

1 AN ACT concerning civil procedure.

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

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

6 (305 ILCS 5/10-4) (from Ch. 23, par. 10-4)

7 Sec. 10-4. Notification of Support Obligation. The  
8 administrative enforcement unit within the authorized area of  
9 its operation shall notify each responsible relative of an  
10 applicant or recipient, or responsible relatives of other  
11 persons given access to the child support enforcement services  
12 of this Article, of his legal obligation to support and shall  
13 request such information concerning his financial status as may  
14 be necessary to determine whether he is financially able to  
15 provide such support, in whole or in part. In cases involving a  
16 child born out of wedlock, the notification shall include a  
17 statement that the responsible relative has been named as the  
18 biological father of the child identified in the notification.

19 In the case of applicants, the notification shall be sent  
20 as soon as practical after the filing of the application. In  
21 the case of recipients, the notice shall be sent at such time  
22 as may be established by rule of the Illinois Department.

23 The notice shall be accompanied by the forms or  
24 questionnaires provided in Section 10-5. It shall inform the  
25 relative that he may be liable for reimbursement of any support  
26 furnished from public aid funds prior to determination of the  
27 relative's financial circumstances, as well as for future  
28 support. In the alternative, when support is sought on behalf  
29 of applicants for or recipients of financial aid under Article  
30 IV of this Code and other persons who are given access to the  
31 child support enforcement services of this Article as provided  
32 in Section 10-1, the notice shall inform the relative that the

1 relative may be required to pay support for a period before the  
2 date an administrative support order is entered, as well as  
3 future support.

4 Neither the mailing nor receipt of such notice shall be  
5 deemed a jurisdictional requirement for the subsequent  
6 exercise of the investigative procedures undertaken by an  
7 administrative enforcement unit or the entry of any order or  
8 determination of paternity or support or reimbursement by the  
9 administrative enforcement unit; except that notice shall be  
10 served by certified mail addressed to the responsible relative  
11 at his or her last known address, return receipt requested, or  
12 by a person who is licensed or registered as a private  
13 detective under the Private Detective, Private Alarm, Private  
14 Security, and Locksmith Act of 2004 or by a registered employee  
15 of a private detective agency certified under that Act ~~any~~  
16 ~~method provided by law for service of summons~~, in cases where a  
17 determination of paternity or support by default is sought on  
18 behalf of applicants for or recipients of financial aid under  
19 Article IV of this Act and other persons who are given access  
20 to the child support enforcement services of this Article as  
21 provided in Section 10-1.

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

23 Section 10. The Code of Civil Procedure is amended by  
24 changing Section 2-202 as follows:

25 (735 ILCS 5/2-202) (from Ch. 110, par. 2-202)

26 Sec. 2-202. Persons authorized to serve process; Place of  
27 service; Failure to make return.

28 (a) Process shall be served by a sheriff, or if the sheriff  
29 is disqualified, by a coroner of some county of the State. A  
30 sheriff of a county with a population of less than 1,000,000  
31 may employ civilian personnel to serve process. In counties  
32 with a population of less than 1,000,000, process may be  
33 served, without special appointment, by a person who is  
34 licensed or registered as a private detective under the Private

1 Detective, Private Alarm, Private Security, and Locksmith Act  
2 of 2004 or by a registered employee of a private detective  
3 agency certified under that Act. After unsuccessful service by  
4 the sheriff in a county with a population of 1,000,000 or more,  
5 process may be served, without special appointment, by a person  
6 who is licensed or registered as a private detective under the  
7 Private Detective, Private Alarm, Private Security, and  
8 Locksmith Act of 2004 or by a registered employee of a private  
9 detective agency certified under that Act, in cases in which a  
10 party is receiving child support enforcement services under  
11 Article X of the Illinois Public Aid Code. A private detective  
12 or licensed employee must supply the sheriff of any county in  
13 which he serves process with a copy of his license or  
14 certificate; however, the failure of a person to supply the  
15 copy shall not in any way impair the validity of process served  
16 by the person. The court may, in its discretion upon motion,  
17 order service to be made by a private person over 18 years of  
18 age and not a party to the action. It is not necessary that  
19 service be made by a sheriff or coroner of the county in which  
20 service is made. If served or sought to be served by a sheriff  
21 or coroner, he or she shall endorse his or her return thereon,  
22 and if by a private person the return shall be by affidavit.

23 (a-5) Upon motion and in its discretion, the court may  
24 appoint as a special process server a private detective agency  
25 certified under the Private Detective, Private Alarm, Private  
26 Security, and Locksmith Act of 2004. Under the appointment, any  
27 employee of the private detective agency who is registered  
28 under that Act may serve the process. The motion and the order  
29 of appointment must contain the number of the certificate  
30 issued to the private detective agency by the Department of  
31 Professional Regulation under the Private Detective, Private  
32 Alarm, Private Security, and Locksmith Act of 2004.

33 (b) Summons may be served upon the defendants wherever they  
34 may be found in the State, by any person authorized to serve  
35 process. An officer may serve summons in his or her official  
36 capacity outside his or her county, but fees for mileage

1 outside the county of the officer cannot be taxed as costs. The  
2 person serving the process in a foreign county may make return  
3 by mail.

4 (c) If any sheriff, coroner, or other person to whom any  
5 process is delivered, neglects or refuses to make return of the  
6 same, the plaintiff may petition the court to enter a rule  
7 requiring the sheriff, coroner, or other person, to make return  
8 of the process on a day to be fixed by the court, or to show  
9 cause on that day why that person should not be attached for  
10 contempt of the court. The plaintiff shall then cause a written  
11 notice of the rule to be served on the sheriff, coroner, or  
12 other person. If good and sufficient cause be not shown to  
13 excuse the officer or other person, the court shall adjudge him  
14 or her guilty of a contempt, and shall impose punishment as in  
15 other cases of contempt.

16 (d) If process is served by a sheriff or coroner, the court  
17 may tax the fee of the sheriff or coroner as costs in the  
18 proceeding. If process is served by a private person or entity,  
19 the court may establish a fee therefor and tax such fee as  
20 costs in the proceedings.

21 (e) In addition to the powers stated in Section 8.1a of the  
22 Housing Authorities Act, in counties with a population of  
23 3,000,000 or more inhabitants, members of a housing authority  
24 police force may serve process for forcible entry and detainer  
25 actions commenced by that housing authority and may execute  
26 orders of possession for that housing authority.

27 (f) In counties with a population of 3,000,000 or more,  
28 process may be served, with special appointment by the court,  
29 by a private process server or a law enforcement agency other  
30 than the county sheriff in proceedings instituted under the  
31 Forcible Entry and Detainer Article of this Code as a result of  
32 a lessor or lessor's assignee declaring a lease void pursuant  
33 to Section 11 of the Controlled Substance and Cannabis Nuisance  
34 Act.

35 (Source: P.A. 93-438, eff. 8-5-03.)