



Sen. M. Maggie Crotty

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1 AMENDMENT TO SENATE BILL 452

2 AMENDMENT NO. _____. Amend Senate Bill 452 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Public Aid Code is amended by
5 changing Sections 10-1 and 10-16.5 as follows:

6 (305 ILCS 5/10-1) (from Ch. 23, par. 10-1)

7 Sec. 10-1. Declaration of Public Policy - Persons Eligible
8 for Child Support Enforcement Services - Fees for
9 Non-Applicants and Non-Recipients.) It is the intent of this
10 Code that the financial aid and social welfare services herein
11 provided supplement rather than supplant the primary and
12 continuing obligation of the family unit for self-support to
13 the fullest extent permitted by the resources available to it.
14 This primary and continuing obligation applies whether the
15 family unit of parents and children or of husband and wife
16 remains intact and resides in a common household or whether the
17 unit has been broken by absence of one or more members of the
18 unit. The obligation of the family unit is particularly
19 applicable when a member is in necessitous circumstances and
20 lacks the means of a livelihood compatible with health and
21 well-being.

22 It is the purpose of this Article to provide for locating
23 an absent parent or spouse, for determining his financial
24 circumstances, and for enforcing his legal obligation of

1 support, if he is able to furnish support, in whole or in part.
2 The Illinois Department of Public Aid shall give priority to
3 establishing, enforcing and collecting the current support
4 obligation, and then to past due support owed to the family
5 unit, except with respect to collections effected through the
6 intercept programs provided for in this Article.

7 The child support enforcement services provided hereunder
8 shall be furnished dependents of an absent parent or spouse who
9 are applicants for or recipients of financial aid under this
10 Code. It is not, however, a condition of eligibility for
11 financial aid that there be no responsible relatives who are
12 reasonably able to provide support. Nor, except as provided in
13 Sections 4-1.7 and 10-8, shall the existence of such relatives
14 or their payment of support contributions disqualify a needy
15 person for financial aid.

16 By accepting financial aid under this Code, a spouse or a
17 parent or other person having custody of a child shall be
18 deemed to have made assignment to the Illinois Department for
19 aid under Articles III, IV, V and VII or to a local
20 governmental unit for aid under Article VI of any and all
21 rights, title, and interest in any support obligation,
22 including statutory interest thereon, up to the amount of
23 financial aid provided. The rights to support assigned to the
24 Illinois Department of Public Aid or local governmental unit
25 shall constitute an obligation owed the State or local
26 governmental unit by the person who is responsible for
27 providing the support, and shall be collectible under all
28 applicable processes.

29 The Illinois Department of Public Aid shall also furnish
30 the child support enforcement services established under this
31 Article in behalf of persons who are not applicants for or
32 recipients of financial aid under this Code in accordance with
33 the requirements of Title IV, Part D of the Social Security
34 Act. The Department may establish a schedule of reasonable

1 fees, to be paid for the services provided and may deduct a
2 collection fee, not to exceed 10% of the amount collected, from
3 such collection. The Illinois Department of Public Aid shall
4 cause to be published and distributed publications reasonably
5 calculated to inform the public that individuals who are not
6 recipients of or applicants for public aid under this Code are
7 eligible for the child support enforcement services under this
8 Article X. Such publications shall set forth an explanation, in
9 plain language, that the child support enforcement services
10 program is independent of any public aid program under the Code
11 and that the receiving of child support enforcement services in
12 no way implies that the person receiving such services is
13 receiving public aid.

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

15 (305 ILCS 5/10-16.5)

16 Sec. 10-16.5. Interest on support obligations. A support
17 obligation, or any portion of a support obligation, which
18 becomes due and remains unpaid as of the end of each month,
19 excluding the child support that was due for that month to the
20 extent that it was not paid in that month, for 30 days or more
21 shall accrue simple interest as set forth in Section 12-109 of
22 the Code of Civil Procedure at the rate of 9% per annum. An
23 order for support entered or modified on or after January 1,
24 2006 ~~2002~~ shall contain a statement that a support obligation
25 required under the order, or any portion of a support
26 obligation required under the order, that becomes due and
27 remains unpaid as of the end of each month, excluding the child
28 support that was due for that month to the extent that it was
29 not paid in that month, for 30 days or more shall accrue simple
30 interest as set forth in Section 12-109 of the Code of Civil
31 Procedure at the rate of 9% per annum. Failure to include the
32 statement in the order for support does not affect the validity
33 of the order or the accrual of interest as provided in this

1 Section.

2 (Source: P.A. 91-397, eff. 1-1-00; 92-374, eff. 8-15-01.)

