



Filed: 4/11/2005

09400SB0530sam002

LRB094 10875 DRJ 44825 a

1 AMENDMENT TO SENATE BILL 530

2 AMENDMENT NO. _____. Amend Senate Bill 530, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

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

7 (305 ILCS 5/10-4) (from Ch. 23, par. 10-4)

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

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

24 The notice shall be accompanied by the forms or

1 questionnaires provided in Section 10-5. It shall inform the
2 relative that he may be liable for reimbursement of any support
3 furnished from public aid funds prior to determination of the
4 relative's financial circumstances, as well as for future
5 support. In the alternative, when support is sought on behalf
6 of applicants for or recipients of financial aid under Article
7 IV of this Code and other persons who are given access to the
8 child support enforcement services of this Article as provided
9 in Section 10-1, the notice shall inform the relative that the
10 relative may be required to pay support for a period before the
11 date an administrative support order is entered, as well as
12 future support.

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

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

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

1 (735 ILCS 5/2-202) (from Ch. 110, par. 2-202)

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

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

33 (a-5) Upon motion and in its discretion, the court may

1 appoint as a special process server a private detective agency
2 certified under the Private Detective, Private Alarm, Private
3 Security, and Locksmith Act of 2004. Under the appointment, any
4 employee of the private detective agency who is registered
5 under that Act may serve the process. The motion and the order
6 of appointment must contain the number of the certificate
7 issued to the private detective agency by the Department of
8 Professional Regulation under the Private Detective, Private
9 Alarm, Private Security, and Locksmith Act of 2004.

10 (b) Summons may be served upon the defendants wherever they
11 may be found in the State, by any person authorized to serve
12 process. An officer may serve summons in his or her official
13 capacity outside his or her county, but fees for mileage
14 outside the county of the officer cannot be taxed as costs. The
15 person serving the process in a foreign county may make return
16 by mail.

17 (c) If any sheriff, coroner, or other person to whom any
18 process is delivered, neglects or refuses to make return of the
19 same, the plaintiff may petition the court to enter a rule
20 requiring the sheriff, coroner, or other person, to make return
21 of the process on a day to be fixed by the court, or to show
22 cause on that day why that person should not be attached for
23 contempt of the court. The plaintiff shall then cause a written
24 notice of the rule to be served on the sheriff, coroner, or
25 other person. If good and sufficient cause be not shown to
26 excuse the officer or other person, the court shall adjudge him
27 or her guilty of a contempt, and shall impose punishment as in
28 other cases of contempt.

29 (d) If process is served by a sheriff or coroner, the court
30 may tax the fee of the sheriff or coroner as costs in the
31 proceeding. If process is served by a private person or entity,
32 the court may establish a fee therefor and tax such fee as
33 costs in the proceedings.

34 (e) In addition to the powers stated in Section 8.1a of the

1 Housing Authorities Act, in counties with a population of
2 3,000,000 or more inhabitants, members of a housing authority
3 police force may serve process for forcible entry and detainer
4 actions commenced by that housing authority and may execute
5 orders of possession for that housing authority.

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

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