



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB6191

by Rep. Kelly Burke

SYNOPSIS AS INTRODUCED:

See Index

Creates the Illinois Parentage Act of 2012. Provides methods for the establishment of a parent-child relationship. Authorizes genetic testing. Provides for temporary relief and proceedings to adjudicate parentage. Establishes procedures regarding parentage of a child of assisted reproduction. Provides for child support establishment and enforcement. Repeals the Illinois Parentage Act and the Illinois Parentage Act of 1984. Amends numerous Acts to make conforming changes.

LRB097 13524 JLS 69734 b

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 ARTICLE 1. GENERAL PROVISIONS

5 Section 101. Short title. This Act may be cited as the
6 Illinois Parentage Act of 2012.

7 Section 102. Public policy. Illinois recognizes the right
8 of every child to the physical, mental, emotional, and
9 financial support of his or her parents. The parent-child
10 relationship, including support obligations, extends equally
11 to every child and to every parent, regardless of the legal
12 relationship of the parents, and regardless of whether a parent
13 is a minor.

14 Section 103. Definitions. In this Act:

15 (a) "Acknowledged father" means a man who has established a
16 father-child relationship under Article 3.

17 (b) "Adjudicated father" means a man who has been
18 adjudicated by a court of competent jurisdiction, or as
19 authorized under Article X of the Illinois Public Aid Code, to
20 be the father of a child.

21 (c) "Alleged father" means a man who alleges himself to be,

1 or is alleged to be, the biological father or a possible
2 biological father of a child, but whose paternity has not been
3 established. The term does not include:

4 (1) a presumed or acknowledged father;

5 (2) a man whose parental rights have been terminated or
6 declared not to exist; or

7 (3) a male donor.

8 (d) "Assisted reproduction" means a method of causing
9 pregnancy other than sexual intercourse. The term includes:

10 (1) intrauterine insemination;

11 (2) donation of eggs;

12 (3) donation of embryos;

13 (4) in-vitro fertilization and transfer of embryos;

14 and

15 (5) intracytoplasmic sperm injection.

16 (e) "Child" means an individual of any age whose parentage
17 may be established under this Act.

18 (f) "Combined paternity index" means the likelihood of
19 paternity calculated by computing the ratio between:

20 (1) the likelihood that the tested man is the father,
21 based on the genetic markers of the tested man, mother, and
22 child, conditioned on the hypothesis that the tested man is
23 the father of the child; and

24 (2) the likelihood that the tested man is not the
25 father, based on the genetic markers of the tested man,
26 mother, and child, conditioned on the hypothesis that the

1 tested man is not the father of the child and that the
2 father is of the same ethnic or racial group as the tested
3 man.

4 (g) "Commence" means to file the initial pleading seeking
5 an adjudication of parentage in the circuit court of this
6 State.

7 (h) "Determination of parentage" means the establishment
8 of the parent-child relationship by the signing of a Voluntary
9 Acknowledgment of Paternity under Article 3 or adjudication by
10 the court or as authorized under Article X of the Illinois
11 Public Aid Code.

12 (i) "Donor" means an individual who contributes a gamete or
13 gametes used for assisted reproduction, whether or not for
14 consideration. The term does not include:

15 (1) a husband who provides sperm, or a wife who
16 provides eggs, to be used for assisted reproduction by the
17 wife;

18 (2) a woman who gives birth to a child by means of
19 assisted reproduction, except as otherwise provided in the
20 Gestational Surrogacy Act; or

21 (3) a parent under Article 7, or an intended parent
22 under the Gestational Surrogacy Act.

23 (j) "Ethnic or racial group" means, for purposes of genetic
24 testing, a recognized group that an individual identifies as
25 all or part of the individual's ancestry or that is so
26 identified by other information.

1 (k) "Gamete" means either a sperm or an egg.

2 (l) "Genetic testing" means an analysis of genetic markers
3 to exclude or identify a man as the father or a woman as the
4 mother of a child as provided in Article 4 of this Act.

5 (m) "Gestational mother" means an adult woman who gives
6 birth to a child under a gestational agreement.

7 (n) "Man" means a male individual of any age.

8 (o) "Parent" means an individual who has established a
9 parent-child relationship under Section 201.

10 (p) "Parent-child relationship" means the legal
11 relationship between a child and a parent of the child.

12 (q) "Presumed parent" means an individual who, by operation
13 of law under Section 204, is recognized as the parent of a
14 child until that status is rebutted or confirmed in a judicial
15 or administrative proceeding.

16 (r) "Probability of paternity" means the measure, for the
17 ethnic or racial group to which the alleged father belongs, of
18 the probability that the man in question is the father of the
19 child, compared with a random, unrelated man of the same ethnic
20 or racial group, expressed as a percentage incorporating the
21 combined paternity index and a prior probability.

22 (s) "Record" means information that is inscribed on a
23 tangible medium or that is stored in an electronic or other
24 medium and is retrievable in perceivable form.

25 (t) "Signatory" means an individual who authenticates a
26 record and is bound by its terms.

1 (u) "State" means a state of the United States, the
2 District of Columbia, Puerto Rico, the United States Virgin
3 Islands, or any territory or insular possession subject to the
4 jurisdiction of the United States.

5 (v) "Support-enforcement agency" means a public official
6 or agency authorized to seek:

7 (1) enforcement of support orders or laws relating to
8 the duty of support;

9 (2) establishment or modification of child support;

10 (3) determination of parentage; or

11 (4) location of child-support obligors and their
12 income and assets.

13 Section 104. Scope of Act; choice of law.

14 (a) This Act applies to determination of parentage in this
15 State.

16 (b) The court shall apply the law of this State to
17 adjudicate the parent-child relationship. The applicable law
18 does not depend on:

19 (1) the place of birth of the child; or

20 (2) the past or present residence of the child.

21 (c) This Act does not create, enlarge, or diminish parental
22 rights or duties under other law of this State.

23 Section 105. Authority to establish parentage. The circuit
24 courts are authorized to establish parentage under this Act.

1 The Illinois Department of Healthcare and Family Services may
2 make administrative determinations of paternity and
3 nonpaternity in accordance with Section 10-17.7 of the Illinois
4 Public Aid Code. Such administrative determinations shall have
5 the full force and effect of court judgments entered under this
6 Act.

7 Section 106. Protection of participants. Proceedings under
8 this Act are subject to other law of this State governing the
9 health, safety, privacy, and liberty of a child or other
10 individual who could be jeopardized by disclosure of
11 identifying information, including address, telephone number,
12 place of employment, social security number, and the child's
13 day-care facility and school.

14 ARTICLE 2. PARENT-CHILD RELATIONSHIP

15 Section 201. Establishment of parent-child relationship.

16 (a) The parent-child relationship is established between a
17 woman and a child by:

18 (1) the woman's having given birth to the child, except
19 as otherwise provided in the Gestational Surrogacy Act;

20 (2) an adjudication of the woman's parentage;

21 (3) adoption of the child by the woman;

22 (4) a determination confirming the woman as a parent of
23 a child born to a gestational mother if a gestational

1 agreement is valid under the Gestational Surrogacy Act or
2 is enforceable under other law; or

3 (5) an un rebutted presumption of the woman's parentage
4 of the child under Section 204.

5 (b) The parent-child relationship is established between a
6 man and a child by:

7 (1) an un rebutted presumption of the man's parentage of
8 the child under Section 204;

9 (2) an effective Voluntary Acknowledgment of Paternity
10 by the man under Article 3, unless the acknowledgment has
11 been rescinded or successfully challenged;

12 (3) an adjudication of the man's parentage;

13 (4) adoption of the child by the man;

14 (5) the man's having consented to assisted
15 reproduction by a woman under Article 7 which resulted in
16 the birth of the child; or

17 (6) a determination confirming the man as a parent of a
18 child born to a gestational surrogate if there is a
19 gestational agreement valid under the Gestational
20 Surrogacy Act or there is a surrogacy agreement enforceable
21 under other law.

22 (c) Insofar as practicable, the provisions of this Act
23 applicable to parent-child relationships shall apply equally
24 to men and women as parents, including, but not limited to, the
25 obligation to support.

1 Section 202. Parents' legal relationship. Every child has
2 equal rights under the law regardless of the parents' legal
3 relationship.

4 Section 203. Consequences of establishment of parentage. A
5 parent-child relationship established under this Act applies
6 for all purposes, except as otherwise specifically provided by
7 other law of this State.

8 Section 204. Presumption of parentage.

9 (a) A man is presumed to be the parent of a child if:

10 (1) he and the mother of the child are married to each
11 other or are in a state-recognized civil union and the
12 child is born to the mother during the marriage or civil
13 union, except as provided by the Gestational Surrogacy Act
14 or Article 7 of this Act;

15 (2) he and the mother of the child were married to each
16 other or were in a state-recognized civil union and the
17 child is born to the mother within 300 days after the
18 marriage or civil union is terminated by death, declaration
19 of invalidity of marriage or civil union, judgment for
20 dissolution of marriage or civil union, or after a judgment
21 for legal separation, except as provided by the Gestational
22 Surrogacy Act or Article 7 of this Act;

23 (3) before the birth of the child, he and the mother of
24 the child married each other or entered into a

1 state-recognized civil union in apparent compliance with
2 law, even if the attempted marriage or civil union is or
3 could be declared invalid, and the child is born during the
4 invalid marriage or civil union or within 300 days after
5 its termination by death, declaration of invalidity of
6 marriage or civil union, judgment for dissolution of
7 marriage or civil union, or after a judgment for legal
8 separation, except as provided by the Gestational
9 Surrogacy Act or Article 7 of this Act;

10 (4) after the child's birth, he and the child's mother
11 have married each other or entered into a state-recognized
12 civil union, even though the marriage or civil union is or
13 could be declared invalid, and he is named, with his
14 written consent, as the child's father on the child's birth
15 certificate; or

16 (5) for the first 2 years of the child's life, he
17 resided in a household with the child and openly held out
18 the child as his own during that time.

19 (b) A woman is presumed to be the parent of a child if she
20 and the natural mother of the child were in a state-recognized
21 civil union or marriage at the time of the birth and the
22 natural father of the child has not commenced an action to
23 establish his parentage.

24 Section 205. Proceedings to declare the non-existence of
25 the parent-child relationship.

1 (a) An action to declare the non-existence of the
2 parent-child relationship may be brought by the child, the
3 natural mother, or a man or woman presumed to be the parent
4 under Section 204 of this Act. Actions brought by the child,
5 the natural mother, or a presumed parent shall be brought by
6 verified complaint, which shall be designated a petition. After
7 the presumption that a man or woman presumed to be the parent
8 under Section 204 of this Act has been rebutted, parentage of
9 the child by another man or woman may be established in the
10 same action, if he or she has been made a party.

11 (b) An action to declare the non-existence of the
12 parent-child relationship brought under subsection (a) of this
13 Section shall be barred if brought later than 2 years after the
14 petitioner obtains knowledge of the relevant facts. The 2-year
15 period for bringing an action to declare the non-existence of
16 the parent-child relationship shall not extend beyond the date
17 on which the child reaches the age of 18 years. Failure to
18 bring an action within 2 years shall not bar any party from
19 asserting a defense in any action to declare the existence of
20 the parent-child relationship.

21 (c) An action to declare the non-existence of the
22 parent-child relationship may be brought subsequent to an
23 adjudication of parentage in any judgment by the man
24 adjudicated to be the parent pursuant to a presumption in
25 paragraphs (a)(1) through (a)(4) of Section 204 if, as a result
26 of deoxyribonucleic acid (DNA) testing, it is discovered that

1 the man adjudicated to be the father is not the natural father
2 of the child. Actions brought by the adjudicated father shall
3 be brought by verified petition. If, as a result of the
4 deoxyribonucleic acid (DNA) testing, the petitioner is
5 determined not to be the natural father of the child, the
6 adjudication of paternity and any orders regarding custody,
7 parenting time, and future payments of support may be vacated.

8 (d) An action to declare the non-existence of the
9 parent-child relationship brought under subsection (c) of this
10 Section shall be barred if brought more than 2 years after the
11 petitioner obtains actual knowledge of relevant facts. The
12 2-year period shall not apply to periods of time where the
13 natural mother or the child refuses to submit to
14 deoxyribonucleic acid (DNA) testing. The 2-year period for
15 bringing an action to declare the non-existence of the
16 parent-child relationship shall not extend beyond the date on
17 which the child reaches the age of 18 years.

18 ARTICLE 3. VOLUNTARY ACKNOWLEDGMENT OF PATERNITY

19 Section 301. Voluntary Acknowledgment of Paternity. A
20 parent-child relationship may be established voluntarily by
21 the signing and witnessing of a Voluntary Acknowledgment of
22 Paternity in accordance with Section 12 of the Vital Records
23 Act and Section 10-17.7 of the Illinois Public Aid Code. The
24 Voluntary Acknowledgment of Paternity shall contain the social

1 security numbers of the persons signing the Voluntary
2 Acknowledgment of Paternity; however, failure to include the
3 social security numbers of the persons signing a Voluntary
4 Acknowledgment of Paternity does not invalidate the Voluntary
5 Acknowledgment of Paternity.

6 Section 302. Execution of Voluntary Acknowledgment of
7 Paternity.

8 (a) A Voluntary Acknowledgment of Paternity must:

9 (1) be in a record;

10 (2) be signed, or otherwise authenticated, under
11 penalty of perjury by the mother and by the man seeking to
12 establish his paternity;

13 (3) state that the child whose paternity is being
14 acknowledged:

15 (A) does not have a presumed father, or has a
16 presumed father whose full name is stated; and

17 (B) does not have another acknowledged or
18 adjudicated father;

19 (4) be witnessed; and

20 (5) state that the signatories understand that the
21 acknowledgment is the equivalent of a judicial
22 adjudication of paternity of the child and that a challenge
23 to the acknowledgment is permitted only under limited
24 circumstances and is barred after 4 years.

25 (b) An acknowledgment of paternity is void if it:

1 (1) states that another man is a presumed father,
2 unless a denial of paternity signed or otherwise
3 authenticated by the presumed father is filed with the
4 Illinois Department of Healthcare and Family Services, as
5 provided by law;

6 (2) states that another man is an acknowledged or
7 adjudicated father; or

8 (3) falsely denies the existence of a presumed,
9 acknowledged, or adjudicated father of the child.

10 (c) A presumed father may sign or otherwise authenticate an
11 acknowledgment of paternity.

12 Section 303. Denial of paternity. A presumed father may
13 sign a denial of his paternity. The denial is valid only if:

14 (a) a Voluntary Acknowledgment of Paternity signed, or
15 otherwise authenticated, by another man is filed pursuant to
16 Section 305;

17 (b) the denial is in a record, and is signed, or otherwise
18 authenticated, under penalty of perjury; and

19 (c) the presumed father has not previously:

20 (1) acknowledged his paternity, unless the previous
21 acknowledgment has been rescinded pursuant to Section 307
22 or successfully challenged pursuant to Section 308; or

23 (2) been adjudicated to be the father of the child.

24 Section 304. Rules for acknowledgment and denial of

1 paternity.

2 (a) An acknowledgment of paternity and a denial of
3 paternity may be contained in a single document or may be
4 signed in counterparts, and may be filed separately or
5 simultaneously. If the acknowledgement and denial are both
6 necessary, neither is valid until both are filed.

7 (b) An acknowledgment of paternity or a denial of paternity
8 may be signed before the birth of the child.

9 (c) Subject to subsection (a), an acknowledgment of
10 paternity or denial of paternity takes effect on the birth of
11 the child or the filing of the document with the Illinois
12 Department of Healthcare and Family Services, as provided by
13 law, whichever occurs later.

14 (d) An acknowledgment of paternity or denial of paternity
15 signed by a minor is valid if it is otherwise in compliance
16 with this Act.

17 Section 305. Effect of acknowledgment or denial of
18 paternity.

19 (a) Except as otherwise provided in Sections 307 and 308, a
20 valid acknowledgment of paternity filed with the Illinois
21 Department of Healthcare and Family Services, as provided by
22 law, is equivalent to an adjudication of the paternity of a
23 child and confers upon the acknowledged father all of the
24 rights and duties of a parent.

25 (b) Notwithstanding any other provisions of this Act,

1 paternity established in accordance with Section 301 has the
2 full force and effect of a judgment entered under this Act and
3 serves as a basis for seeking a child support order without any
4 further proceedings to establish paternity.

5 (c) A judicial or administrative proceeding to ratify
6 paternity established in accordance with Section 301 is neither
7 required nor permitted.

8 (d) Except as otherwise provided in Sections 307 and 308, a
9 valid denial of paternity by a presumed father filed with the
10 Illinois Department of Healthcare and Family Services, as
11 provided by law, in conjunction with a Voluntary Acknowledgment
12 of Paternity, is equivalent to an adjudication of the
13 nonpaternity of the presumed father and discharges the presumed
14 father from all rights and duties of a parent.

