Disclosure of information. The obligor's employer or  
15 labor union or trade union shall disclose to the obligee or  
16 Public Office, upon request, information concerning any  
17 dependent coverage plans which would be made available to a new  
18 employee or labor union member or trade union member. The  
19 employer or labor union or trade union shall disclose such  
20 information whether or not a court order for medical support  
21 has been entered.

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

28 (1) The employer shall, upon the parent's request,  
29 permit the parent to include in that coverage a child who  
30 is otherwise eligible for that coverage, without regard to  
31 any enrollment season restrictions that might otherwise be  
32 applicable as to the time period within which the child may  
33 be added to that coverage.

34 (2) If the parent has health care coverage through the  
35 employer but fails to apply for coverage of the child, the  
36 employer shall include the child in the parent's coverage

1 upon application by the child's other parent or the  
2 Illinois Department of Public Aid.

3 (3) The employer may not eliminate any child from the  
4 parent's health care coverage unless the employee is no  
5 longer employed by the employer and no longer covered under  
6 the employer's group health plan or unless the employer is  
7 provided with satisfactory written evidence of either of  
8 the following:

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

10 (B) The child is or will be included in a  
11 comparable health care plan obtained by the parent  
12 under such order that is currently in effect or will  
13 take effect no later than the date the prior coverage  
14 is terminated.

15 The employer may eliminate a child from a parent's  
16 health care plan obtained by the parent under such order if  
17 the employer has eliminated dependent health care coverage  
18 for all of its employees.

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

20 Section 10. The Illinois Parentage Act of 1984 is amended  
21 by changing Section 14 as follows:

22 (750 ILCS 45/14) (from Ch. 40, par. 2514)

23 Sec. 14. Judgment.

24 (a) (1) The judgment shall contain or explicitly reserve  
25 provisions concerning any duty and amount of child support and  
26 may contain provisions concerning the custody and guardianship  
27 of the child, visitation privileges with the child, the  
28 furnishing of bond or other security for the payment of the  
29 judgment, which the court shall determine in accordance with  
30 the relevant factors set forth in the Illinois Marriage and  
31 Dissolution of Marriage Act and any other applicable law of  
32 Illinois, to guide the court in a finding in the best interests  
33 of the child. In determining custody, joint custody, removal,  
34 or visitation, the court shall apply the relevant standards of

1 the Illinois Marriage and Dissolution of Marriage Act,  
2 including Section 609. Specifically, in determining the amount  
3 of any child support award or child health insurance coverage,  
4 the court shall use the guidelines and standards set forth in  
5 subsection (a) of Section 505 and in Section 505.2 of the  
6 Illinois Marriage and Dissolution of Marriage Act. For purposes  
7 of Section 505 of the Illinois Marriage and Dissolution of  
8 Marriage Act, "net income" of the non-custodial parent shall  
9 include any benefits available to that person under the  
10 Illinois Public Aid Code or from other federal, State or local  
11 government-funded programs. The court shall, in any event and  
12 regardless of the amount of the non-custodial parent's net  
13 income, in its judgment order the non-custodial parent to pay  
14 child support to the custodial parent in a minimum amount of  
15 not less than \$10 per month. In an action brought within 2  
16 years after a child's birth, the judgment or order may direct  
17 either parent to pay the reasonable expenses incurred by either  
18 parent related to the mother's pregnancy and the delivery of  
19 the child. The judgment or order shall contain the father's  
20 social security number, which the father shall disclose to the  
21 court; however, failure to include the father's social security  
22 number on the judgment or order does not invalidate the  
23 judgment or order.

24 (2) If a judgment of parentage contains no explicit award  
25 of custody, the establishment of a support obligation or of  
26 visitation rights in one parent shall be considered a judgment  
27 granting custody to the other parent. If the parentage judgment  
28 contains no such provisions, custody shall be presumed to be  
29 with the mother; however, the presumption shall not apply if  
30 the father has had physical custody for at least 6 months prior  
31 to the date that the mother seeks to enforce custodial rights.

