

1 AN ACT concerning civil law.

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

4 Section 5. The Illinois Parentage Act of 1984 is amended by  
5 changing Section 14 as follows:

6 (750 ILCS 45/14) (from Ch. 40, par. 2514)

7 Sec. 14. Judgment.

8 (a) (1) The judgment shall contain or explicitly reserve  
9 provisions concerning any duty and amount of child support and  
10 may contain provisions concerning the custody and guardianship  
11 of the child, visitation privileges with the child, the  
12 furnishing of bond or other security for the payment of the  
13 judgment, which the court shall determine in accordance with  
14 the relevant factors set forth in the Illinois Marriage and  
15 Dissolution of Marriage Act and any other applicable law of  
16 Illinois, to guide the court in a finding in the best interests  
17 of the child. In determining custody, joint custody, removal,  
18 or visitation, the court shall apply the relevant standards of  
19 the Illinois Marriage and Dissolution of Marriage Act,  
20 including Section 609. Specifically, in determining the amount  
21 of any child support award, the court shall use the guidelines  
22 and standards set forth in subsection (a) of Section 505 and in  
23 Section 505.2 of the Illinois Marriage and Dissolution of  
24 Marriage Act. For purposes of Section 505 of the Illinois  
25 Marriage and Dissolution of Marriage Act, "net income" of the  
26 non-custodial parent shall include any benefits available to  
27 that person under the Illinois Public Aid Code or from other  
28 federal, State or local government-funded programs. ~~The court~~  
29 ~~shall, in any event and regardless of the amount of the~~  
30 ~~non-custodial parent's net income, in its judgment order the~~  
31 ~~non-custodial parent to pay child support to the custodial~~  
32 ~~parent in a minimum amount of not less than \$10 per month. In~~

1 an action brought within 2 years after a child's birth, the  
2 judgment or order may direct either parent to pay the  
3 reasonable expenses incurred by either parent related to the  
4 mother's pregnancy and the delivery of the child. The judgment  
5 or order shall contain the father's social security number,  
6 which the father shall disclose to the court; however, failure  
7 to include the father's social security number on the judgment  
8 or order does not invalidate the judgment or order.

9 (2) If a judgment of parentage contains no explicit award  
10 of custody, the establishment of a support obligation or of  
11 visitation rights in one parent shall be considered a judgment  
12 granting custody to the other parent. If the parentage judgment  
13 contains no such provisions, custody shall be presumed to be  
14 with the mother; however, the presumption shall not apply if  
15 the father has had physical custody for at least 6 months prior  
16 to the date that the mother seeks to enforce custodial rights.

17 (b) The court shall order all child support payments,  
18 determined in accordance with such guidelines, to commence with  
19 the date summons is served. The level of current periodic  
20 support payments shall not be reduced because of payments set  
21 for the period prior to the date of entry of the support order.  
22 The Court may order any child support payments to be made for a  
23 period prior to the commencement of the action. In determining  
24 whether and the extent to which the payments shall be made for  
25 any prior period, the court shall consider all relevant facts,  
26 including the factors for determining the amount of support  
27 specified in the Illinois Marriage and Dissolution of Marriage  
28 Act and other equitable factors including but not limited to:

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

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

33 (3) The extent to which the mother or the public agency  
34 bringing the action previously informed the father of the  
35 child's needs or attempted to seek or require his help in  
36 raising or supporting the child.

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

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

5           For purposes of determining the amount of child support to  
6           be paid for any period before the date the order for current  
7           child support is entered, there is a rebuttable presumption  
8           that the father's net income for the prior period was the same  
9           as his net income at the time the order for current child  
10          support is entered.

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

23          (c) 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          judgment to be in the amount of each payment or installment of  
27          support and each such judgment to be deemed entered as of the  
28          date the corresponding payment or installment becomes due under  
29          the terms of the support order. Each judgment shall have the  
30          full force, effect and attributes of any other judgment of this  
31          State, including the ability to be enforced. A lien arises by  
32          operation of law against the real and personal property of the  
33          noncustodial parent for each installment of overdue support  
34          owed by the noncustodial parent.