15 Section 306. No filing fee. The Illinois Department of
16 Healthcare and Family Services, as provided by law, may not
17 charge for filing a Voluntary Acknowledgment of Paternity or
18 denial of paternity.

19 Section 307. Proceeding for rescission. A signatory may
20 rescind a Voluntary Acknowledgment of Paternity or denial of
21 paternity by filing a signed and witnessed rescission with the
22 Illinois Department of Healthcare and Family Services as
23 provided in Section 12 of the Vital Records Act, before the
24 earlier of:

1 (a) 60 days after the effective date of the acknowledgment
2 or denial, as provided in Section 304; or

3 (b) the date of a judicial or administrative proceeding
4 relating to the child (including a proceeding to establish a
5 support order) in which the signatory is a party.

6 Section 308. Challenge after expiration of period for
7 rescission. After the period for rescission under Section 307
8 has expired, a signatory of a Voluntary Acknowledgment of
9 Paternity or denial of paternity may commence a proceeding to
10 challenge the acknowledgment or denial only as provided in
11 Section 309.

12 Section 309. Procedure for challenge.

13 (a) An acknowledgment of paternity and any related denial
14 of paternity may be challenged only on the basis of fraud,
15 duress, or material mistake of fact by filing a verified
16 petition pursuant to this Section within 4 years after the
17 effective date of the acknowledgment or denial, as provided in
18 Section 304. Time during which the person challenging the
19 acknowledgment or denial is under legal disability or duress or
20 the ground for relief is fraudulently concealed shall be
21 excluded in computing the period of 4 years.

22 (b) The verified petition shall be filed in the county
23 where a proceeding relating to the child was brought, such as a
24 support proceeding or, if none exists, in the county where the

1 child resides. Every signatory to the acknowledgment of
2 paternity and any related denial of paternity must be made a
3 party to a proceeding to challenge the acknowledgment or
4 denial. The party challenging the acknowledgment or denial
5 shall have the burden of proof.

6 (c) For the purpose of a challenge to an acknowledgment of
7 paternity or denial of paternity, a signatory submits to
8 personal jurisdiction of this State by signing the
9 acknowledgment and any related denial, effective upon the
10 filing of the acknowledgment and any related denial with the
11 Illinois Department of Healthcare and Family Services, as
12 provided in Section 12 of the Vital Records Act.

13 (d) Except for good cause shown, during the pendency of a
14 proceeding to challenge an acknowledgment of paternity or
15 denial of paternity, the court may not suspend the legal
16 responsibilities of a signatory arising from the
17 acknowledgment, including the duty to pay child support.

18 (e) At the conclusion of a proceeding to challenge an
19 acknowledgment of paternity or denial of paternity, the court
20 shall order the Illinois Department of Public Health to amend
21 the birth record of the child, if appropriate. A copy of an
22 order entered at the conclusion of a proceeding to challenge
23 shall be provided to the Illinois Department of Healthcare and
24 Family Services.

25 Section 310. Ratification barred. A court or

1 administrative agency conducting a judicial or administrative
2 proceeding is not required or permitted to ratify an
3 unchallenged acknowledgment of paternity.

4 Section 311. Full faith and credit. A court of this State
5 shall give full faith and credit to an acknowledgment of
6 paternity or denial of paternity effective in another state if
7 the acknowledgment or denial has been signed and is otherwise
8 in compliance with the law of the other state.

9 Section 312. Forms for acknowledgment and denial of
10 paternity.

11 (a) To facilitate compliance with this Article, the
12 Illinois Department of Healthcare and Family Services shall
13 prescribe forms for the acknowledgment of paternity and the
14 denial of paternity and for the rescission of acknowledgement
15 or denial consistent with Section 307.

16 (b) A Voluntary Acknowledgment of Paternity or denial of
17 paternity is not affected by a later modification of the
18 prescribed form.

19 Section 313. Release of information. The Illinois
20 Department of Healthcare and Family Services may release
21 information relating to the acknowledgment of paternity or
22 denial of paternity to a signatory of the acknowledgment or
23 denial; to the child's guardian, the emancipated child, or the

1 legal representatives of those individuals; to appropriate
2 federal agencies; and to courts and appropriate agencies of
3 this State or another state.

4 Section 314. Adoption of rules. The Illinois Department of
5 Public Health and the Illinois Department of Healthcare and
6 Family Services may adopt rules to implement this Article.

7 ARTICLE 4. GENETIC TESTING

8 Section 401. Proceeding authorized. As soon as
9 practicable, the court or Administrative Hearing Officer in an
10 Expedited Child Support System may, and upon request of a party
11 shall, order or direct the mother, child, and alleged father to
12 submit to deoxyribonucleic acid (DNA) testing to determine
13 inherited characteristics. If any party refuses to submit to
14 genetic testing, the court may resolve the question of
15 paternity against that party or enforce its order if the rights
16 of others and the interests of justice so require.

17 Section 402. Requirements for genetic testing.

18 (a) The genetic testing shall be conducted by an expert
19 qualified as an examiner of blood or tissue types and appointed
20 by the court. The expert shall determine the genetic testing
21 procedures. However, any interested party, for good cause
22 shown, in advance of the scheduled genetic testing, may request

1 a hearing to object to the qualifications of the expert or the
2 genetic testing procedures. The expert appointed by the court
3 shall testify at the pre-test hearing at the expense of the
4 party requesting the hearing, except as provided in Section 504
5 for an indigent party. An expert not appointed by the court
6 shall testify at the pre-test hearing at the expense of the
7 party retaining the expert. Inquiry into an expert's
8 qualifications at the pre-test hearing shall not affect either
9 party's right to have the expert qualified at trial.

10 (b) Genetic testing must be of a type reasonably relied
11 upon by experts in the field of genetic testing and performed
12 in a testing laboratory accredited by the American Association
13 of Blood Banks, or a successor to its functions.

14 (c) A specimen used in genetic testing may consist of one
15 or more samples, or a combination of samples, of blood, buccal
16 cells, bone, hair, or other body tissue or fluid.

17 (d) The testing laboratory shall determine the databases
18 from which to select frequencies for use in calculation of the
19 probability of paternity based on the ethnic or racial group of
20 an individual or individuals. If there is disagreement as to
21 the testing laboratory's choice, the following rules apply:

22 (1) The individual objecting may require the testing
23 laboratory, within 30 days after receipt of the report of
24 the genetic testing, to recalculate the probability of
25 paternity using an ethnic or racial group different from
26 that used by the laboratory.

1 (2) The individual objecting to the testing
2 laboratory's initial choice shall:

3 (A) if the frequencies are not available to the
4 testing laboratory for the ethnic or racial group
5 requested, provide the requested frequencies compiled
6 in a manner recognized by accrediting bodies; or

7 (B) engage another testing laboratory to perform
8 the calculations.

9 (e) If, after recalculation using a different ethnic or
10 racial group, genetic testing does not reputably identify a man
11 as the father of a child, an individual who has been tested may
12 be required to submit to additional genetic testing.

13 Section 403. Genetic test results.

14 (a) The expert shall prepare a written report of the
15 genetic test results. If the genetic test results show that the
16 alleged father is not excluded, the report shall contain
17 statistics based upon the statistical formula of combined
18 paternity index (CPI) and the probability of paternity as
19 determined by the probability of exclusion (Random Man Not
20 Excluded = RMNE). The expert may be called by the court as a
21 witness to testify to his or her findings and, if called, shall
22 be subject to cross-examination by the parties. If the genetic
23 test results show that the alleged father is not excluded, any
24 party may demand that other experts, qualified as examiners of
25 blood or tissue types, perform independent genetic testing

1 under order of court, including, but not limited to, blood
2 types or other testing of genetic markers. The results of the
3 genetic testing may be offered into evidence. The number and
4 qualifications of the experts shall be determined by the court.

5 (b) Documentation of the chain of custody of the blood or
6 tissue samples, accompanied by an affidavit or certification in
7 accordance with Section 1-109 of the Code of Civil Procedure,
8 is competent evidence to establish the chain of custody.

9 (c) The report of the genetic test results prepared by the
10 appointed expert shall be made by affidavit or by certification
11 as provided in Section 1-109 of the Code of Civil Procedure and
12 shall be mailed to all parties. A proof of service shall be
13 filed with the court. The verified report shall be admitted
14 into evidence at trial without foundation testimony or other
15 proof of authenticity or accuracy, unless a written motion
16 challenging the admissibility of the report is filed by either
17 party within 28 days of receipt of the report, in which case
18 expert testimony shall be required. A party may not file such a
19 motion challenging the admissibility of the report later than
20 28 days before commencement of trial. Before trial, the court
21 shall determine whether the motion is sufficient to deny
22 admission of the report by verification. Failure to make that
23 timely motion constitutes a waiver of the right to object to
24 admission by verification and shall not be grounds for a
25 continuance of the hearing to establish paternity.

1 Section 404. Effect of genetic testing. Genetic testing
2 taken pursuant to this Section shall have the following effect:

3 (a) If the court finds that the conclusion of the expert or
4 experts, as disclosed by the evidence based upon the genetic
5 testing, is that the alleged father is not the parent of the
6 child, the question of paternity shall be resolved accordingly.

7 (b) If the experts disagree in their findings or
8 conclusions, the question shall be weighed with other competent
9 evidence of paternity.

10 (c) If the genetic testing results indicate that the
11 alleged father is not excluded and that the combined paternity
12 index is at least 1,000 to 1, and there is at least a 99.9%
13 probability of paternity, the alleged father is presumed to be
14 the father, and this evidence shall be admitted.

15 (d) A man identified under subsection (c) of this Section
16 as the father of the child may rebut the genetic testing
17 results by other genetic testing satisfying the requirements of
18 this Article which:

19 (1) excludes the man as a genetic father of the child;

20 or

21 (2) identifies another man as the possible father of
22 the child.

23 (e) Except as otherwise provided in this Article 4, if more
24 than one man is identified by genetic testing as the possible
25 father of the child, the court shall order them to submit to
26 further genetic testing to identify the genetic father.

1 Section 405. Cost of genetic testing. The expense of the
2 genetic testing shall be paid by the party who requests the
3 genetic testing, except that the court may apportion the costs
4 between the parties, upon request. When the genetic testing is
5 requested by the party seeking to establish paternity and that
6 party is found to be indigent by the court, the expense shall
7 be paid by the public agency providing representation; except
8 that where a public agency is not providing representation, the
9 expense shall be paid by the county in which the action is
10 brought. When the genetic testing is ordered by the court on
11 its own motion or is requested by the alleged or presumed
12 father and that father is found to be indigent by the court,
13 the expense shall be paid by the county in which the action is
14 brought. Any part of the expense may be taxed as costs in the
15 action, except that no costs may be taxed against a public
16 agency that has not requested the genetic testing.

17 Section 406. Compensation of expert. The compensation of
18 each expert witness appointed by the court shall be paid as
19 provided in Section 405. Any part of the payment may be taxed
20 as costs in the action, except that no costs may be taxed
21 against a public agency that has not requested the services of
22 the expert witness.

23 Section 407. Independent genetic testing. Nothing in this

1 Section shall prevent any party from obtaining genetic testing
2 of his or her own blood or tissue independent of those ordered
3 by the court or from presenting expert testimony interpreting
4 those tests or any other blood tests ordered pursuant to this
5 Section. Reports of all the independent tests, accompanied by
6 affidavit or certification pursuant to Section 1-109 of the
7 Code of Civil Procedure, and notice of any expert witnesses to
8 be called to testify to the results of those tests shall be
9 submitted to all parties at least 30 days before any hearing
10 set to determine the issue of parentage.

11 Section 408. Additional persons to be tested.

12 (a) Subject to subsection (b), if a genetic-testing
13 specimen is not available from a man who may be the father of a
14 child, for good cause and under circumstances the court
15 considers to be just, the court may order the following
16 individuals to submit specimens for genetic testing:

17 (1) the parents of the man;
18 (2) brothers and sisters of the man;
19 (3) other children of the man and their mothers; and
20 (4) other relatives of the man necessary to complete
21 genetic testing.

22 (b) Issuance of an order under this Section requires a
23 finding that a need for genetic testing outweighs the
24 legitimate interests of the individual sought to be tested and
25 in no event shall such an order be issued until the individual

1 is joined as a party and given notice as required under the
2 Code of Civil Procedure.

3 ARTICLE 5. TEMPORARY RELIEF

4 Section 501. Temporary order.

5 (a) On motion by a party and a showing of clear and
6 convincing evidence of parentage, the court shall issue a
7 temporary order for support of a child if the order is
8 appropriate and the individual ordered to pay support is:

9 (1) a presumed parent of the child;

10 (2) petitioning to have parentage adjudicated;

11 (3) identified as the father through genetic testing
12 under Article 4;

13 (4) an alleged father who has declined to submit to
14 genetic testing;

15 (5) shown by clear and convincing evidence to be the
16 child's father; or

17 (6) the mother of the child.

18 In determining the amount of a temporary child support
19 award, the court shall use the guidelines and standards set
20 forth in Sections 505 and 505.2 of the Illinois Marriage and
21 Dissolution of Marriage Act.

22 (b) A temporary order may include provisions for custody
23 and parenting time as provided by the Illinois Marriage and
24 Dissolution of Marriage Act.

1 (c) Temporary orders issued under this Section shall not
2 have prejudicial effect with respect to final support, custody,
3 or parenting time orders.

4 Section 502. Injunctive relief.

5 (a) In any action brought under this Act for the initial
6 determination of parentage, custody or parenting time of a
7 child or for modification of a prior custody or parenting time
8 order, the court, upon application of any party, may enjoin a
9 party having physical possession or custody of a child from
10 temporarily removing the child from Illinois pending the
11 adjudication of the issues of parentage, custody, and parenting
12 time. When deciding whether to enjoin removal of a child, or to
13 order a party to return the child to the State of Illinois, the
14 court shall consider factors including, but not limited to:

15 (1) the extent of previous involvement with the child
16 by the party seeking to enjoin removal or to have the
17 absent party return the child to the State of Illinois;

18 (2) the likelihood that parentage will be established;
19 and

20 (3) the impact on the financial, physical, and
21 emotional health of the party being enjoined from removing
22 the child or the party being ordered to return the child to
23 the State of Illinois.

24 (b) A temporary restraining order or preliminary
25 injunction under this Act shall be governed by the relevant

1 provisions of Part 1 of Article XI of the Code of Civil
2 Procedure.

3 (c) Notwithstanding the provisions of subsection (a), the
4 court may decline to enjoin a domestic violence victim having
5 physical possession or custody of a child from temporarily or
6 permanently removing the child from Illinois pending the
7 adjudication of issues of custody or parenting time. In
8 determining whether a person is a domestic violence victim, the
9 court shall consider the following factors:

10 (1) a sworn statement by the person that the person
11 has good reason to believe that he or she is the victim of
12 domestic violence or stalking;

13 (2) a sworn statement that the person fears for his
14 or her safety or the safety of his or her children;

15 (3) evidence from police, court, or other
16 government agency records or files;

17 (4) documentation from a domestic violence program
18 if the person is alleged to be a victim of domestic
19 violence;

20 (5) documentation from a legal, clerical, medical,
21 or other professional from whom the person has sought
22 assistance in dealing with the alleged domestic violence;
23 and

24 (6) any other evidence that supports the sworn
25 statements, such as a statement from any other individual
26 with knowledge of the circumstances that provides the basis

1 for the claim, or physical evidence of the act or acts of
2 domestic violence.

3 ARTICLE 6. PROCEEDING TO ADJUDICATE PARENTAGE

4 Section 601. Proceeding authorized. A civil proceeding may
5 be maintained to adjudicate the parentage of a child. The
6 proceeding is governed by the Code of Civil Procedure and the
7 Illinois Supreme Court Rules. Administrative proceedings
8 adjudicating paternity shall be governed by Section 10-17.7 of
9 the Illinois Public Aid Code.

10 Section 602. Standing to maintain proceeding to establish
11 parent-child relationship. A complaint to adjudicate parentage
12 shall be verified, shall be designated a petition, and shall
13 name the person or persons alleged to be the parent of the
14 child. Subject to Article 3 and Sections 607, 608, and 609, a
15 proceeding to adjudicate parentage may be maintained by:

16 (a) the child;

17 (b) the mother of the child;

18 (c) a pregnant woman;

19 (d) a man presumed or alleging himself to be the father of
20 the child;

21 (e) the support-enforcement agency or other governmental
22 agency authorized by other law;

23 (f) any person or public agency that has custody of, is

1 providing financial support to, or has provided financial
2 support to the child;

3 (g) the Department of Healthcare and Family Services if it
4 is providing, or has provided, financial support to the child
5 or if it is assisting with child support collections services;

6 (h) an authorized adoption agency or licensed
7 child-placing agency;

8 (i) a representative authorized by law to act for an
9 individual who would otherwise be entitled to maintain a
10 proceeding but who is deceased, incapacitated, or a minor; or

11 (j) an intended parent under the Gestational Surrogacy Act.