3 Section 10. The Code of Civil Procedure is amended by
4 changing Section 12-109 as follows:

5 (735 ILCS 5/12-109) (from Ch. 110, par. 12-109)

6 Sec. 12-109. Interest on judgments.

7 (a) Every judgment except those arising by operation of law
8 from child support orders shall bear interest thereon as
9 provided in Section 2-1303.

10 (b) Every judgment arising by operation of law from a child
11 support order shall bear interest as provided in this
12 subsection. The interest on judgments arising by operation of
13 law from child support orders shall be calculated by applying
14 one-twelfth of the current statutory interest rate as provided
15 in Section 2-1303 to the unpaid child support balance as of the
16 end of each calendar month. The unpaid child support balance at
17 the end of the month is the total amount of child support
18 ordered, excluding the child support that was due for that
19 month to the extent that it was not paid in that month and
20 including judgments for retroactive child support, less all
21 payments received and applied as set forth in this subsection.
22 The accrued interest shall not be included in the unpaid child
23 support balance when calculating interest at the end of the
24 month. The unpaid child support balance as of the end of each
25 month shall be determined by calculating the current monthly
26 child support obligation and applying all payments received for
27 that month, except federal income tax refund intercepts, first
28 to the current monthly child support obligation and then
29 applying any payments in excess of the current monthly child
30 support obligation to the unpaid child support balance owed
31 from previous months. The current monthly child support
32 obligation shall be determined from the document that

1 established the support obligation. Federal income tax refund
2 intercepts and any payments in excess of the current monthly
3 child support obligation shall be applied to the unpaid child
4 support balance. Any payments in excess of the current monthly
5 child support obligation and the unpaid child support balance
6 shall be applied to the accrued interest on the unpaid child
7 support balance. Interest on child support obligations may be
8 collected by any means available under federal and State laws,
9 rules, and regulations providing for the collection of child
10 support. Section 2-1303 commencing 30 days from the effective
11 date of each such judgment.

12 (Source: P.A. 85-2.)

13 Section 15. The Illinois Marriage and Dissolution of
14 Marriage Act is amended by changing Section 505 as follows:

15 (750 ILCS 5/505) (from Ch. 40, par. 505)

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

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

1 (1) The Court shall determine the minimum amount of
2 support by using the following guidelines:

3	Number of Children	Percent of Supporting Party's
4		Net Income
5	1	20%
6	2	28%
7	3	32%
8	4	40%
9	5	45%
10	6 or more	50%

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

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

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

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

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

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

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

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

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

1 (b) State income tax (properly calculated
2 withholding or estimated payments);

3 (c) Social Security (FICA payments);

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

6 (e) Union dues;

7 (f) Dependent and individual
8 health/hospitalization insurance premiums;

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

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

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

31 (4.5) In a proceeding for child support following
32 dissolution of the marriage by a court that lacked personal
33 jurisdiction over the absent spouse, and in which the court
34 is requiring payment of support for the period before the

1 date an order for current support is entered, there is a
2 rebuttable presumption that the supporting party's net
3 income for the prior period was the same as his or her net
4 income at the time the order for current support is
5 entered.

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

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

31 (a-5) In an action to enforce an order for support based on
32 the respondent's failure to make support payments as required
33 by the order, notice of proceedings to hold the respondent in
34 contempt for that failure may be served on the respondent by

1 personal service or by regular mail addressed to the
2 respondent's last known address. The respondent's last known
3 address may be determined from records of the clerk of the
4 court, from the Federal Case Registry of Child Support Orders,
5 or by any other reasonable means.

6 (b) Failure of either parent to comply with an order to pay
7 support shall be punishable as in other cases of contempt. In
8 addition to other penalties provided by law the Court may,
9 after finding the parent guilty of contempt, order that the
10 parent be:

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

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

17 (A) work; or

18 (B) conduct a business or other self-employed
19 occupation.