35          (d) If the judgment or order of the court is at variance  
36          with the child's birth certificate, the court shall order that

1 a new birth certificate be issued under the Vital Records Act.

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

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

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

19 (h) All orders for support, when entered or modified, shall  
20 include a provision requiring the non-custodial parent to  
21 notify the court and, in cases in which party is receiving  
22 child support enforcement services under Article X of the  
23 Illinois Public Aid Code, the ~~Illinois~~ Department of Healthcare  
24 and Family Services ~~Public Aid~~, within 7 days, (i) of the name  
25 and address of any new employer of the non-custodial parent,  
26 (ii) whether the non-custodial parent has access to health  
27 insurance coverage through the employer or other group coverage  
28 and, if so, the policy name and number and the names of persons  
29 covered under the policy, and (iii) of any new residential or  
30 mailing address or telephone number of the non-custodial  
31 parent. In any subsequent action to enforce a support order,  
32 upon a sufficient showing that a diligent effort has been made  
33 to ascertain the location of the non-custodial parent, service  
34 of process or provision of notice necessary in the case may be  
35 made at the last known address of the non-custodial parent in  
36 any manner expressly provided by the Code of Civil Procedure or

1 this Act, which service shall be sufficient for purposes of due  
2 process.

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

16 (i-5) If there is an unpaid arrearage or delinquency (as  
17 those terms are defined in the Income Withholding for Support  
18 Act) equal to at least one month's support obligation on the  
19 termination date stated in the order for support or, if there  
20 is no termination date stated in the order, on the date the  
21 child attains the age of majority or is otherwise emancipated,  
22 the periodic amount required to be paid for current support of  
23 that child immediately prior to that date shall automatically  
24 continue to be an obligation, not as current support but as  
25 periodic payment toward satisfaction of the unpaid arrearage or  
26 delinquency. That periodic payment shall be in addition to any  
27 periodic payment previously required for satisfaction of the  
28 arrearage or delinquency. The total periodic amount to be paid  
29 toward satisfaction of the arrearage or delinquency may be  
30 enforced and collected by any method provided by law for  
31 enforcement and collection of child support, including but not  
32 limited to income withholding under the Income Withholding for  
33 Support Act. Each order for support entered or modified on or  
34 after the effective date of this amendatory Act of the 93rd  
35 General Assembly must contain a statement notifying the parties  
36 of the requirements of this subsection. Failure to include the

1 statement in the order for support does not affect the validity  
2 of the order or the operation of the provisions of this  
3 subsection with regard to the order. This subsection shall not  
4 be construed to prevent or affect the establishment or  
5 modification of an order for support of a minor child or the  
6 establishment or modification of an order for support of a  
7 non-minor child or educational expenses under Section 513 of  
8 the Illinois Marriage and Dissolution of Marriage Act.

9 (j) An order entered under this Section shall include a  
10 provision requiring the obligor to report to the obligee and to  
11 the clerk of court within 10 days each time the obligor obtains  
12 new employment, and each time the obligor's employment is  
13 terminated for any reason. The report shall be in writing and  
14 shall, in the case of new employment, include the name and  
15 address of the new employer. Failure to report new employment  
16 or the termination of current employment, if coupled with  
17 nonpayment of support for a period in excess of 60 days, is  
18 indirect criminal contempt. For any obligor arrested for  
19 failure to report new employment bond shall be set in the  
20 amount of the child support that should have been paid during  
21 the period of unreported employment. An order entered under  
22 this Section shall also include a provision requiring the  
23 obligor and obligee parents to advise each other of a change in  
24 residence within 5 days of the change except when the court  
25 finds that the physical, mental, or emotional health of a party  
26 or that of a minor child, or both, would be seriously  
27 endangered by disclosure of the party's address.

28 (Source: P.A. 92-590, eff. 7-1-02; 92-876, eff. 6-1-03; 93-139,  
29 eff. 7-10-03; 93-1061, eff. 1-1-05; revised 12-15-05.)