12 Section 603. Subject matter and personal jurisdiction.

13 (a) The circuit courts shall have jurisdiction of any
14 action brought under this Act. In any civil action not brought
15 under this Act, the provisions of this Act shall apply if
16 parentage is at issue. The court may join any action under this
17 Act with any other civil action where applicable.

18 (b) An individual may not be adjudicated to be a parent
19 unless the court has personal jurisdiction over the individual.

20 (c) A court of this State having jurisdiction to adjudicate
21 parentage may exercise personal jurisdiction over a
22 nonresident individual, or the guardian or conservator of the
23 individual, if the conditions prescribed in Section 201 of the
24 Uniform Interstate Family Support Act are fulfilled.

25 (d) Lack of jurisdiction over one individual does not

1 preclude the court from making an adjudication of parentage
2 binding on another individual over whom the court has personal
3 jurisdiction.

4 Section 604. Venue.

5 (a) Venue for a proceeding to adjudicate parentage is any
6 county of this State in which any party resides, or if the
7 father is deceased, in which a proceeding for probate or
8 administration of the presumed or alleged father's estate has
9 been commenced, or could be commenced.

10 (b) A child custody proceeding is commenced in the county
11 where the child resides.

12 Section 605. Notice to presumed father.

13 (a) In any action brought under Article 3 or Article 6 of
14 this Act where the man signing the petition for an order
15 establishing the existence of the parent-child relationship by
16 consent or the man alleged to be the father in a petition is
17 different from a man who is presumed to be father of the child
18 under Article 2, a notice shall be served on the presumed
19 father in the same manner as summonses are served in other
20 civil proceedings or, in lieu of personal service, service may
21 be made as follows:

22 (1) The person requesting notice shall pay to the clerk
23 of the circuit court a mailing fee of \$1.50 and furnish to
24 the clerk of the circuit court an original and one copy of

1 a notice together with an affidavit setting forth the
2 presumed father's last known address. The original notice
3 shall be retained by the clerk of the circuit court.

4 (2) The clerk of the circuit court shall promptly mail
5 to the presumed father, at the address appearing in the
6 affidavit, the copy of the notice by certified mail, return
7 receipt requested. The envelope and return receipt shall
8 bear the return address of the clerk of the circuit court.
9 The receipt for certified mail shall state the name and
10 address of the addressee and the date of mailing and shall
11 be attached to the original notice.

12 (3) The return receipt, when returned to the clerk of
13 the circuit court, shall be attached to the original notice
14 and shall constitute proof of service.

15 (4) The clerk of the circuit court shall note the fact
16 of service in a permanent record.

17 (b) The notice shall read as follows:

18 IN THE MATTER OF NOTICE TO PRESUMED FATHER.

19 You have been identified as the presumed father of
20, born on The mother of the child is
21

22 An action is being brought to establish the parent-child
23 relationship between the named child and a man named by the
24 mother,

25 Under the law, you are presumed to be the father if:

26 (1) you and the mother of the child are married to each

1 other and the child is born during the marriage;

2 (2) you and the mother of the child were married to
3 each other and the child is born within 300 days after the
4 marriage is terminated by death, declaration of invalidity
5 of marriage, judgment for dissolution of marriage, or after
6 a judgment for legal separation;

7 (3) before the birth of the child, you and the mother
8 of the child married each other in apparent compliance with
9 law, even if the attempted marriage is or could be declared
10 invalid, and the child is born during the invalid marriage
11 or within 300 days after its termination by death,
12 declaration of invalidity of marriage, judgment for
13 dissolution of marriage, or after a judgment for legal
14 separation;

15 (4) after the child's birth, you and the child's mother
16 have married each other, even though the marriage is or
17 could be declared invalid, and you are named, with your
18 written consent, as the child's father on the child's birth
19 certificate.

20 As the presumed father, you have certain legal rights with
21 respect to the named child, including the right to notice of
22 the filing of proceedings instituted for the establishment of
23 parentage of said child and if named as the father in a
24 petition to establish parentage, the right to submit, along
25 with the mother and child, to deoxyribonucleic acid (DNA) tests
26 to determine inherited characteristics. If you wish to assert

1 your rights with respect to said child, you must file with the
2 Clerk of this Circuit Court of County, Illinois whose
3 address is , Illinois, within 30 days after the date
4 of receipt of this notice, a declaration of parentage stating
5 that you are, in fact, the father of said child and that you
6 intend to assert your legal rights with respect to said child,
7 or request to be notified of any further proceedings with
8 respect to the parentage of said child.

9 If you do not file such declaration of parentage, or a
10 request for notice, then whatever legal rights you have with
11 respect to the named child, including the right to notice of
12 any future proceedings for the establishment of parentage of
13 the child, may be terminated without any further notice to you.
14 When your legal rights with respect to the named child are so
15 terminated, you will not be entitled to notice of any future
16 proceedings.

17 (c) The notice to presumed fathers provided for in this
18 Section in any action brought by a public agency shall be
19 prepared and mailed by such public agency and the mailing fee
20 to the clerk of the circuit court shall be waived.

21 Section 606. Summons. The summons that is served on a
22 respondent shall include the return date on or by which the
23 respondent must appear and shall contain the following
24 information, in a prominent place and in conspicuous language,
25 in addition to the information required to be provided by the

1 laws of this State: "If you do not appear as instructed in this
2 summons, you may be required to support the child named in this
3 petition until the child is at least 18 years old. You may also
4 have to pay the pregnancy and delivery costs of the mother."

5 Section 607. No limitation; child having no presumed,
6 acknowledged, or adjudicated parent. A proceeding to
7 adjudicate the parentage of a child having no presumed,
8 acknowledged, or adjudicated parent may be commenced at any
9 time, even after:

10 (a) the child becomes an adult, but only if the child
11 initiates the proceeding; or

12 (b) an earlier proceeding to adjudicate parentage has been
13 dismissed based on the application of a statute of limitations
14 then in effect.

15 Section 608. Limitation; child having presumed parent.

16 (a) Except as otherwise provided in subsection (b), a
17 proceeding brought by a presumed father, the mother, or another
18 individual to adjudicate the parentage of a child having a
19 presumed father, must be commenced not later than 2 years after
20 the birth of the child.

21 (b) A proceeding seeking to declare the non-existence of
22 the parent-child relationship between a child and the child's
23 presumed father may be maintained at any time if the court
24 determines that the presumed father and the mother of the child

1 neither cohabited nor engaged in sexual intercourse with each
2 other during the probable time of conception.

3 Section 609. Limitation; child having acknowledged or
4 adjudicated parent.

5 (a) If a child has an acknowledged father, a signatory to
6 the acknowledgment of paternity or denial of paternity may
7 commence a proceeding seeking to challenge the acknowledgement
8 or denial or challenge the paternity of the child only within
9 the time allowed under Section 309.

10 (b) If a child has an acknowledged father or an adjudicated
11 father, an individual, other than the child, who is neither a
12 signatory to the acknowledgment of paternity nor a party to the
13 adjudication and who seeks an adjudication of parentage of the
14 child must commence a proceeding not later than 2 years after
15 the effective date of the acknowledgment or adjudication.

16 (c) A proceeding under this Section is subject to the
17 application of the principles of estoppel established in
18 Section 610.

19 Section 610. Authority to deny motion for genetic testing.

20 (a) In a proceeding to adjudicate the parentage of a child
21 having a presumed father, the court may deny a motion seeking
22 an order for genetic testing of the mother, the child, and the
23 presumed father if the court determines that:

24 (1) the conduct of the mother or the presumed father

1 estops that party from denying parentage; and

2 (2) it would be inequitable to disprove the
3 father-child relationship between the child and the
4 presumed father.

5 (b) In determining whether to deny a motion seeking an
6 order for genetic testing under this Section, the court shall
7 consider the best interest of the child, including the
8 following factors:

9 (1) the length of time between the proceeding to
10 adjudicate parentage and the time that the presumed father
11 was placed on notice that he might not be the biological
12 father;

13 (2) the length of time during which the presumed father
14 has assumed the role of father of the child;

15 (3) the facts surrounding the presumed father's
16 discovery of his possible nonpaternity;

17 (4) the nature of the relationship between the child
18 and the presumed father;

19 (5) the age of the child;

20 (6) the harm that may result to the child if presumed
21 paternity is successfully disproved;

22 (7) the nature of the relationship between the child
23 and any alleged father;

24 (8) the extent to which the passage of time reduces the
25 chances of establishing the paternity of another man and a
26 child-support obligation in favor of the child;

1 (9) other factors that may affect the equities arising
2 from the disruption of the father-child relationship
3 between the child and the presumed father or the chance of
4 other harm to the child; and

5 (10) any other factor the court determines to be
6 equitable.

7 (c) In a proceeding involving the application of this
8 Section, a minor or incapacitated child must be represented by
9 a guardian ad litem.

10 (d) If the court denies a motion seeking an order for
11 genetic testing, it shall issue an order adjudicating the
12 presumed father to be the father of the child.

13 Section 611. Joinder of proceedings.

14 (a) Except as otherwise provided in subsection (b), a
15 proceeding to adjudicate parentage may be joined with a
16 proceeding for adoption, termination of parental rights, child
17 custody or parenting time, child support, dissolution of
18 marriage or civil union, declaration of invalidity of marriage
19 or civil union, legal separation, probate or administration of
20 an estate, or other appropriate proceeding.

21 (b) A respondent may not join a proceeding described in
22 subsection (a) with a proceeding to adjudicate parentage
23 brought under the Uniform Interstate Family Support Act.

24 Section 612. Proceeding before birth. A proceeding to

1 establish parentage may be commenced before the birth of the
2 child, but may not be concluded until after the birth of the
3 child. The following actions may be taken before the birth of
4 the child:

5 (a) service of process;

6 (b) the taking of depositions to perpetuate testimony; and

7 (c) except as prohibited by Article 4, collection of
8 specimens for genetic testing.

9 Section 613. Child as party; representation.

10 (a) A minor child is a permissible party, but is not a
11 necessary party to a proceeding under this Article.

12 (b) The court shall appoint a guardian ad litem to
13 represent a minor or incapacitated child if the child is a
14 party or the court finds that the interests of the child are
15 not adequately represented.

16 Section 614. Admissibility of results of genetic testing;
17 expenses.

18 (a) If a child has a presumed, acknowledged, or adjudicated
19 father, the results of genetic testing are inadmissible to
20 adjudicate parentage unless performed:

21 (1) with the consent of both the mother and the
22 presumed, acknowledged, or adjudicated father; or

23 (2) pursuant to an order of the court under Section
24 502.

1 (b) Copies of bills for genetic testing and for prenatal
2 and postnatal health care for the mother and child which are
3 furnished to the adverse party not less than 10 days before the
4 date of a hearing are admissible to establish:

5 (1) the amount of the charges billed; and

6 (2) that the charges were reasonable, necessary, and
7 customary.

8 (c) Certified copies of the bills for costs incurred for
9 pregnancy and childbirth shall be admitted into evidence at
10 judicial or administrative proceedings without foundation
11 testimony or other proof of authenticity or accuracy.

12 Section 615. Consequences of declining genetic testing.

13 (a) An order for genetic testing is enforceable through a
14 proceeding for adjudication of contempt.

15 (b) If an individual whose paternity is being determined
16 declines to submit to genetic testing ordered by the court or
17 administrative agency, the court or administrative agency for
18 that reason may adjudicate parentage contrary to the position
19 of that individual.

20 (c) Genetic testing of the mother of a child is not a
21 condition precedent to genetically testing the child and a man
22 whose paternity is being determined. If the mother is
23 unavailable or declines to submit to genetic testing, the court
24 or administrative agency may order the genetic testing of the
25 child and every man whose paternity is being adjudicated.

1 Section 616. Admission of paternity authorized.

2 (a) A respondent in a proceeding to adjudicate parentage
3 may admit to the paternity of a child by filing a pleading to
4 that effect or by admitting paternity under penalty of perjury
5 when making an appearance or during a hearing.

6 (b) If the court finds that the admission of paternity
7 satisfies the requirements of this Section and finds that there
8 is no reason to question the admission, the court shall enter
9 an order adjudicating the child to be the child of the man
10 admitting paternity.

11 Section 617. Rules for adjudication of paternity. The court
12 shall apply the following rules to adjudicate the paternity of
13 a child:

14 (a) The paternity of a child having an adjudicated father
15 may be disproved only by admissible results of genetic testing,
16 or other means, excluding that man as the father of the child
17 or identifying another man as the father of the child.

18 (b) Unless the results of genetic testing, or other
19 evidence, are admitted to rebut other results of genetic
20 testing, a man identified as the father of a child under
21 Section 404 must be adjudicated the father of the child.

22 (c) If the court finds that genetic testing under Section
23 405 neither identifies nor excludes a man as the father of a
24 child, the court may not dismiss the proceeding. In that event,

1 the results of genetic testing, and other evidence, are
2 admissible to adjudicate the issue of paternity.

3 (d) Unless the results of genetic testing are admitted to
4 rebut other results of genetic testing, a man excluded as the
5 father of a child by genetic testing must be adjudicated not to
6 be the father of the child.

7 Section 618. Pre-trial proceedings. As soon as practicable
8 after an action to declare the existence or non-existence of
9 the father and child relationship has been brought, and the
10 parties are at issue, the court may conduct a pre-trial
11 conference.

12 Section 619. Jury prohibited. Trial by jury is not
13 available under this Act.

14 Section 620. Order on default. The court may issue an order
15 adjudicating the parentage of a person who is in default after
16 service of process.

17 Section 621. Binding effect of determination of parentage.

18 (a) Except as otherwise provided in subsection (b), a
19 determination of parentage is binding on:

20 (1) all signatories to an acknowledgement or denial of
21 paternity as provided in Article 3; and

22 (2) all parties to an adjudication by a court acting

1 under circumstances that satisfy the jurisdictional
2 requirements of Section 201 of the Uniform Interstate
3 Family Support Act.

4 (b) A child is not bound by a determination of parentage
5 under this Act unless:

6 (1) the determination was based on an unrescinded
7 acknowledgment of paternity and the acknowledgement is
8 consistent with the results of genetic testing;

9 (2) the adjudication of parentage was based on a
10 finding consistent with the results of genetic testing and
11 the consistency is declared in the determination or is
12 otherwise shown; or

13 (3) the child was a party or was represented in the
14 proceeding determining parentage by an guardian ad litem.

15 (c) In a proceeding for dissolution of marriage or civil
16 union, declaration of invalidity of marriage or civil union, or
17 legal separation, the court is deemed to have made an
18 adjudication of the parentage of a child if the court acts
19 under circumstances that satisfy the jurisdictional
20 requirements of Section 201 of the Uniform Interstate Family
21 Support Act, and the final order:

22 (1) expressly identifies a child as a "child of the
23 marriage or civil union", "issue of the marriage or civil
24 union", or similar words indicating that the husband is the
25 father of the child or the party to the civil union is the
26 parent of the child; or

1 (2) provides for support of the child by the husband or
2 party to the civil union unless parentage is specifically
3 disclaimed in the order.

4 (d) Except as otherwise provided in subsection (b), a
5 determination of parentage may be a defense in a subsequent
6 proceeding seeking to adjudicate parentage by an individual who
7 was not a party to the earlier proceeding.

8 (e) A party to an adjudication of parentage may challenge
9 the adjudication only under law of this State relating to
10 appeal, vacation of judgments, or other judicial review.

11 ARTICLE 7. CHILD OF ASSISTED REPRODUCTION

12 Section 701. Scope of Article. This Article does not apply
13 to the birth of a child conceived by means of sexual
14 intercourse or as a result of a gestational agreement as
15 provided in the Gestational Surrogacy Act.

16 Section 702. Parental status of donor. A donor is not a
17 parent of a child conceived by means of assisted reproduction.
18 The donor of sperm provided to a licensed physician for use in
19 artificial insemination of a woman other than the donor's wife
20 or other party to his civil union shall be treated in law as if
21 he were not a parent of a child conceived by artificial
22 insemination. A woman who contributes an egg or eggs for the
23 purpose of in-vitro fertilization or implantation in a woman

1 other than herself or the other party to her civil union shall
2 be treated in law as if she were not a parent of a child
3 conceived by assisted reproduction.

4 Section 703. Parentage of a child of assisted reproduction.
5 A man who provides sperm for, or consents to, assisted
6 reproduction (including artificial insemination) by a woman as
7 provided in Section 704 with the intent to be the parent of her
8 child, is a parent of the resulting child. A woman who provides
9 an egg or eggs for, or consents to, assisted reproduction
10 (including in-vitro fertilization and implantation) by a woman
11 as provided in Section 704 with the intent to be the parent of
12 her child, is a parent of the resulting child.