20 The Court may further order any part or all of the earnings
21 of a parent during a sentence of periodic imprisonment paid to
22 the Clerk of the Circuit Court or to the parent having custody
23 or to the guardian having custody of the children of the
24 sentenced parent for the support of said children until further
25 order of the Court.

26 If there is a unity of interest and ownership sufficient to
27 render no financial separation between a non-custodial parent
28 and another person or persons or business entity, the court may
29 pierce the ownership veil of the person, persons, or business
30 entity to discover assets of the non-custodial parent held in
31 the name of that person, those persons, or that business
32 entity. The following circumstances are sufficient to
33 authorize a court to order discovery of the assets of a person,
34 persons, or business entity and to compel the application of

1 any discovered assets toward payment on the judgment for
2 support:

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

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

8 (3) the non-custodial parent transfers assets to the
9 person, persons, or business entity with the intent to
10 perpetrate a fraud on the custodial parent.

11 With respect to assets which are real property, no order
12 entered under this paragraph shall affect the rights of bona
13 fide purchasers, mortgagees, judgment creditors, or other lien
14 holders who acquire their interests in the property prior to
15 the time a notice of lis pendens pursuant to the Code of Civil
16 Procedure or a copy of the order is placed of record in the
17 office of the recorder of deeds for the county in which the
18 real property is located.

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

1 court and shall, if ordered by the court, subject to the
2 provisions of Section 7-702.1 of the Illinois Vehicle Code,
3 issue a family financial responsibility driving permit to the
4 parent.

5 In addition to the penalties or punishment that may be
6 imposed under this Section, any person whose conduct
7 constitutes a violation of Section 15 of the Non-Support
8 Punishment Act may be prosecuted under that Act, and a person
9 convicted under that Act may be sentenced in accordance with
10 that Act. The sentence may include but need not be limited to a
11 requirement that the person perform community service under
12 Section 50 of that Act or participate in a work alternative
13 program under Section 50 of that Act. A person may not be
14 required to participate in a work alternative program under
15 Section 50 of that Act if the person is currently participating
16 in a work program pursuant to Section 505.1 of this Act.

17 A support obligation, or any portion of a support
18 obligation, which becomes due and remains unpaid as of the end
19 of each month, excluding the child support that was due for
20 that month to the extent that it was not paid in that month,
21 ~~for 30 days or more~~ shall accrue simple interest as set forth
22 in Section 12-109 of the Code of Civil Procedure ~~at the rate of~~
23 ~~9% per annum~~. An order for support entered or modified on or
24 after January 1, 2006 ~~2002~~ shall contain a statement that a
25 support obligation required under the order, or any portion of
26 a support obligation required under the order, that becomes due
27 and remains unpaid as of the end of each month, excluding the
28 child support that was due for that month to the extent that it
29 was not paid in that month, ~~for 30 days or more~~ shall accrue
30 simple interest as set forth in Section 12-109 of the Code of
31 Civil Procedure ~~at the rate of 9% per annum~~. Failure to include
32 the statement in the order for support does not affect the
33 validity of the order or the accrual of interest as provided in
34 this Section.

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

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

19 (e) When child support is to be paid through the clerk of
20 the court in a county of 1,000,000 inhabitants or less, the
21 order shall direct the obligor to pay to the clerk, in addition
22 to the child support payments, all fees imposed by the county
23 board under paragraph (3) of subsection (u) of Section 27.1 of
24 the Clerks of Courts Act. Unless paid in cash or pursuant to an
25 order for withholding, the payment of the fee shall be by a
26 separate instrument from the support payment and shall be made
27 to the order of the Clerk.

28 (f) All orders for support, when entered or modified, shall
29 include a provision requiring the obligor to notify the court
30 and, in cases in which a party is receiving child and spouse
31 services under Article X of the Illinois Public Aid Code, the
32 Illinois Department of Public Aid, within 7 days, (i) of the
33 name and address of any new employer of the obligor, (ii)
34 whether the obligor has access to health insurance coverage

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

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

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

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

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

1 residence within 5 days of the change except when the court
2 finds that the physical, mental, or emotional health of a party
3 or that of a child, or both, would be seriously endangered by
4 disclosure of the party's address.

5 (i) The court does not lose the powers of contempt,
6 driver's license suspension, or other child support
7 enforcement mechanisms, including, but not limited to,
8 criminal prosecution as set forth in this Act, upon the
9 emancipation of the minor child or children.