32 (b) The court shall order all child support payments,  
33 determined in accordance with such guidelines, to commence with  
34 the date summons is served. The level of current periodic  
35 support payments shall not be reduced because of payments set  
36 for the period prior to the date of entry of the support order.

1 The Court may order any child support payments to be made for a  
2 period prior to the commencement of the action. In determining  
3 whether and the extent to which the payments shall be made for  
4 any prior period, the court shall consider all relevant facts,  
5 including the factors for determining the amount of support  
6 specified in the Illinois Marriage and Dissolution of Marriage  
7 Act and other equitable factors including but not limited to:

8 (1) The father's prior knowledge of the fact and  
9 circumstances of the child's birth.

10 (2) The father's prior willingness or refusal to help  
11 raise or support the child.

12 (3) The extent to which the mother or the public agency  
13 bringing the action previously informed the father of the  
14 child's needs or attempted to seek or require his help in  
15 raising or supporting the child.

16 (4) The reasons the mother or the public agency did not  
17 file the action earlier.

18 (5) The extent to which the father would be prejudiced  
19 by the delay in bringing the action.

20 For purposes of determining the amount of child support to  
21 be paid for any period before the date the order for current  
22 child support is entered, there is a rebuttable presumption  
23 that the father's net income for the prior period was the same  
24 as his net income at the time the order for current child  
25 support is entered.

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

1 further foundation for its admission.

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

14 (d) If the judgment or order of the court is at variance  
15 with the child's birth certificate, the court shall order that  
16 a new birth certificate be issued under the Vital Records Act.

17 (e) On request of the mother and the father, the court  
18 shall order a change in the child's name. After hearing  
19 evidence the court may stay payment of support during the  
20 period of the father's minority or period of disability.

21 (f) If, upon a showing of proper service, the father fails  
22 to appear in court, or otherwise appear as provided by law, the  
23 court may proceed to hear the cause upon testimony of the  
24 mother or other parties taken in open court and shall enter a  
25 judgment by default. The court may reserve any order as to the  
26 amount of child support until the father has received notice,  
27 by regular mail, of a hearing on the matter.

28 (g) A one-time charge of 20% is imposable upon the amount  
29 of past-due child support owed on July 1, 1988 which has  
30 accrued under a support order entered by the court. The charge  
31 shall be imposed in accordance with the provisions of Section  
32 10-21 of the Illinois Public Aid Code and shall be enforced by  
33 the court upon petition.

34 (h) All orders for support, when entered or modified, shall  
35 include a provision requiring the non-custodial parent to  
36 notify the court and, in cases in which party is receiving

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

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

30 (i-5) If there is an unpaid arrearage or delinquency (as  
31 those terms are defined in the Income Withholding for Support  
32 Act) equal to at least one month's support obligation on the  
33 termination date stated in the order for support or, if there  
34 is no termination date stated in the order, on the date the  
35 child attains the age of majority or is otherwise emancipated,  
36 the periodic amount required to be paid for current support of

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

23 (j) An order entered under this Section shall include a  
24 provision requiring the obligor to report to the obligee and to  
25 the clerk of court within 10 days each time the obligor obtains  
26 new employment, and each time the obligor's employment is  
27 terminated for any reason. The report shall be in writing and  
28 shall, in the case of new employment, include the name and  
29 address of the new employer. Failure to report new employment  
30 or the termination of current employment, if coupled with  
31 nonpayment of support for a period in excess of 60 days, is  
32 indirect criminal contempt. For any obligor arrested for  
33 failure to report new employment bond shall be set in the  
34 amount of the child support that should have been paid during  
35 the period of unreported employment. An order entered under  
36 this Section shall also include a provision requiring the

1 obligor and obligee parents to advise each other of a change in  
2 residence within 5 days of the change except when the court  
3 finds that the physical, mental, or emotional health of a party  
4 or that of a minor child, or both, would be seriously  
5 endangered by disclosure of the party's address.

6 (Source: P.A. 92-590, eff. 7-1-02; 92-876, eff. 6-1-03; 93-139,  
7 eff. 7-10-03; 93-1061, eff. 1-1-05.)