13 Section 704. Consent to assisted reproduction.

14 (a) Consent by a husband or party to a civil union who
15 intends to be a parent of a child born to the wife or other
16 party to a civil union by assisted reproduction must be in a
17 record signed by the husband and wife or both parties to the
18 civil union. This requirement does not apply to a donor, unless
19 the donor intends to be the parent.

20 (b) Failure to sign a consent required by subsection (a),
21 before or after the birth of the child, does not preclude a
22 finding of parentage if the married couple or parties to a
23 civil union, for the first 2 years of the child's life resided
24 in a household with the child and openly held out the child as

1 their own during that time.

2 Section 705. Limitation of dispute of parentage.

3 (a) Any child born as the result of artificial insemination
4 shall be considered at law in all respects the same as a
5 naturally conceived child of the couple so requesting and
6 consenting to the use of artificial insemination.

7 (b) If, under the supervision of a licensed physician and
8 with the consent of the husband or other party to the civil
9 union, a wife or party to the civil union is inseminated
10 artificially with sperm donated by a donor, the husband or
11 other party to the civil union shall be treated in law as if he
12 or she is the natural parent of the child thereby conceived.
13 The husband's or other party to the civil union's consent must
14 be in writing executed and acknowledged by the husband and wife
15 or both parties to the civil union. The physician who is to
16 perform the technique shall certify their signatures and the
17 date of the insemination, and file the husband's or other party
18 to the civil union's consent in the medical record where it
19 shall be kept confidential and held by the patient's physician.
20 However, the physician's failure to do so shall not affect the
21 legal relationship between the husband or other party to the
22 civil union and the child. All records pertaining to the
23 insemination, whether part of the permanent medical record held
24 by the physician or not, are subject to inspection only upon an
25 order of the court or for good cause shown.

1 (c) Except as otherwise provided in subsection (b), a
2 husband or party to a civil union whose wife or other party to
3 the civil union gives birth to a child by means of assisted
4 reproduction may not challenge parentage of the child unless:

5 (1) within 2 years after learning of the birth of the
6 child, the husband or party to the civil union commences a
7 proceeding to adjudicate parentage; and

8 (2) the court finds that the husband or party to the
9 civil union did not consent to the assisted reproduction,
10 before or after birth of the child.

11 (d) A proceeding to adjudicate parentage may be maintained
12 at any time if the court determines that:

13 (1) the husband or party to the civil union did not
14 provide sperm for, or before or after birth of the child
15 did not consent to, assisted reproduction by the wife or
16 other party to the civil union;

17 (2) the husband and wife or parties to the civil union
18 have not cohabitated since the probable time of assisted
19 reproduction; or

20 (3) the husband or other party to the civil union never
21 openly held out the child as his or her own.

22 (e) The limitation provided in this Section applies to a
23 marriage or civil union declared invalid after assisted
24 reproduction.

25 Section 706. Effect of dissolution of marriage or civil

1 union or withdrawal of consent.

2 (a) If a marriage or civil union is dissolved or declared
3 invalid, or a judgement for legal separation is entered, before
4 implantation of existing eggs, sperm, embryo or embryos, the
5 former spouse or party is not a parent of the resulting child
6 unless the former spouse or party consented and the judgement
7 provides that if assisted reproduction were to occur after
8 entry of such judgement, the former spouse or party would be a
9 parent of the child.

10 (b) Consent to assisted reproduction may be withdrawn by an
11 individual in a record upon giving proper notice to the other
12 party and the clinic or physician who was to perform the
13 technique, by certified mail return receipt requested, at any
14 time before implantation placement of eggs, sperm, embryo or
15 embryos. An individual who withdraws consent under this Section
16 is not a parent of the resulting child.

17 Section 707. Parental status of deceased individual.
18 Unless an individual consents in a record to be a parent by
19 assisted reproduction after death, and dies before
20 implantation of eggs, sperm, embryo or embryos, the deceased
21 individual is not a parent of the resulting child.

22 ARTICLE 8. SUPPORT AND JUDGMENT

23 Section 801. Temporary child support orders.

1 (a) Notwithstanding any other law to the contrary, pending
2 the outcome of a judicial determination of parentage, the court
3 shall issue a temporary order for child support, upon motion by
4 a party and a showing of clear and convincing evidence of
5 parentage. In determining the amount of the temporary child
6 support award, the court shall use the guidelines and standards
7 set forth in subsection (a) of Section 505 and in Section 505.2
8 of the Illinois Marriage and Dissolution of Marriage Act.

9 (b) Any new or existing support order entered by the court
10 under this Section shall be deemed to be a series of judgments
11 against the person obligated to pay support thereunder, each
12 such judgment to be in the amount of each payment or
13 installment of support and each judgment to be deemed entered
14 as of the date the corresponding payment or installment becomes
15 due under the terms of the support order. Each such judgment
16 shall have the full force, effect, and attributes of any other
17 judgment of this State, including the ability to be enforced.
18 Any such judgment is subject to modification or termination
19 only in accordance with Section 510 of the Illinois Marriage
20 and Dissolution of Marriage Act. Notwithstanding any other
21 state or local law to the contrary, a lien arises by operation
22 of law against the real and personal property of the
23 noncustodial parent for each installment of overdue support
24 owed by the noncustodial parent.

25 (c) All orders for support, when entered or modified, shall
26 include a provision requiring the non-custodial parent to

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

19 (d) An order for support shall include a date on which the
20 current support obligation terminates. The termination date
21 shall be no earlier than the date on which the child covered by
22 the order will attain the age of 18. However, if the child will
23 not graduate from high school until after attaining the age of
24 18, then the termination date shall be no earlier than the
25 earlier of the date on which the child's high school graduation
26 will occur or the date on which the child will attain the age

1 of 19. The order for support shall state that the termination
2 date does not apply to any arrearage that may remain unpaid on
3 that date. Nothing in this subsection shall be construed to
4 prevent the court from modifying the order or terminating the
5 order in the event the child is otherwise emancipated.

6 (e) If there is an unpaid arrearage or delinquency (as
7 those terms are defined in the Income Withholding for Support
8 Act) equal to at least one month's support obligation on the
9 termination date stated in the order for support or, if there
10 is no termination date stated in the order, on the date the
11 child attains the age of majority or is otherwise emancipated,
12 the periodic amount required to be paid for current support of
13 that child immediately prior to that date shall automatically
14 continue to be an obligation, not as current support but as
15 periodic payment toward satisfaction of the unpaid arrearage or
16 delinquency. That periodic payment shall be in addition to any
17 periodic payment previously required for satisfaction of the
18 arrearage or delinquency. The total periodic amount to be paid
19 toward satisfaction of the arrearage or delinquency may be
20 enforced and collected by any method provided by law for the
21 enforcement and collection of child support including, but not
22 limited to, income withholding under the Income Withholding for
23 Support Act. Each order for support entered or modified on or
24 after January 1, 2006 must contain a statement notifying the
25 parties of the requirements of this subsection. Failure to
26 include the statement in the order for support does not affect

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

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

1 Section 802. Judgment.

2 (a) The court shall issue an order adjudicating whether a
3 man alleged or claiming to be the father is the parent of the
4 child. An order adjudicating parentage must identify the child
5 by name and date of birth.

6 The court may assess filing fees, reasonable attorney's
7 fees, fees for genetic testing, other costs, and necessary
8 travel and other reasonable expenses incurred in a proceeding
9 under this Act. The court may award attorney's fees, which may
10 be paid directly to the attorney, who may enforce the order in
11 the attorney's own name. The court may not assess fees, costs,
12 or expenses against the support-enforcement agency of this
13 State or another state, except as provided by other law.

14 The judgment shall contain or explicitly reserve
15 provisions concerning any duty and amount of child support and
16 may contain provisions concerning the custody and guardianship
17 of the child, parenting time privileges with the child, the
18 furnishing of bond or other security for the payment of the
19 judgment, which the court shall determine in accordance with
20 the relevant factors set forth in the Illinois Marriage and
21 Dissolution of Marriage Act and any other applicable law of
22 Illinois, to guide the court in a finding in the best interests
23 of the child. In determining custody, joint custody, removal,
24 parenting time, parenting time interference, support for a
25 non-minor disabled child, educational expenses for a non-minor

1 child, and related post-judgment issues, the court shall apply
2 the relevant standards of the Illinois Marriage and Dissolution
3 of Marriage Act. Specifically, in determining the amount of any
4 child support award, the court shall use the guidelines and
5 standards set forth in subsection (a) of Section 505 and in
6 Section 505.2 of the Illinois Marriage and Dissolution of
7 Marriage Act.

8 (b) In an action brought within 2 years after a child's
9 birth, the judgment or order may direct either parent to pay
10 the reasonable expenses incurred by either parent or the
11 Department of Healthcare and Family Services related to the
12 mother's pregnancy and the delivery of the child.

13 (c) If a judgment of parentage contains no explicit award of
14 custody, the establishment of a child support obligation or of
15 parenting time rights in one parent shall be considered a
16 judgment granting custody to the other parent. If the parentage
17 judgment contains no such provisions, custody shall be presumed
18 to be with the mother; however, the presumption shall not apply
19 if the father has had physical custody for at least 6 months
20 prior to the date that the mother seeks to enforce custodial
21 rights.

22 (d) The court, if necessary to protect and promote the best
23 interests of the child, may set aside a portion of the
24 separately held estates of the parties in a separate fund or
25 trust for the support, education, physical and mental health,
26 and general welfare of any minor, or mentally or physically

1 disabled child of the parties.

2 (e) The court shall order all child support payments,
3 determined in accordance with such guidelines, to commence with
4 the date summons is served. The level of current periodic
5 support payments shall not be reduced because of payments set
6 for the period prior to the date of entry of the support order.
7 The court may order any child support payments to be made for a
8 period prior to the commencement of the action. In determining
9 whether and the extent to which the payments shall be made for
10 any prior period, the court shall consider all relevant facts,
11 including the factors for determining the amount of support
12 specified in the Illinois Marriage and Dissolution of Marriage
13 Act and other equitable factors including but not limited to:

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

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

18 (3) The extent to which the mother or the public agency
19 bringing the action previously informed the father of the
20 child's needs or attempted to seek or require his help in
21 raising or supporting the child.

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

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

26 For purposes of determining the amount of child support to

1 be paid for any period before the date the order for current
2 child support is entered, there is a rebuttable presumption
3 that the father's net income for the prior period was the same
4 as his net income at the time the order for current child
5 support is entered.

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

18 (f) Any new or existing support order entered by the court
19 under this Section shall be deemed to be a series of judgments
20 against the person obligated to pay support thereunder, each
21 judgment to be in the amount of each payment or installment of
22 support and each such judgment to be deemed entered as of the
23 date the corresponding payment or installment becomes due under
24 the terms of the support order. Each judgment shall have the
25 full force, effect, and attributes of any other judgment of
26 this State, including the ability to be enforced. Any such

1 judgment is subject to modification or termination only in
2 accordance with Section 510 of the Illinois Marriage and
3 Dissolution of Marriage Act. Notwithstanding any State or local
4 law to the contrary, a lien arises by operation of law against
5 the real and personal property of the noncustodial parent for
6 each installment of overdue support owed by the noncustodial
7 parent.

8 (g) If the judgment or order of the court is at variance
9 with the child's birth certificate, the court shall order that
10 a new birth certificate be issued under the Vital Records Act.

11 (h) On request of the mother and the father, the court
12 shall order a change in the child's name.

13 (i) After hearing evidence the court may stay payment of
14 support during the period of the father's minority or period of
15 disability.

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

23 (k) All orders for support, when entered or modified, shall
24 include a provision requiring the non-custodial parent to
25 notify the court and, in cases in which party is receiving
26 child support enforcement services under Article X of the

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

17 (1) 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

1 that date. Nothing in this subsection shall be construed to
2 prevent the court from modifying the order or terminating the
3 order in the event the child is otherwise emancipated.

4 (m) If there is an unpaid arrearage or delinquency (as
5 those terms are defined in the Income Withholding for Support
6 Act) equal to at least one month's support obligation on the
7 termination date stated in the order for support or, if there
8 is no termination date stated in the order, on the date the
9 child attains the age of majority or is otherwise emancipated,
10 the periodic amount required to be paid for current support of
11 that child immediately prior to that date shall automatically
12 continue to be an obligation, not as current support but as
13 periodic payment toward satisfaction of the unpaid arrearage or
14 delinquency. That periodic payment shall be in addition to any
15 periodic payment previously required for satisfaction of the
16 arrearage or delinquency. The total periodic amount to be paid
17 toward satisfaction of the arrearage or delinquency may be
18 enforced and collected by any method provided by law for
19 enforcement and collection of child support, including but not
20 limited to income withholding under the Income Withholding for
21 Support Act. Each order for support entered or modified on or
22 after January 1, 2005 must contain a statement notifying the
23 parties of the requirements of this subsection. Failure to
24 include the statement in the order for support does not affect
25 the validity of the order or the operation of the provisions of
26 this subsection with regard to the order. This subsection shall

1 not be construed to prevent or affect the establishment or
2 modification of an order for support of a minor child or the
3 establishment or modification of an order for support of a
4 non-minor child or educational expenses under Section 513 of
5 the Illinois Marriage and Dissolution of Marriage Act.

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

25 Section 803. Information to State Case Registry.

1 (a) In this Section:

2 "Order for support", "obligor", "obligee", and "business
3 day" are defined as set forth in the Income Withholding for
4 Support Act.

5 "State Case Registry" means the State Case Registry
6 established under Section 10-27 of the Illinois Public Aid
7 Code.

8 (b) Each order for support entered or modified by the
9 circuit court under this Act shall require that the obligor and
10 obligee (i) file with the clerk of the circuit court the
11 information required by this Section (and any other information
12 required under Title IV, Part D of the Social Security Act or
13 by the federal Department of Health and Human Services) at the
14 time of entry or modification of the order for support and (ii)
15 file updated information with the clerk of the circuit court
16 within 5 business days of any change. Failure of the obligor or
17 obligee to file or update the required information shall be
18 punishable as in cases of contempt. The failure shall not
19 prevent the court from entering or modifying the order for
20 support, however.

21 (c) The obligor shall file the following information: the
22 obligor's name, date of birth, social security number, and
23 mailing address. If either the obligor or the obligee receives
24 child support enforcement services from the Illinois
25 Department of Healthcare and Family Services under Article X of
26 the Illinois Public Aid Code, the obligor shall also file the

1 following information: the obligor's telephone number,
2 driver's license number, and residential address (if different
3 from the obligor's mailing address), and the name, address, and
4 telephone number of the obligor's employer or employers.

5 (d) The obligee shall file the following information:

6 (1) The names of the obligee and the child or children
7 covered by the order for support.

8 (2) The dates of birth of the obligee and the child or
9 children covered by the order for support.

10 (3) The social security numbers of the obligee and the
11 child or children covered by the order for support.

12 (4) The obligee's mailing address.

13 (e) In cases in which the obligee receives child support
14 enforcement services from the Illinois Department of
15 Healthcare and Family Services under Article X of the Illinois
16 Public Aid Code, the order for support shall (i) require that
17 the obligee file the information required under subsection (d)
18 with the Illinois Department of Healthcare and Family Services
19 for inclusion in the State Case Registry, rather than file the
20 information with the clerk, and (ii) require that the obligee
21 include the following additional information:

22 (1) The obligee's telephone and driver's license
23 numbers.

24 (2) The obligee's residential address, if different
25 from the obligee's mailing address.

26 (3) The name, address, and telephone number of the

1 obligee's employer or employers.

2 The order for support shall also require that the obligee
3 update the information filed with the Illinois Department of
4 Healthcare and Family Services within 5 business days of any
5 change.

6 (f) The clerk of the circuit court shall provide the
7 information filed under this Section, together with the court
8 docket number and county in which the order for support was
9 entered, to the State Case Registry within 5 business days
10 after receipt of the information.

11 (g) In a case in which a party is receiving child support
12 enforcement services under Article X of the Illinois Public Aid
13 Code, the clerk of the circuit court shall provide the
14 following additional information to the State Case Registry
15 within 5 business days after entry or modification of an order
16 for support or request from the Illinois Department of
17 Healthcare and Family Services:

18 (1) The amount of monthly or other periodic support
19 owed under the order for support and other amounts,
20 including arrearage, interest, or late payment penalties
21 and fees, due or overdue under the order.

22 (2) Any such amounts that have been received by the
23 clerk, and the distribution of those amounts by the clerk.

24 (h) Information filed by the obligor and obligee under this
25 Section that is not specifically required to be included in the
26 body of an order for support under other laws is not a public

1 record and shall be treated as confidential and subject to
2 disclosure only in accordance with the provisions of this
3 Section, Section 10-27 of the Illinois Public Aid Code, and
4 Title IV, Part D of the Social Security Act.