10 (Source: P.A. 92-16, eff. 6-28-01; 92-203, eff. 8-1-01; 92-374,
11 eff. 8-15-01; 92-651, eff. 7-11-02; 92-876, eff. 6-1-03;
12 93-148, eff. 7-10-03; 93-1061, eff. 1-1-05.)

13 Section 20. The Non-Support Punishment Act is amended by
14 changing Sections 20 and 23 as follows:

15 (750 ILCS 16/20)

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

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

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

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

1 the defendant to pay a certain sum for maintenance of the
2 spouse, or for support of the child or children, or both.

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

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

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

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

27 (e) Any order for support entered by the court under this
28 Section shall be deemed to be a series of judgments against the
29 person obligated to pay support under the judgments, each such
30 judgment to be in the amount of each payment or installment of
31 support and each judgment to be deemed entered as of the date
32 the corresponding payment or installment becomes due under the
33 terms of the support order. Each judgment shall have the full
34 force, effect, and attributes of any other judgment of this

1 State, including the ability to be enforced. Each judgment is
2 subject to modification or termination only in accordance with
3 Section 510 of the Illinois Marriage and Dissolution of
4 Marriage Act. A lien arises by operation of law against the
5 real and personal property of the noncustodial parent for each
6 installment of overdue support owed by the noncustodial parent.

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

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

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

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

1 so, the policy name and number and the names of persons covered
2 under the policy.

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

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

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

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

19 (j) A support obligation, or any portion of a support
20 obligation, which becomes due and remains unpaid as of the end
21 of each month, excluding the child support that was due for
22 that month to the extent that it was not paid in that month,
23 ~~for 30 days or more~~ shall accrue simple interest as set forth
24 in Section 12-109 of the Code of Civil Procedure at the rate of
25 ~~9% per annum~~. An order for support entered or modified on or
26 after January 1, 2006 ~~2002~~ shall contain a statement that a
27 support obligation required under the order, or any portion of
28 a support obligation required under the order, that becomes due
29 and remains unpaid as of the end of each month, excluding the
30 child support that was due for that month to the extent that it
31 was not paid in that month, ~~for 30 days or more~~ shall accrue
32 simple interest as set forth in Section 12-109 of the Code of
33 Civil Procedure at the rate of 9% per annum. Failure to include
34 the statement in the order for support does not affect the

1 validity of the order or the accrual of interest as provided in
2 this Section.

3 (Source: P.A. 92-374, eff. 8-15-01; 92-590, eff. 7-1-02;
4 92-876, eff. 6-1-03; 93-1061, eff. 1-1-05.)

5 (750 ILCS 16/23)

6 Sec. 23. Interest on support obligations. A support
7 obligation, or any portion of a support obligation, which
8 becomes due and remains unpaid as of the end of each month,
9 excluding the child support that was due for that month to the
10 extent that it was not paid in that month, ~~for 30 days or more~~
11 shall accrue interest as set forth in Section 12-109 of the
12 Code of Civil Procedure ~~at the rate of 9% per annum.~~

13 (Source: P.A. 91-397, eff. 1-1-00; 92-16, eff. 6-28-01.)

14 Section 25. The Income Withholding for Support Act is
15 amended by changing Section 15 as follows:

16 (750 ILCS 28/15)

17 Sec. 15. Definitions.

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

22 (1) modification or resumption of, or payment of
23 arrearage, including interest, accrued under, a previously
24 existing order;

25 (2) reimbursement of support;

26 (3) payment or reimbursement of the expenses of
27 pregnancy and delivery (for orders for support entered
28 under the Illinois Parentage Act of 1984 or its predecessor
29 the Paternity Act); or

30 (4) enrollment in a health insurance plan that is
31 available to the obligor through an employer or labor union

1 or trade union.

2 (b) "Arrearage" means the total amount of unpaid support
3 obligations, including interest, as determined by the court and
4 incorporated into an order for support.

5 (b-5) "Business day" means a day on which State offices are
6 open for regular business.

7 (c) "Delinquency" means any payment, including a payment of
8 interest, under an order for support which becomes due and
9 remains unpaid after entry of the order for support.