5 Section 804. Information to locate putative fathers and
6 noncustodial parents.

7 (a) Upon request by a public office, employers, labor
8 unions, and telephone companies shall provide location
9 information concerning putative fathers and noncustodial
10 parents for the purpose of establishing the parentage of a
11 child or establishing, enforcing, or modifying a child support
12 obligation. The term "public office" is defined as set forth in
13 the Income Withholding for Support Act. In this Section,
14 "location information" means information about (i) the
15 physical whereabouts of a putative father or noncustodial
16 parent, (ii) the employer of the putative father or
17 noncustodial parent, or (iii) the salary, wages, and other
18 compensation paid and the health insurance coverage provided to
19 the putative father or noncustodial parent by the employer of
20 the putative father or noncustodial parent or by a labor union
21 of which the putative father or noncustodial parent is a
22 member. An employer, labor union, or telephone company shall
23 respond to the request of the public office within 15 days
24 after receiving the request. Any employer, labor union, or
25 telephone company that willfully fails to fully respond within

1 the 15-day period shall be subject to a penalty of \$100 for
2 each day that the response is not provided to the public office
3 after the 15-day period has expired. The penalty may be
4 collected in a civil action, which may be brought against the
5 employer, labor union, or telephone company in favor of the
6 public office.

7 (b) Upon being served with a subpoena (including an
8 administrative subpoena as authorized by law), a utility
9 company or cable television company must provide location
10 information to a public office for the purpose of establishing
11 the parentage of a child or establishing, enforcing, or
12 modifying a child support obligation.

13 (c) Notwithstanding the provisions of any other State or
14 local law to the contrary, an employer, labor union, telephone
15 company, utility company, or cable television company shall not
16 be liable to any person for disclosure of location information
17 under the requirements of this Section, except for willful and
18 wanton misconduct.

19 Section 805. Enforcement of judgment or order.

20 (a) If existence of the parent-child relationship is
21 declared, or parentage or duty of support has been established
22 under this Act or under prior law or under the law of any other
23 jurisdiction, the judgment rendered thereunder may be enforced
24 in the same or other proceedings by any party or any person or
25 agency that has furnished or may furnish financial assistance

1 or services to the child. The Income Withholding for Support
2 Act and Sections 802 and 808 of this Act shall also be
3 applicable with respect to entry, modification, and
4 enforcement of any support judgment entered under provisions of
5 the Paternity Act, approved July 5, 1957 and repealed July 1,
6 1985.

7 (b) Failure to comply with any order of the court shall be
8 punishable as contempt as in other cases of failure to comply
9 under the Illinois Marriage and Dissolution of Marriage Act. In
10 addition to other penalties provided by law, the court may,
11 after finding the party guilty of contempt, order that the
12 party be:

13 (1) Placed on probation with such conditions of
14 probation as the court deems advisable.

15 (2) Sentenced to periodic imprisonment for a period not
16 to exceed 6 months. However, the court may permit the party
17 to be released for periods of time during the day or night
18 to work or conduct business or other self-employed
19 occupation. The court may further order any part of all the
20 earnings of a party during a sentence of periodic
21 imprisonment to be paid to the clerk of the circuit court
22 or to the person or parent having custody of the minor
23 child for the support of said child until further order of
24 the court.

25 (3) The court may also pierce the ownership veil of a
26 person, persons, or business entity to discover assets of a

1 non-custodial parent held in the name of that person, those
2 persons, or that business entity if there is a unity of
3 interest and ownership sufficient to render no financial
4 separation between the non-custodial parent and that
5 person, those persons, or the business entity. The
6 following circumstances are sufficient for a court to order
7 discovery of the assets of a person, persons, or business
8 entity and to compel the application of any discovered
9 assets toward payment on the judgment for support:

10 (A) the non-custodial parent and the person,
11 persons, or business entity maintain records together.

12 (B) the non-custodial parent and the person,
13 persons, or business entity fail to maintain an arms
14 length relationship between themselves with regard to
15 any assets.

16 (C) the non-custodial parent transfers assets to
17 the person, persons, or business entity with the intent
18 to perpetrate a fraud on the custodial parent. With
19 respect to assets which are real property, no order
20 entered under this subdivision (3) shall affect the
21 rights of bona fide purchasers, mortgagees, judgment
22 creditors, or other lien holders who acquire their
23 interests in the property prior to the time a notice of
24 lis pendens pursuant to the Code of Civil Procedure or
25 a copy of the order is placed of record in the office
26 of the recorder of deeds for the county in which the

1 real property is located.

2 (4) The court may also order that, in cases where the
3 party is 90 days or more delinquent in payment of support
4 or has been adjudicated in arrears in an amount equal to 90
5 days obligation or more, the party's Illinois driving
6 privileges be suspended until the court determines that the
7 party is in compliance with the judgment or duty of
8 support. The court may also order that the parent be issued
9 a family financial responsibility driving permit that
10 would allow limited driving privileges for employment and
11 medical purposes in accordance with Section 7-702.1 of the
12 Illinois Vehicle Code. The clerk of the circuit court shall
13 certify the order suspending the driving privileges of the
14 parent or granting the issuance of a family financial
15 responsibility driving permit to the Secretary of State on
16 forms prescribed by the Secretary. Upon receipt of the
17 authenticated documents, the Secretary of State shall
18 suspend the party's driving privileges until further order
19 of the court and shall, if ordered by the court, subject to
20 the provisions of Section 7-702.1 of the Illinois Vehicle
21 Code, issue a family financial responsibility driving
22 permit to the parent.

23 In addition to the penalties or punishment that may be
24 imposed under this Section, any person whose conduct
25 constitutes a violation of Section 15 of the Non-Support
26 Punishment Act may be prosecuted under that Act, and a person

1 convicted under that Act may be sentenced in accordance with
2 that Act. The sentence may include, but need not be limited to,
3 a requirement that the person perform community service under
4 Section 50 of that Act or participate in a work alternative
5 program under Section 50 of that Act. A person may not be
6 required to participate in a work alternative program under
7 Section 50 of that Act if the person is currently participating
8 in a work program pursuant to Section 806 of this Act.

9 (c) In any post-judgment proceeding to enforce or modify
10 the judgment the parties shall continue to be designated as in
11 the original proceeding.

12 Section 806. Unemployment of person owing duty of support.

13 (a) Whenever it is determined in a proceeding to establish
14 or enforce a child support obligation that the person owing a
15 duty of support is unemployed, the court may order the person
16 to seek employment and report periodically to the court with a
17 diary, listing, or other memorandum of his or her efforts in
18 accordance with such order. Additionally, the court may order
19 the unemployed person to report to the Department of Employment
20 Security for job search services and to participate in job
21 training or work programs. When the duty of support is owed to
22 a child receiving child support enforcement services under
23 Article X of the Illinois Public Aid Code, the court may order
24 the unemployed person to report to the Illinois Department of
25 Healthcare and Family Services for participation in job search,

1 training, or work programs established under Section 9-6 and
2 Article IXA of that Code.

3 (b) Whenever it is determined that a person owes past-due
4 support for a child, and the child is receiving assistance
5 under the Illinois Public Aid Code, the court shall order the
6 following at the request of the Illinois Department of
7 Healthcare and Family Services:

8 (1) that the person pay the past-due support in
9 accordance with a plan approved by the court; or

10 (2) if the person owing past-due support is unemployed,
11 is subject to such a plan, and is not incapacitated, that
12 the person participate in such job search, training, or
13 work programs established under Section 9-6 and Article IXA
14 of the Illinois Public Aid Code as the court deems
15 appropriate.

16 Section 807. Order of protection; status. Whenever relief
17 is sought under this Act, the court, before granting relief,
18 shall determine whether any order of protection has previously
19 been entered in the instant proceeding or any other proceeding
20 in which any party, or a child of any party, or both, if
21 relevant, has been designated as either a respondent or a
22 protected person.

23 Section 808. Modification of judgment. The court has
24 continuing jurisdiction to modify an order for support,

1 custody, parenting time, or removal included in a judgment
2 entered under this Act. Any custody, parenting time, or removal
3 judgment modification shall be in accordance with the relevant
4 factors specified in the Illinois Marriage and Dissolution of
5 Marriage Act. Any support judgment is subject to modification
6 or termination only in accordance with Section 510 of the
7 Illinois Marriage and Dissolution of Marriage Act.

8 Section 809. Right to counsel.

9 (a) Any party may be represented by counsel at all
10 proceedings under this Act. Except as otherwise provided in
11 this Act, the court may order reasonable fees of counsel,
12 experts, and other costs of the action, pre-trial proceedings,
13 post-judgment proceedings to enforce or modify the judgment,
14 and the appeal or the defense of an appeal of the judgment to
15 be paid by the parties in accordance with the relevant factors
16 specified in Section 508 of the Illinois Marriage and
17 Dissolution of Marriage Act. The court may not order payment by
18 the Department of Healthcare and Family Services in cases in
19 which the Department is providing child support enforcement
20 services under Article X of the Illinois Public Aid Code.

21 (b) In any proceedings involving the support, custody,
22 parenting time, education, parentage, property interest, or
23 general welfare of a minor or dependent child, the court may,
24 on its own motion or that of any party, appoint an attorney to
25 serve in one of the capacities specified in Section 506 of the

1 Illinois Marriage and Dissolution of Marriage Act.

2 Section 810. Withholding of income to secure payment of
3 support. Orders for support entered under this Act are subject
4 to the Income Withholding for Support Act.

5 Section 811. Information concerning obligors.

6 (a) In this Section:

7 "Arrearage", "delinquency", "obligor", and "order for
8 support" have the meanings attributed to those terms in the
9 Income Withholding for Support Act.

10 "Consumer reporting agency" has the meaning attributed to
11 that term in Section 603(f) of the Fair Credit Reporting Act,
12 15 U.S.C. 1681a(f).

13 (b) Whenever a court of competent jurisdiction finds that
14 an obligor either owes an arrearage of more than \$10,000 or is
15 delinquent in payment of an amount equal to at least 3 months'
16 support obligation pursuant to an order for support, the court
17 shall direct the clerk of the circuit court to make information
18 concerning the obligor available to consumer reporting
19 agencies.

20 (c) Whenever a court of competent jurisdiction finds that
21 an obligor either owes an arrearage of more than \$10,000 or is
22 delinquent in payment of an amount equal to at least 3 months'
23 support obligation pursuant to an order for support, the court
24 shall direct the clerk of the circuit court to cause the

1 obligor's name and address to be published in a newspaper of
2 general circulation in the area in which the obligor resides.
3 The clerk of the circuit court shall cause the obligor's name
4 and address to be published only after sending to the obligor
5 at the obligor's last known address, by certified mail, return
6 receipt requested, a notice of intent to publish the
7 information. This subsection (c) applies only if the obligor
8 resides in the county in which the clerk of the circuit court
9 holds office.

10 Section 812. Interest on support obligations. A support
11 obligation, or any portion of a support obligation, which
12 becomes due and remains unpaid as of the end of each month,
13 excluding the child support that was due for that month to the
14 extent that it was not paid in that month, shall accrue simple
15 interest as set forth in Section 12-109 of the Code of Civil
16 Procedure. An order for support shall contain a statement that
17 a support obligation required under the order, or any portion
18 of a support obligation required under the order, that becomes
19 due and remains unpaid as of the end of each month, excluding
20 the child support that was due for that month to the extent
21 that it was not paid in that month, shall accrue simple
22 interest as set forth in Section 12-109 of the Code of Civil
23 Procedure. Failure to include the statement in the order for
24 support does not affect the validity of the order or the
25 accrual of interest as provided in this Section.

1 Section 813. Support payments; receiving and disbursing
2 agents.

3 (a) In an action filed in a county of less than 3,000,000
4 population in which an order for child support is entered, and
5 in supplementary proceedings in such a county to enforce or
6 vary the terms of such order arising out of an action filed in
7 such a county, the court, except in actions or supplementary
8 proceedings in which the pregnancy and delivery expenses of the
9 mother or the child support payments are for a recipient of aid
10 under the Illinois Public Aid Code, shall direct that child
11 support payments be made to the clerk of the circuit court
12 unless in the discretion of the court exceptional circumstances
13 warrant otherwise. In cases where payment is to be made to
14 persons other than the clerk of the circuit court, the judgment
15 or order of support shall set forth the facts of the
16 exceptional circumstances.

17 (b) In an action filed in a county of 3,000,000 or more
18 population in which an order for child support is entered, and
19 in supplementary proceedings in such a county to enforce or
20 vary the terms of such order arising out of an action filed in
21 such a county, the court, except in actions or supplementary
22 proceedings in which the pregnancy and delivery expenses of the
23 mother or the child support payments are for a recipient of aid
24 under the Illinois Public Aid Code, shall direct that child
25 support payments be made either to the clerk of the circuit

1 court or to the Court Service Division of the County Department
2 of Public Aid or its successor, or to the clerk of the circuit
3 court or to the Illinois Department of Healthcare and Family
4 Services, unless in the discretion of the court exceptional
5 circumstances warrant otherwise. In cases where payment is to
6 be made to persons other than the clerk of the circuit court,
7 the Court Service Division of the County Department of Public
8 Aid or its successor, or the Illinois Department of Healthcare
9 and Family Services, the judgment or order of support shall set
10 forth the facts of the exceptional circumstances.

11 (c) Where the action or supplementary proceeding is in
12 behalf of a mother for pregnancy and delivery expenses or for
13 child support, or both, and the mother, child, or both, are
14 recipients of aid under the Illinois Public Aid Code, the court
15 shall order that the payments be made directly to (1) the
16 Illinois Department of Healthcare and Family Services if the
17 mother or child, or both, are recipients under Article IV or V
18 of the Code or (2) the local governmental unit responsible for
19 the support of the mother or child, or both, if they are
20 recipients under Article VI or VII of the Code. In accordance
21 with federal law and regulations, the Illinois Department of
22 Healthcare and Family Services may continue to collect current
23 maintenance payments or child support payments, or both, after
24 those persons cease to receive public assistance and until
25 termination of services under Article X of the Illinois Public
26 Aid Code. The Illinois Department of Healthcare and Family

1 Services shall pay the net amount collected to those persons
2 after deducting any costs incurred in making the collection or
3 any collection fee from the amount of any recovery made. The
4 Illinois Department of Healthcare and Family Services or the
5 local governmental unit, as the case may be, may direct that
6 payments be made directly to the mother of the child, or to
7 some other person or agency in the child's behalf, upon the
8 removal of the mother and child from the public aid rolls or
9 upon termination of services under Article X of the Illinois
10 Public Aid Code; and upon such direction, the Illinois
11 Department or the local governmental unit, as the case
12 requires, shall give notice of such action to the court in
13 writing or by electronic transmission.

14 (d) All clerks of the circuit court and the Court Service
15 Division of the Department of Human Services local office or
16 offices or its successor and the Illinois Department of
17 Healthcare and Family Services, receiving child support
18 payments under subsection (a) or (b) shall disburse the same to
19 the person or persons entitled thereto under the terms of the
20 order. They shall establish and maintain clear and current
21 records of all moneys received and disbursed and of defaults
22 and delinquencies in required payments. The court, by order or
23 rule, shall make provision for the carrying out of these
24 duties. Payments under this Section to the Illinois Department
25 of Healthcare and Family Services pursuant to the Child Support
26 Enforcement Program established by Title IV-D of the Social

1 Security Act shall be paid into the Child Support Enforcement
2 Trust Fund. All payments under this Section to the Illinois
3 Department of Human Services shall be deposited in the DHS
4 Recoveries Trust Fund. Disbursement from these funds shall be
5 as provided in the Illinois Public Aid Code. Payments received
6 by a local governmental unit shall be deposited in that unit's
7 General Assistance Fund.

8 (e) The moneys received by persons or agencies designated
9 by the court shall be disbursed by them in accordance with the
10 order. However, the court, on petition of the State's Attorney,
11 may enter new orders designating the clerk of the circuit court
12 or the Illinois Department of Healthcare and Family Services as
13 the person or agency authorized to receive and disburse child
14 support payments and, in the case of recipients of public aid,
15 the court, on petition of the Attorney General or State's
16 Attorney, shall direct subsequent payments to be paid to the
17 Illinois Department of Healthcare and Family Services or to the
18 appropriate local governmental unit, as provided in subsection
19 (c). Payments of child support by principals or sureties on
20 bonds or proceeds of any sale for the enforcement of a judgment
21 shall be made to the clerk of the circuit court, the Illinois
22 Department of Healthcare and Family Services, or the
23 appropriate local governmental unit, as the respective
24 provisions of this Section require.