10 (d) "Income" means any form of periodic payment to an
11 individual, regardless of source, including, but not limited
12 to: wages, salary, commission, compensation as an independent
13 contractor, workers' compensation, disability, annuity,
14 pension, and retirement benefits, lottery prize awards,
15 insurance proceeds, vacation pay, bonuses, profit-sharing
16 payments, interest, and any other payments, made by any person,
17 private entity, federal or state government, any unit of local
18 government, school district or any entity created by Public
19 Act; however, "income" excludes:

20 (1) any amounts required by law to be withheld, other
21 than creditor claims, including, but not limited to,
22 federal, State and local taxes, Social Security and other
23 retirement and disability contributions;

24 (2) union dues;

25 (3) any amounts exempted by the federal Consumer Credit
26 Protection Act;

27 (4) public assistance payments; and

28 (5) unemployment insurance benefits except as provided
29 by law.

30 Any other State or local laws which limit or exempt income
31 or the amount or percentage of income that can be withheld
32 shall not apply.

33 (e) "Obligor" means the individual who owes a duty to make
34 payments under an order for support.

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

3 (g) "Payor" means any payor of income to an obligor.

4 (h) "Public office" means any elected official or any State
5 or local agency which is or may become responsible by law for
6 enforcement of, or which is or may become authorized to
7 enforce, an order for support, including, but not limited to:
8 the Attorney General, the Illinois Department of Public Aid,
9 the Illinois Department of Human Services, the Illinois
10 Department of Children and Family Services, and the various
11 State's Attorneys, Clerks of the Circuit Court and supervisors
12 of general assistance.

13 (i) "Premium" means the dollar amount for which the obligor
14 is liable to his employer or labor union or trade union and
15 which must be paid to enroll or maintain a child in a health
16 insurance plan that is available to the obligor through an
17 employer or labor union or trade union.

18 (j) "State Disbursement Unit" means the unit established to
19 collect and disburse support payments in accordance with the
20 provisions of Section 10-26 of the Illinois Public Aid Code.

21 (k) "Title IV-D Agency" means the agency of this State
22 charged by law with the duty to administer the child support
23 enforcement program established under Title IV, Part D of the
24 Social Security Act and Article X of the Illinois Public Aid
25 Code.

26 (l) "Title IV-D case" means a case in which an obligee or
27 obligor is receiving child support enforcement services under
28 Title IV, Part D of the Social Security Act and Article X of
29 the Illinois Public Aid Code.

30 (m) "National Medical Support Notice" means the notice
31 required for enforcement of orders for support providing for
32 health insurance coverage of a child under Title IV, Part D of
33 the Social Security Act, the Employee Retirement Income
34 Security Act of 1974, and federal regulations promulgated under

1 those Acts.

2 (n) "Employer" means a payor or labor union or trade union
3 with an employee group health insurance plan and, for purposes
4 of the National Medical Support Notice, also includes but is
5 not limited to:

6 (1) any State or local governmental agency with a group
7 health plan; and

8 (2) any payor with a group health plan or "church plan"
9 covered under the Employee Retirement Income Security Act
10 of 1974.

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

12 Section 30. The Illinois Parentage Act of 1984 is amended
13 by changing Section 20.7 as follows:

14 (750 ILCS 45/20.7)

15 Sec. 20.7. Interest on support obligations. A support
16 obligation, or any portion of a support obligation, which
17 becomes due and remains unpaid as of the end of each month,
18 excluding the child support that was due for that month to the
19 extent that it was not paid in that month, for 30 days or more
20 shall accrue simple interest as set forth in Section 12-109 of
21 the Code of Civil Procedure at the rate of 9% per annum. An
22 order for support entered or modified on or after January 1,
23 2006 ~~2002~~ shall contain a statement that a support obligation
24 required under the order, or any portion of a support
25 obligation required under the order, that becomes due and
26 remains unpaid as of the end of each month, excluding the child
27 support that was due for that month to the extent that it was
28 not paid in that month, for 30 days or more shall accrue simple
29 interest as set forth in Section 12-109 of the Code of Civil
30 Procedure at the rate of 9% per annum. Failure to include the
31 statement in the order for support does not affect the validity
32 of the order or the accrual of interest as provided in this

1 Section.

2 (Source: P.A. 91-397, eff. 1-1-00; 92-374, eff. 8-15-01.)

3 Section 99. Effective date. This Act takes effect January
4 1, 2006.".