25 (f) For those cases in which child support is payable to
26 the clerk of the circuit court for transmittal to the Illinois

1 Department of Healthcare and Family Services by order of court
2 or upon notification by the Illinois Department of Healthcare
3 and Family Services, the clerk of the circuit court shall
4 transmit all such payments, within 4 working days of receipt,
5 to insure that funds are available for immediate distribution
6 by the Department to the person or entity entitled thereto in
7 accordance with standards of the Child Support Enforcement
8 Program established under Title IV-D of the Social Security
9 Act. The clerk of the circuit court shall notify the Department
10 of the date of receipt and amount thereof at the time of
11 transmittal. Where the clerk of the circuit court has entered
12 into an agreement of cooperation with the Department to record
13 the terms of child support orders and payments made thereunder
14 directly into the Department's automated data processing
15 system, the clerk of the circuit court shall account for,
16 transmit and otherwise distribute child support payments in
17 accordance with such agreement in lieu of the requirements
18 contained herein.

19 (g) To the extent the provisions of this Section are
20 inconsistent with the requirements pertaining to the State
21 Disbursement Unit under Section 815 of this Act and Section
22 10-26 of the Illinois Public Aid Code, the requirements
23 pertaining to the State Disbursement Unit shall apply.

24 Section 814. Notice of child support enforcement services.
25 The Illinois Department of Healthcare and Family Services may

1 provide notice at any time to the parties to an action filed
2 under this Act that child support enforcement services are
3 being provided by the Illinois Department under Article X of
4 the Illinois Public Aid Code. After notice is provided pursuant
5 to this Section, the Illinois Department shall be entitled, as
6 if it were a party, to notice of any further proceedings
7 brought in the case. The Illinois Department shall provide the
8 clerk of the circuit court with copies of the notices sent to
9 the parties. The clerk of the circuit court shall file the
10 copies in the court file.

11 Section 815. Payment of support to State Disbursement Unit.

12 (a) As used in this Section, "order for support",
13 "obligor", "obligee", and "payor" mean those terms as defined
14 in the Income Withholding for Support Act, except that "order
15 for support" does not mean orders providing for spousal
16 maintenance under which there is no child support obligation.

17 (b) Notwithstanding any other provision of this Act to the
18 contrary, each order for support entered or modified on or
19 after October 1, 1999 shall require that support payments be
20 made to the State Disbursement Unit established under Section
21 10-26 of the Illinois Public Aid Code if:

22 (1) a party to the order is receiving child support
23 enforcement services under Article X of the Illinois Public
24 Aid Code; or

25 (2) no party to the order is receiving child support

1 enforcement services, but the support payments are made
2 through income withholding.

3 (c) Support payments shall be made to the State
4 Disbursement Unit if:

5 (1) the order for support was entered before October 1,
6 1999, and a party to the order is receiving child support
7 enforcement services under Article X of the Illinois Public
8 Aid Code; or

9 (2) no party to the order is receiving child support
10 enforcement services, and the support payments are being
11 made through income withholding.

12 (d) If no party to the order is receiving child support
13 enforcement services under Article X of the Illinois Public Aid
14 Code and the support payments are not made through income
15 withholding, then support payments shall be made as directed by
16 the order for support.

17 (e) At any time, and notwithstanding the existence of an
18 order directing payments to be made elsewhere, the Illinois
19 Department of Healthcare and Family Services may provide notice
20 to the obligor and, where applicable, to the obligor's payor:

21 (1) to make support payments to the State Disbursement
22 Unit if:

23 (A) a party to the order for support is receiving
24 child support enforcement services under Article X of
25 the Illinois Public Aid Code; or

26 (B) no party to the order for support is receiving

1 child support enforcement services under Article X of
2 the Illinois Public Aid Code, but the support payments
3 are made through income withholding; or

4 (2) to make support payments to the State Disbursement
5 Unit of another state upon request of another state's Title
6 IV-D child support enforcement agency, in accordance with
7 the requirements of Title IV, Part D of the Social Security
8 Act and regulations promulgated under that Part D.

9 The Illinois Department of Healthcare and Family Services
10 shall provide a copy of the notice to the obligee and to the
11 clerk of the circuit court.

12 (f) The clerk of the circuit court shall provide written
13 notice to the obligor to make payments directly to the clerk of
14 the circuit court if no party to the order is receiving child
15 support enforcement services under Article X of the Illinois
16 Public Aid Code, the support payments are not made through
17 income withholding, and the order for support requires support
18 payments to be made directly to the clerk of the circuit court.
19 The clerk of the circuit court shall provide a copy of the
20 notice to the obligee.

21 (g) If the State Disbursement Unit receives a support
22 payment that was not appropriately made to the Unit under this
23 Section, the Unit shall immediately return the payment to the
24 sender, including, if possible, instructions detailing where
25 to send the support payments.

26 (h) The notices under subsections (e) and (f) may be sent

1 by ordinary mail, certified mail, return receipt requested,
2 facsimile transmission, or other electronic process, or may be
3 served upon the obligor or payor using any method provided by
4 law for service of a summons.

5 Section 816. Collection fee. In all cases instituted by the
6 Illinois Department of Healthcare and Family Services on behalf
7 of a child or spouse, other than one receiving a grant of
8 financial aid under Article IV of the Illinois Public Aid Code,
9 on whose behalf an application has been made and approved for
10 child support enforcement services as provided by Section 10-1
11 of that Code, the court shall impose a collection fee on the
12 individual who owes a child or spouse support obligation in an
13 amount equal to 10% of the amount so owed as long as such
14 collection is required by federal law, which fee shall be in
15 addition to the support obligation. The imposition of such fee
16 shall be in accordance with the provisions of Title IV, Part D,
17 of the Social Security Act and the regulations duly promulgated
18 thereunder. The fee shall be payable to the clerk of the
19 circuit court for transmittal to the Illinois Department of
20 Healthcare and Family Services and shall continue until support
21 services are terminated by that Department.

22 Section 817. Notice to the clerk of circuit court of
23 payment received by Illinois Department of Healthcare and
24 Family Services for recording. For those cases in which support

1 is payable to the clerk of the circuit court for transmittal to
2 the Illinois Department of Healthcare and Family Services by
3 order of court, and the Illinois Department of Healthcare and
4 Family Services collects support by assignment, offset,
5 withhold, deduction, or other process permitted by law, the
6 Illinois Department of Healthcare and Family Services shall
7 notify the clerk of the circuit court of the date and amount of
8 such collection. Upon notification, the clerk of the circuit
9 court shall record the collection on the payment record for the
10 case.

11 Section 818. Administrative determinations of paternity.
12 Notwithstanding any other provision of this Act, the Illinois
13 Department of Healthcare and Family Services may make
14 administrative determinations of paternity and nonpaternity in
15 accordance with Article X of the Illinois Public Aid Code.
16 These determinations of paternity or nonpaternity shall have
17 the full force and effect of judgments entered under this Act.

18 ARTICLE 9. MISCELLANEOUS PROVISIONS

19 Section 901. Burden of proof. Absent a burden of proof
20 specifically set forth in this Act, the burden of proof shall
21 be by a preponderance of the evidence.

22 Section 902. Severability clause. If any provision of this

1 Act or its application to an individual or circumstance is held
2 invalid, the invalidity does not affect other provisions or
3 applications of this Act which can be given effect without the
4 invalid provision or application, and to this end the
5 provisions of this Act are severable.

6 (750 ILCS 40/Act rep.)

7 (750 ILCS 45/Act rep.)

8 Section 903. Repeal. The following Acts are repealed:

9 (1) The Illinois Parentage Act.

10 (2) The Illinois Parentage Act of 1984.

11 Section 904. Transitional provision. A proceeding to
12 adjudicate parentage which was commenced before the effective
13 date of this Act is governed by the law in effect at the time
14 the proceeding was commenced.

15 Section 905. Savings provision. The repeal of the Illinois
16 Parentage Act of 1984 and the Illinois Parentage Act shall not
17 affect rights or liabilities which have accrued thereunder and
18 which have been determined, settled, or adjudicated prior to
19 the effective date of this Act or which are the subject of
20 proceedings pending thereunder on such effective date.
21 Provided further, this Act shall not be construed to bar an
22 action which would have been barred because the action had not
23 been filed within the then applicable time limitation, or which

1 could not have been maintained under the Illinois Parentage Act
2 of 1984 and the Illinois Parentage Act as long as the
3 limitations periods set forth in this Act are complied with.

4 Section 906. Other states' establishments of parentage.
5 Establishments of parentage made under the laws of other states
6 shall be given full faith and credit in this State regardless
7 of whether parentage was established through voluntary
8 acknowledgment, tests to determine inherited characteristics,
9 or judicial or administrative processes.

10 Section 951. The Department of Employment Security Law of
11 the Civil Administrative Code of Illinois is amended by
12 changing Section 1005-130 as follows:

13 (20 ILCS 1005/1005-130) (was 20 ILCS 1005/43a.14)

14 Sec. 1005-130. Exchange of information for child support
15 enforcement.

16 (a) The Department has the power to exchange with the
17 Department of Healthcare and Family Services information that
18 may be necessary for the enforcement of child support orders
19 entered pursuant to the Illinois Public Aid Code, the Illinois
20 Marriage and Dissolution of Marriage Act, the Non-Support of
21 Spouse and Children Act, the Non-Support Punishment Act, the
22 Revised Uniform Reciprocal Enforcement of Support Act, the
23 Uniform Interstate Family Support Act, ~~or~~ the Illinois

1 Parentage Act of 1984, or the Illinois Parentage Act of 2012.

2 (b) Notwithstanding any provisions in the Civil
3 Administrative Code of Illinois to the contrary, the Department
4 of Employment Security shall not be liable to any person for
5 any disclosure of information to the Department of Healthcare
6 and Family Services (formerly Illinois Department of Public
7 Aid) under subsection (a) or for any other action taken in good
8 faith to comply with the requirements of subsection (a).

9 (Source: P.A. 95-331, eff. 8-21-07.)

10 Section 952. The Department of Professional Regulation Law
11 of the Civil Administrative Code of Illinois is amended by
12 changing Section 2105-15 as follows:

13 (20 ILCS 2105/2105-15)

14 Sec. 2105-15. General powers and duties.

15 (a) The Department has, subject to the provisions of the
16 Civil Administrative Code of Illinois, the following powers and
17 duties:

18 (1) To authorize examinations in English to ascertain
19 the qualifications and fitness of applicants to exercise
20 the profession, trade, or occupation for which the
21 examination is held.

22 (2) To prescribe rules and regulations for a fair and
23 wholly impartial method of examination of candidates to
24 exercise the respective professions, trades, or

1 occupations.

2 (3) To pass upon the qualifications of applicants for
3 licenses, certificates, and authorities, whether by
4 examination, by reciprocity, or by endorsement.

5 (4) To prescribe rules and regulations defining, for
6 the respective professions, trades, and occupations, what
7 shall constitute a school, college, or university, or
8 department of a university, or other institution,
9 reputable and in good standing, and to determine the
10 reputability and good standing of a school, college, or
11 university, or department of a university, or other
12 institution, reputable and in good standing, by reference
13 to a compliance with those rules and regulations; provided,
14 that no school, college, or university, or department of a
15 university, or other institution that refuses admittance
16 to applicants solely on account of race, color, creed, sex,
17 or national origin shall be considered reputable and in
18 good standing.

19 (5) To conduct hearings on proceedings to revoke,
20 suspend, refuse to renew, place on probationary status, or
21 take other disciplinary action as authorized in any
22 licensing Act administered by the Department with regard to
23 licenses, certificates, or authorities of persons
24 exercising the respective professions, trades, or
25 occupations and to revoke, suspend, refuse to renew, place
26 on probationary status, or take other disciplinary action

1 as authorized in any licensing Act administered by the
2 Department with regard to those licenses, certificates, or
3 authorities. The Department shall issue a monthly
4 disciplinary report. The Department shall deny any license
5 or renewal authorized by the Civil Administrative Code of
6 Illinois to any person who has defaulted on an educational
7 loan or scholarship provided by or guaranteed by the
8 Illinois Student Assistance Commission or any governmental
9 agency of this State; however, the Department may issue a
10 license or renewal if the aforementioned persons have
11 established a satisfactory repayment record as determined
12 by the Illinois Student Assistance Commission or other
13 appropriate governmental agency of this State.
14 Additionally, beginning June 1, 1996, any license issued by
15 the Department may be suspended or revoked if the
16 Department, after the opportunity for a hearing under the
17 appropriate licensing Act, finds that the licensee has
18 failed to make satisfactory repayment to the Illinois
19 Student Assistance Commission for a delinquent or
20 defaulted loan. For the purposes of this Section,
21 "satisfactory repayment record" shall be defined by rule.
22 The Department shall refuse to issue or renew a license to,
23 or shall suspend or revoke a license of, any person who,
24 after receiving notice, fails to comply with a subpoena or
25 warrant relating to a paternity or child support
26 proceeding. However, the Department may issue a license or

1 renewal upon compliance with the subpoena or warrant.

2 The Department, without further process or hearings,
3 shall revoke, suspend, or deny any license or renewal
4 authorized by the Civil Administrative Code of Illinois to
5 a person who is certified by the Department of Healthcare
6 and Family Services (formerly Illinois Department of
7 Public Aid) as being more than 30 days delinquent in
8 complying with a child support order or who is certified by
9 a court as being in violation of the Non-Support Punishment
10 Act for more than 60 days. The Department may, however,
11 issue a license or renewal if the person has established a
12 satisfactory repayment record as determined by the
13 Department of Healthcare and Family Services (formerly
14 Illinois Department of Public Aid) or if the person is
15 determined by the court to be in compliance with the
16 Non-Support Punishment Act. The Department may implement
17 this paragraph as added by Public Act 89-6 through the use
18 of emergency rules in accordance with Section 5-45 of the
19 Illinois Administrative Procedure Act. For purposes of the
20 Illinois Administrative Procedure Act, the adoption of
21 rules to implement this paragraph shall be considered an
22 emergency and necessary for the public interest, safety,
23 and welfare.

24 (6) To transfer jurisdiction of any realty under the
25 control of the Department to any other department of the
26 State Government or to acquire or accept federal lands when

1 the transfer, acquisition, or acceptance is advantageous
2 to the State and is approved in writing by the Governor.

3 (7) To formulate rules and regulations necessary for
4 the enforcement of any Act administered by the Department.

5 (8) To exchange with the Department of Healthcare and
6 Family Services information that may be necessary for the
7 enforcement of child support orders entered pursuant to the
8 Illinois Public Aid Code, the Illinois Marriage and
9 Dissolution of Marriage Act, the Non-Support of Spouse and
10 Children Act, the Non-Support Punishment Act, the Revised
11 Uniform Reciprocal Enforcement of Support Act, the Uniform
12 Interstate Family Support Act, or the Illinois Parentage
13 Act of 1984 , or the Illinois Parentage Act of 2012.

14 Notwithstanding any provisions in this Code to the
15 contrary, the Department of Professional Regulation shall
16 not be liable under any federal or State law to any person
17 for any disclosure of information to the Department of
18 Healthcare and Family Services (formerly Illinois
19 Department of Public Aid) under this paragraph (8) or for
20 any other action taken in good faith to comply with the
21 requirements of this paragraph (8).

22 (9) To perform other duties prescribed by law.

23 (a-5) Except in cases involving default on an educational
24 loan or scholarship provided by or guaranteed by the Illinois
25 Student Assistance Commission or any governmental agency of
26 this State or in cases involving delinquency in complying with

1 a child support order or violation of the Non-Support
2 Punishment Act, no person or entity whose license, certificate,
3 or authority has been revoked as authorized in any licensing
4 Act administered by the Department may apply for restoration of
5 that license, certification, or authority until 3 years after
6 the effective date of the revocation.

7 (b) The Department may, when a fee is payable to the
8 Department for a wall certificate of registration provided by
9 the Department of Central Management Services, require that
10 portion of the payment for printing and distribution costs be
11 made directly or through the Department to the Department of
12 Central Management Services for deposit into the Paper and
13 Printing Revolving Fund. The remainder shall be deposited into
14 the General Revenue Fund.

15 (c) For the purpose of securing and preparing evidence, and
16 for the purchase of controlled substances, professional
17 services, and equipment necessary for enforcement activities,
18 recoupment of investigative costs, and other activities
19 directed at suppressing the misuse and abuse of controlled
20 substances, including those activities set forth in Sections
21 504 and 508 of the Illinois Controlled Substances Act, the
22 Director and agents appointed and authorized by the Director
23 may expend sums from the Professional Regulation Evidence Fund
24 that the Director deems necessary from the amounts appropriated
25 for that purpose. Those sums may be advanced to the agent when
26 the Director deems that procedure to be in the public interest.

1 Sums for the purchase of controlled substances, professional
2 services, and equipment necessary for enforcement activities
3 and other activities as set forth in this Section shall be
4 advanced to the agent who is to make the purchase from the
5 Professional Regulation Evidence Fund on vouchers signed by the
6 Director. The Director and those agents are authorized to
7 maintain one or more commercial checking accounts with any
8 State banking corporation or corporations organized under or
9 subject to the Illinois Banking Act for the deposit and
10 withdrawal of moneys to be used for the purposes set forth in
11 this Section; provided, that no check may be written nor any
12 withdrawal made from any such account except upon the written
13 signatures of 2 persons designated by the Director to write
14 those checks and make those withdrawals. Vouchers for those
15 expenditures must be signed by the Director. All such
16 expenditures shall be audited by the Director, and the audit
17 shall be submitted to the Department of Central Management
18 Services for approval.

19 (d) Whenever the Department is authorized or required by
20 law to consider some aspect of criminal history record
21 information for the purpose of carrying out its statutory
22 powers and responsibilities, then, upon request and payment of
23 fees in conformance with the requirements of Section 2605-400
24 of the Department of State Police Law (20 ILCS 2605/2605-400),
25 the Department of State Police is authorized to furnish,
26 pursuant to positive identification, the information contained

1 in State files that is necessary to fulfill the request.

2 (e) The provisions of this Section do not apply to private
3 business and vocational schools as defined by Section 15 of the
4 Private Business and Vocational Schools Act of 2012.

5 (f) Beginning July 1, 1995, this Section does not apply to
6 those professions, trades, and occupations licensed under the
7 Real Estate License Act of 2000, nor does it apply to any
8 permits, certificates, or other authorizations to do business
9 provided for in the Land Sales Registration Act of 1989 or the
10 Illinois Real Estate Time-Share Act.

11 (g) Notwithstanding anything that may appear in any
12 individual licensing statute or administrative rule, the
13 Department shall deny any license application or renewal
14 authorized under any licensing Act administered by the
15 Department to any person who has failed to file a return, or to
16 pay the tax, penalty, or interest shown in a filed return, or
17 to pay any final assessment of tax, penalty, or interest, as
18 required by any tax Act administered by the Illinois Department
19 of Revenue, until such time as the requirement of any such tax
20 Act are satisfied; however, the Department may issue a license
21 or renewal if the person has established a satisfactory
22 repayment record as determined by the Illinois Department of
23 Revenue. For the purpose of this Section, "satisfactory
24 repayment record" shall be defined by rule.

25 In addition, a complaint filed with the Department by the
26 Illinois Department of Revenue that includes a certification,

1 signed by its Director or designee, attesting to the amount of
2 the unpaid tax liability or the years for which a return was
3 not filed, or both, is prima facia evidence of the licensee's
4 failure to comply with the tax laws administered by the
5 Illinois Department of Revenue. Upon receipt of that
6 certification, the Department shall, without a hearing,
7 immediately suspend all licenses held by the licensee.
8 Enforcement of the Department's order shall be stayed for 60
9 days. The Department shall provide notice of the suspension to
10 the licensee by mailing a copy of the Department's order by
11 certified and regular mail to the licensee's last known address
12 as registered with the Department. The notice shall advise the
13 licensee that the suspension shall be effective 60 days after
14 the issuance of the Department's order unless the Department
15 receives, from the licensee, a request for a hearing before the
16 Department to dispute the matters contained in the order.

17 Any suspension imposed under this subsection (g) shall be
18 terminated by the Department upon notification from the
19 Illinois Department of Revenue that the licensee is in
20 compliance with all tax laws administered by the Illinois
21 Department of Revenue.

22 The Department shall promulgate rules for the
23 administration of this subsection (g).

24 (h) The Department may grant the title "Retired", to be
25 used immediately adjacent to the title of a profession
26 regulated by the Department, to eligible retirees. The use of

1 the title "Retired" shall not constitute representation of
2 current licensure, registration, or certification. Any person
3 without an active license, registration, or certificate in a
4 profession that requires licensure, registration, or
5 certification shall not be permitted to practice that
6 profession.

7 (i) Within 180 days after December 23, 2009 (the effective
8 date of Public Act 96-852), the Department shall promulgate
9 rules which permit a person with a criminal record, who seeks a
10 license or certificate in an occupation for which a criminal
11 record is not expressly a per se bar, to apply to the
12 Department for a non-binding, advisory opinion to be provided
13 by the Board or body with the authority to issue the license or
14 certificate as to whether his or her criminal record would bar
15 the individual from the licensure or certification sought,
16 should the individual meet all other licensure requirements
17 including, but not limited to, the successful completion of the
18 relevant examinations.

19 (Source: P.A. 96-459, eff. 8-14-09; 96-852, eff. 12-23-09;
20 96-1000, eff. 7-2-10; 97-650, eff. 2-1-12.)

21 Section 953. The Department of Revenue Law of the Civil
22 Administrative Code of Illinois is amended by changing Section
23 2505-65 as follows:

24 (20 ILCS 2505/2505-65) (was 20 ILCS 2505/39b12)

1 Sec. 2505-65. Exchange of information.

2 (a) The Department has the power to exchange with any
3 state, with any local subdivisions of any state, or with the
4 federal government, except when specifically prohibited by
5 law, any information that may be necessary to efficient tax
6 administration and that may be acquired as a result of the
7 administration of the laws set forth in the Sections following
8 Section 95-10 and preceding Section 2505-60.

9 (b) The Department has the power to exchange with the
10 Department of Healthcare and Family Services information that
11 may be necessary for the enforcement of child support orders
12 entered pursuant to the Illinois Public Aid Code, the Illinois
13 Marriage and Dissolution of Marriage Act, the Non-Support of
14 Spouse and Children Act, the Non-Support Punishment Act, the
15 Revised Uniform Reciprocal Enforcement of Support Act, the
16 Uniform Interstate Family Support Act, ~~or~~ the Illinois
17 Parentage Act of 1984, or the Illinois Parentage Act of 2012.

18 Notwithstanding any provisions in this Code to the contrary,
19 the Department of Revenue shall not be liable to any person for
20 any disclosure of information to the Department of Healthcare
21 and Family Services (formerly Illinois Department of Public
22 Aid) under this subsection (b) or for any other action taken in
23 good faith to comply with the requirements of this subsection
24 (b).

25 (Source: P.A. 95-331, eff. 8-21-07.)

1 Section 954. The Counties Code is amended by changing
2 Section 3-5036.5 as follows:

3 (55 ILCS 5/3-5036.5)

4 Sec. 3-5036.5. Exchange of information for child support
5 enforcement.

6 (a) The Recorder shall exchange with the Department of
7 Healthcare and Family Services information that may be
8 necessary for the enforcement of child support orders entered
9 pursuant to the Illinois Public Aid Code, the Illinois Marriage
10 and Dissolution of Marriage Act, the Non-Support of Spouse and
11 Children Act, the Non-Support Punishment Act, the Revised
12 Uniform Reciprocal Enforcement of Support Act, the Uniform
13 Interstate Family Support Act, ~~or~~ the Illinois Parentage Act of
14 1984, or the Illinois Parentage Act of 2012.

15 (b) Notwithstanding any provisions in this Code to the
16 contrary, the Recorder shall not be liable to any person for
17 any disclosure of information to the Department of Healthcare
18 and Family Services (formerly Illinois Department of Public
19 Aid) under subsection (a) or for any other action taken in good
20 faith to comply with the requirements of subsection (a).

21 (Source: P.A. 95-331, eff. 8-21-07.)

22 Section 955. The Collection Agency Act is amended by
23 changing Section 2.04 as follows:

1 (225 ILCS 425/2.04) (from Ch. 111, par. 2005.1)

2 (Section scheduled to be repealed on January 1, 2016)

3 Sec. 2.04. Child support indebtedness.

4 (a) Persons, associations, partnerships, corporations, or
5 other legal entities engaged in the business of collecting
6 child support indebtedness owing under a court order as
7 provided under the Illinois Public Aid Code, the Illinois
8 Marriage and Dissolution of Marriage Act, the Non-Support of
9 Spouse and Children Act, the Non-Support Punishment Act, the
10 Illinois Parentage Act of 1984, the Illinois Parentage Act of
11 2012, or similar laws of other states are not restricted (i) in
12 the frequency of contact with an obligor who is in arrears,
13 whether by phone, mail, or other means, (ii) from contacting
14 the employer of an obligor who is in arrears, (iii) from
15 publishing or threatening to publish a list of obligors in
16 arrears, (iv) from disclosing or threatening to disclose an
17 arrearage that the obligor disputes, but for which a verified
18 notice of delinquency has been served under the Income
19 Withholding for Support Act (or any of its predecessors,
20 Section 10-16.2 of the Illinois Public Aid Code, Section 706.1
21 of the Illinois Marriage and Dissolution of Marriage Act,
22 Section 4.1 of the Non-Support of Spouse and Children Act,
23 Section 26.1 of the Revised Uniform Reciprocal Enforcement of
24 Support Act, or Section 20 of the Illinois Parentage Act of
25 1984), or (v) from engaging in conduct that would not cause a
26 reasonable person mental or physical illness. For purposes of

1 this subsection, "obligor" means an individual who owes a duty
2 to make periodic payments, under a court order, for the support
3 of a child. "Arrearage" means the total amount of an obligor's
4 unpaid child support obligations.

5 (a-5) A collection agency may not impose a fee or charge,
6 including costs, for any child support payments collected
7 through the efforts of a federal, State, or local government
8 agency, including but not limited to child support collected
9 from federal or State tax refunds, unemployment benefits, or
10 Social Security benefits.

11 No collection agency that collects child support payments
12 shall (i) impose a charge or fee, including costs, for
13 collection of a current child support payment, (ii) fail to
14 apply collections to current support as specified in the order
15 for support before applying collection to arrears or other
16 amounts, or (iii) designate a current child support payment as
17 arrears or other amount owed. In all circumstances, the
18 collection agency shall turn over to the obligee all support
19 collected in a month up to the amount of current support
20 required to be paid for that month.

21 As to any fees or charges, including costs, retained by the
22 collection agency, that agency shall provide documentation to
23 the obligee demonstrating that the child support payments
24 resulted from the actions of the agency.

25 After collection of the total amount or arrearage,
26 including statutory interest, due as of the date of execution

1 of the collection contract, no further fees may be charged.

2 (a-10) The Department of Professional Regulation shall
3 determine a fee rate of not less than 25% but not greater than
4 35%, based upon presentation by the licensees as to costs to
5 provide the service and a fair rate of return. This rate shall
6 be established by administrative rule.

7 Without prejudice to the determination by the Department of
8 the appropriate rate through administrative rule, a collection
9 agency shall impose a fee of not more than 29% of the amount of
10 child support actually collected by the collection agency
11 subject to the provisions of subsection (a-5). This interim
12 rate is based upon the March 2002 General Account Office report
13 "Child Support Enforcement", GAO-02-349. This rate shall apply
14 until a fee rate is established by administrative rule.

15 (b) The Department shall adopt rules necessary to
16 administer and enforce the provisions of this Section.

17 (Source: P.A. 93-896, eff. 8-10-04; 94-414, eff. 12-31-05.)

18 Section 956. The Illinois Public Aid Code is amended by
19 changing Sections 10-3.1, 10-16.7, 10-17, 10-17.7, 10-19,
20 10-25, 10-25.5, 10-27, and 12-4.7c as follows:

21 (305 ILCS 5/10-3.1) (from Ch. 23, par. 10-3.1)

22 Sec. 10-3.1. Child and Spouse Support Unit. The Illinois
23 Department shall establish within its administrative staff a
24 Child and Spouse Support Unit to search for and locate absent

1 parents and spouses liable for the support of persons resident
2 in this State and to exercise the support enforcement powers
3 and responsibilities assigned the Department by this Article.
4 The unit shall cooperate with all law enforcement officials in
5 this State and with the authorities of other States in locating
6 persons responsible for the support of persons resident in
7 other States and shall invite the cooperation of these
8 authorities in the performance of its duties.

9 In addition to other duties assigned the Child and Spouse
10 Support Unit by this Article, the Unit may refer to the
11 Attorney General or units of local government with the approval
12 of the Attorney General, any actions under Sections 10-10 and
13 10-15 for judicial enforcement of the support liability. The
14 Child and Spouse Support Unit shall act for the Department in
15 referring to the Attorney General support matters requiring
16 judicial enforcement under other laws. If requested by the
17 Attorney General to so act, as provided in Section 12-16,
18 attorneys of the Unit may assist the Attorney General or
19 themselves institute actions on ~~in~~ behalf of the Illinois
20 Department under the Revised Uniform Reciprocal Enforcement of
21 Support Act; under the Illinois Parentage Act of 1984 or under
22 the Illinois Parentage Act of 2012; under the Non-Support of
23 Spouse and Children Act; under the Non-Support Punishment Act;
24 or under any other law, State or Federal, providing for support
25 of a spouse or dependent child.

26 The Illinois Department shall also have the authority to

1 enter into agreements with local governmental units or
2 individuals, with the approval of the Attorney General, for the
3 collection of moneys owing because of the failure of a parent
4 to make child support payments for any child receiving services
5 under this Article. Such agreements may be on a contingent fee
6 basis, but such contingent fee shall not exceed 25% of the
7 total amount collected.

8 An attorney who provides representation pursuant to this
9 Section shall represent the Illinois Department exclusively.
10 Regardless of the designation of the plaintiff in an action
11 brought pursuant to this Section, an attorney-client
12 relationship does not exist for purposes of that action between
13 that attorney and (i) an applicant for or recipient of child
14 support enforcement services or (ii) any other party to the
15 action other than the Illinois Department. Nothing in this
16 Section shall be construed to modify any power or duty
17 (including a duty to maintain confidentiality) of the Child and
18 Spouse Support Unit or the Illinois Department otherwise
19 provided by law.

20 The Illinois Department may also enter into agreements with
21 local governmental units for the Child and Spouse Support Unit
22 to exercise the investigative and enforcement powers
23 designated in this Article, including the issuance of
24 administrative orders under Section 10-11, in locating
25 responsible relatives and obtaining support for persons
26 applying for or receiving aid under Article VI. Payments for

1 defrayment of administrative costs and support payments
2 obtained shall be deposited into the DHS Recoveries Trust Fund.
3 Support payments shall be paid over to the General Assistance
4 Fund of the local governmental unit at such time or times as
5 the agreement may specify.

6 With respect to those cases in which it has support
7 enforcement powers and responsibilities under this Article,
8 the Illinois Department may provide by rule for periodic or
9 other review of each administrative and court order for support
10 to determine whether a modification of the order should be
11 sought. The Illinois Department shall provide for and conduct
12 such review in accordance with any applicable federal law and
13 regulation.

14 As part of its process for review of orders for support,
15 the Illinois Department, through written notice, may require
16 the responsible relative to disclose his or her Social Security
17 Number and past and present information concerning the
18 relative's address, employment, gross wages, deductions from
19 gross wages, net wages, bonuses, commissions, number of
20 dependent exemptions claimed, individual and dependent health
21 insurance coverage, and any other information necessary to
22 determine the relative's ability to provide support in a case
23 receiving child support enforcement services under this
24 Article X.

25 The Illinois Department may send a written request for the
26 same information to the relative's employer. The employer shall

1 respond to the request for information within 15 days after the
2 date the employer receives the request. If the employer
3 willfully fails to fully respond within the 15-day period, the
4 employer shall pay a penalty of \$100 for each day that the
5 response is not provided to the Illinois Department after the
6 15-day period has expired. The penalty may be collected in a
7 civil action which may be brought against the employer in favor
8 of the Illinois Department.

9 A written request for information sent to an employer
10 pursuant to this Section shall consist of (i) a citation of
11 this Section as the statutory authority for the request and for
12 the employer's obligation to provide the requested
13 information, (ii) a returnable form setting forth the
14 employer's name and address and listing the name of the
15 employee with respect to whom information is requested, and
16 (iii) a citation of this Section as the statutory authority
17 authorizing the employer to withhold a fee of up to \$20 from
18 the wages or income to be paid to each responsible relative for
19 providing the information to the Illinois Department within the
20 15-day period. If the employer is withholding support payments
21 from the responsible relative's income pursuant to an order for
22 withholding, the employer may withhold the fee provided for in
23 this Section only after withholding support as required under
24 the order. Any amounts withheld from the responsible relative's
25 income for payment of support and the fee provided for in this
26 Section shall not be in excess of the amounts permitted under

1 the federal Consumer Credit Protection Act.

2 In a case receiving child support enforcement services, the
3 Illinois Department may request and obtain information from a
4 particular employer under this Section no more than once in any
5 12-month period, unless the information is necessary to conduct
6 a review of a court or administrative order for support at the
7 request of the person receiving child support enforcement
8 services.

9 The Illinois Department shall establish and maintain an
10 administrative unit to receive and transmit to the Child and
11 Spouse Support Unit information supplied by persons applying
12 for or receiving child support enforcement services under
13 Section 10-1. In addition, the Illinois Department shall
14 address and respond to any alleged deficiencies that persons
15 receiving or applying for services from the Child and Spouse
16 Support Unit may identify concerning the Child and Spouse
17 Support Unit's provision of child support enforcement
18 services. Within 60 days after an action or failure to act by
19 the Child and Spouse Support Unit that affects his or her case,
20 a recipient of or applicant for child support enforcement
21 services under Article X of this Code may request an
22 explanation of the Unit's handling of the case. At the
23 requestor's option, the explanation may be provided either
24 orally in an interview, in writing, or both. If the Illinois
25 Department fails to respond to the request for an explanation
26 or fails to respond in a manner satisfactory to the applicant

1 or recipient within 30 days from the date of the request for an
2 explanation, the applicant or recipient may request a
3 conference for further review of the matter by the Office of
4 the Administrator of the Child and Spouse Support Unit. A
5 request for a conference may be submitted at any time within 60
6 days after the explanation has been provided by the Child and
7 Spouse Support Unit or within 60 days after the time for
8 providing the explanation has expired.

9 The applicant or recipient may request a conference
10 concerning any decision denying or terminating child support
11 enforcement services under Article X of this Code, and the
12 applicant or recipient may also request a conference concerning
13 the Unit's failure to provide services or the provision of
14 services in an amount or manner that is considered inadequate.
15 For purposes of this Section, the Child and Spouse Support Unit
16 includes all local governmental units or individuals with whom
17 the Illinois Department has contracted under Section 10-3.1.

18 Upon receipt of a timely request for a conference, the
19 Office of the Administrator shall review the case. The
20 applicant or recipient requesting the conference shall be
21 entitled, at his or her option, to appear in person or to
22 participate in the conference by telephone. The applicant or
23 recipient requesting the conference shall be entitled to be
24 represented and to be afforded a reasonable opportunity to
25 review the Illinois Department's file before or at the
26 conference. At the conference, the applicant or recipient

1 requesting the conference shall be afforded an opportunity to
2 present all relevant matters in support of his or her claim.
3 Conferences shall be without cost to the applicant or recipient
4 requesting the conference and shall be conducted by a
5 representative of the Child or Spouse Support Unit who did not
6 participate in the action or inaction being reviewed.

7 The Office of the Administrator shall conduct a conference
8 and inform all interested parties, in writing, of the results
9 of the conference within 60 days from the date of filing of the
10 request for a conference.

11 In addition to its other powers and responsibilities
12 established by this Article, the Child and Spouse Support Unit
13 shall conduct an annual assessment of each institution's
14 program for institution based paternity establishment under
15 Section 12 of the Vital Records Act.

16 (Source: P.A. 91-24, eff. 7-1-99; 91-613, eff. 10-1-99; 92-16,
17 eff. 6-28-01; 92-590, eff. 7-1-02.)

18 (305 ILCS 5/10-16.7)

19 Sec. 10-16.7. Child support enforcement debit
20 authorization.

21 (a) For purposes of this Section:

22 "Financial institution" and "account" are defined as set
23 forth in Section 10-24.

24 "Payor" is defined as set forth in Section 15 of the Income
25 Withholding for Support Act.

1 "Order for support" means any order for periodic payment of
2 funds to the State Disbursement Unit for the support of a child
3 or, where applicable, for support of a child and a parent with
4 whom the child resides, that is entered or modified under this
5 Code or under the Illinois Marriage and Dissolution of Marriage
6 Act, the Non-Support of Spouse and Children Act, the
7 Non-Support Punishment Act, ~~or~~ the Illinois Parentage Act of
8 1984, or the Illinois Parentage Act of 2012, or that is entered
9 or registered for modification or enforcement under the Uniform
10 Interstate Family Support Act.

11 "Obligor" means an individual who owes a duty to make
12 payments under an order for support in a case in which child
13 support enforcement services are being provided under this
14 Article X.

15 (b) The Department of Public Aid (now Healthcare and Family
16 Services) shall adopt a child support enforcement debit
17 authorization form that, upon being signed by an obligor,
18 authorizes a financial institution holding an account on the
19 obligor's behalf to debit the obligor's account periodically in
20 an amount equal to the amount of child support that the obligor
21 is required to pay periodically and transfer that amount to the
22 State Disbursement Unit. The form shall include instructions to
23 the financial institution concerning the debiting of accounts
24 held on behalf of obligors and the transfer of the debited
25 amounts to the State Disbursement Unit. In adopting the form,
26 the Department may consult with the Office of Banks and Real

1 Estate and the Department of Financial Institutions. The
2 Department must adopt the form within 6 months after the
3 effective date of this amendatory Act of the 93rd General
4 Assembly. Promptly after adopting the form, the Department must
5 notify each financial institution conducting business in this
6 State that the form has been adopted and is ready for use.

7 (c) An obligor who does not have a payor may sign a child
8 support debit authorization form adopted by the Department
9 under this Section. The obligor may sign a form in relation to
10 any or all of the financial institutions holding an account on
11 the obligor's behalf. Promptly after an obligor signs a child
12 support debit authorization form, the Department shall send the
13 original signed form to the appropriate financial institution.
14 Subject to subsection (e), upon receiving the form, the
15 financial institution shall debit the account and transfer the
16 debited amounts to the State Disbursement Unit according to the
17 instructions in the form. A financial institution that complies
18 with a child support debit authorization form signed by an
19 obligor and issued under this Section shall not be subject to
20 civil liability with respect to any individual or any agency.

21 (d) The signing and issuance of a child support debit
22 authorization form under this Section does not relieve the
23 obligor from responsibility for compliance with any
24 requirement under the order for support.

25 (e) A financial institution is obligated to debit the
26 account of an obligor pursuant to this Section only if or to

1 the extent:

2 (1) the financial institution reasonably believes the
3 debit authorization form is a true and authentic original
4 document;

5 (2) there are finally collected funds in the account;
6 and

7 (3) the account is not subject to offsetting claims of
8 the financial institution, whether due at the time of
9 receipt of the debit authorization form or thereafter to
10 become due and whether liquidated or unliquidated.

11 To the extent the account of the obligor is pledged or held
12 by the financial institution as security for a loan or other
13 obligation, or that the financial institution has any other
14 claim or lien against the account, the financial institution is
15 entitled to retain the account.

16 (Source: P.A. 95-331, eff. 8-21-07.)

17 (305 ILCS 5/10-17) (from Ch. 23, par. 10-17)

18 Sec. 10-17. Other Actions and Remedies for Support. The
19 procedures, actions and remedies provided in this Article shall
20 in no way be exclusive, but shall be available in addition to
21 other actions and remedies of support, including, but not by
22 way of limitation, the remedies provided in (a) the Illinois
23 Parentage Act of 2012 ~~"Paternity Act", approved July 5, 1957,~~
24 ~~as amended;~~ (b) the "Non-Support of Spouse and Children Act",
25 approved June 24, 1915, as amended; (b-5) the Non-Support

1 Punishment Act; and (c) the "Revised Uniform Reciprocal
2 Enforcement of Support Act", approved August 28, 1969, as
3 amended.

4 (Source: P.A. 91-613, eff. 10-1-99.)

5 (305 ILCS 5/10-17.7)

6 Sec. 10-17.7. Administrative determination of paternity.
7 The Illinois Department may provide by rule for the
8 administrative determination of paternity by the Child and
9 Spouse Support Unit in cases involving applicants for or
10 recipients of financial aid under Article IV of this Act and
11 other persons who are given access to the child support
12 enforcement services of this Article as provided in Section
13 10-1, including persons similarly situated and receiving
14 similar services in other states. The rules shall extend to
15 cases in which the mother and alleged father voluntarily
16 acknowledge paternity in the form required by the Illinois
17 Department or agree to be bound by the results of genetic
18 testing or in which the alleged father has failed to respond to
19 a notification of support obligation issued under Section 10-4
20 and to cases of contested paternity. The Illinois Department's
21 form for voluntary acknowledgement of paternity shall be the
22 same form prepared by the Illinois Department for use under the
23 requirements of Section 12 of the Vital Records Act. Any
24 presumption provided for under the Illinois Parentage Act of
25 1984 or under the Illinois Parentage Act of 2012 on and after

1 the effective date of that Act shall apply to cases in which
2 paternity is determined under the rules of the Illinois
3 Department. The rules shall provide for notice and an
4 opportunity to be heard by the responsible relative and the
5 person receiving child support enforcement services under this
6 Article if paternity is not voluntarily acknowledged, and any
7 final administrative decision rendered by the Illinois
8 Department shall be reviewed only under and in accordance with
9 the Administrative Review Law. Determinations of paternity
10 made by the Illinois Department under the rules authorized by
11 this Section shall have the full force and effect of a court
12 judgment of paternity entered under the Illinois Parentage Act
13 of 1984 or under the Illinois Parentage Act of 2012.

14 In determining paternity in contested cases, the Illinois
15 Department shall conduct the evidentiary hearing in accordance
16 with Article 4 of the Illinois Parentage Act of 2012 ~~Section 11~~
17 ~~of the Parentage Act of 1984~~, except that references in that
18 Article ~~Section~~ to "the court" shall be deemed to mean the
19 Illinois Department's hearing officer in cases in which
20 paternity is determined administratively by the Illinois
21 Department.

22 Notwithstanding any other provision of this Article, a
23 default determination of paternity may be made if service of
24 the notice under Section 10-4 was made by publication under the
25 rules for administrative paternity determination authorized by
26 this Section. The rules as they pertain to service by

1 publication shall (i) be based on the provisions of Section
2 2-206 and 2-207 of the Code of Civil Procedure, (ii) provide
3 for service by publication in cases in which the whereabouts of
4 the alleged father are unknown after diligent location efforts
5 by the Child and Spouse Support Unit, and (iii) provide for
6 publication of a notice of default paternity determination in
7 the same manner that the notice under Section 10-4 was
8 published.

9 The Illinois Department may implement this Section through
10 the use of emergency rules in accordance with Section 5-45 of
11 the Illinois Administrative Procedure Act. For purposes of the
12 Illinois Administrative Procedure Act, the adoption of rules to
13 implement this Section shall be considered an emergency and
14 necessary for the public interest, safety, and welfare.

15 (Source: P.A. 96-333, eff. 8-11-09; 96-474, eff. 8-14-09.)

16 (305 ILCS 5/10-19) (from Ch. 23, par. 10-19)

17 Sec. 10-19. Support Payments Ordered Under Other Laws;
18 where deposited. The Illinois Department and local
19 governmental units are authorized to receive payments directed
20 by court order for the support of recipients, as provided in
21 the following Acts:

22 1. "Non-Support of Spouse and Children Act", approved June
23 24, 1915, as amended,

24 1.5. The Non-Support Punishment Act,

25 2. "Illinois Marriage and Dissolution of Marriage Act", as

1 now or hereafter amended,

2 3. The Illinois Parentage Act, as amended,

3 3.5. The Illinois Parentage Act of 2012,

4 4. "Revised Uniform Reciprocal Enforcement of Support
5 Act", approved August 28, 1969, as amended,

6 5. The Juvenile Court Act or the Juvenile Court Act of
7 1987, as amended,

8 6. The "Unified Code of Corrections", approved July 26,
9 1972, as amended,

10 7. Part 7 of Article XII of the Code of Civil Procedure, as
11 amended,

12 8. Part 8 of Article XII of the Code of Civil Procedure, as
13 amended, and

14 9. Other laws which may provide by judicial order for
15 direct payment of support moneys.

16 Payments under this Section to the Illinois Department
17 pursuant to the Child Support Enforcement Program established
18 by Title IV-D of the Social Security Act shall be paid into the
19 Child Support Enforcement Trust Fund. All payments under this
20 Section to the Illinois Department of Human Services shall be
21 deposited in the DHS Recoveries Trust Fund. Disbursements from
22 these funds shall be as provided in Sections 12-9.1 and 12-10.2
23 of this Code. Payments received by a local governmental unit
24 shall be deposited in that unit's General Assistance Fund.

25 To the extent the provisions of this Section are
26 inconsistent with the requirements pertaining to the State

1 Disbursement Unit under Sections 10-10.4 and 10-26 of this
2 Code, the requirements pertaining to the State Disbursement
3 Unit shall apply.

4 (Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99; 91-613,
5 eff. 10-1-99; 92-16, eff. 6-28-01.)

6 (305 ILCS 5/10-25)

7 Sec. 10-25. Administrative liens and levies on real
8 property for past-due child support.

9 (a) Notwithstanding any other State or local law to the
10 contrary, the State shall have a lien on all legal and
11 equitable interests of responsible relatives in their real
12 property in the amount of past-due child support owing pursuant
13 to an order for child support entered under Sections 10-10 and
14 10-11 of this Code, or under the Illinois Marriage and
15 Dissolution of Marriage Act, the Non-Support of Spouse and
16 Children Act, the Non-Support Punishment Act, the Uniform
17 Interstate Family Support Act, ~~or~~ the Illinois Parentage Act of
18 1984, or the Illinois Parentage Act of 2012.

19 (b) The Illinois Department shall provide by rule for
20 notice to and an opportunity to be heard by each responsible
21 relative affected, and any final administrative decision
22 rendered by the Illinois Department shall be reviewed only
23 under and in accordance with the Administrative Review Law.

24 (c) When enforcing a lien under subsection (a) of this
25 Section, the Illinois Department shall have the authority to

1 execute notices of administrative liens and levies, which shall
2 contain the name and address of the responsible relative, a
3 legal description of the real property to be levied, the fact
4 that a lien is being claimed for past-due child support, and
5 such other information as the Illinois Department may by rule
6 prescribe. The Illinois Department shall record the notice of
7 lien with the recorder or registrar of titles of the county or
8 counties in which the real estate is located.

9 (d) The State's lien under subsection (a) shall be
10 enforceable upon the recording or filing of a notice of lien
11 with the recorder or registrar of titles of the county or
12 counties in which the real estate is located. The lien shall be
13 prior to any lien thereafter recorded or filed and shall be
14 notice to a subsequent purchaser, assignor, or encumbrancer of
15 the existence and nature of the lien. The lien shall be
16 inferior to the lien of general taxes, special assessment, and
17 special taxes heretofore or hereafter levied by any political
18 subdivision or municipal corporation of the State.

19 In the event that title to the land to be affected by the
20 notice of lien is registered under the Registered Titles
21 (Torrens) Act, the notice shall be filed in the office of the
22 registrar of titles as a memorial or charge upon each folium of
23 the register of titles affected by the notice; but the State
24 shall not have a preference over the rights of any bona fide
25 purchaser, mortgagee, judgment creditor, or other lien holders
26 registered prior to the registration of the notice.

1 (e) The recorder or registrar of titles of each county
2 shall procure a file labeled "Child Support Lien Notices" and
3 an index book labeled "Child Support Lien Notices". When notice
4 of any lien is presented to the recorder or registrar of titles
5 for filing, the recorder or registrar of titles shall file it
6 in numerical order in the file and shall enter it
7 alphabetically in the index. The entry shall show the name and
8 last known address of the person named in the notice, the
9 serial number of the notice, the date and hour of filing, and
10 the amount of child support due at the time when the lien is
11 filed.

12 (f) The Illinois Department shall not be required to
13 furnish bond or make a deposit for or pay any costs or fees of
14 any court or officer thereof in any legal proceeding involving
15 the lien.

16 (g) To protect the lien of the State for past-due child
17 support, the Illinois Department may, from funds that are
18 available for that purpose, pay or provide for the payment of
19 necessary or essential repairs, purchase tax certificates, pay
20 balances due on land contracts, or pay or cause to be satisfied
21 any prior liens on the property to which the lien hereunder
22 applies.

23 (h) A lien on real property under this Section shall be
24 released pursuant to Section 12-101 of the Code of Civil
25 Procedure.

26 (i) The Illinois Department, acting in behalf of the State,

1 may foreclose the lien in a judicial proceeding to the same
2 extent and in the same manner as in the enforcement of other
3 liens. The process, practice, and procedure for the foreclosure
4 shall be the same as provided in the Code of Civil Procedure.

5 (Source: P.A. 97-186, eff. 7-22-11.)

6 (305 ILCS 5/10-25.5)

7 Sec. 10-25.5. Administrative liens and levies on personal
8 property for past-due child support.

9 (a) Notwithstanding any other State or local law to the
10 contrary, the State shall have a lien on all legal and
11 equitable interests of responsible relatives in their personal
12 property, including any account in a financial institution as
13 defined in Section 10-24, or in the case of an insurance
14 company or benefit association only in accounts as defined in
15 Section 10-24, in the amount of past-due child support owing
16 pursuant to an order for child support entered under Sections
17 10-10 and 10-11 of this Code, or under the Illinois Marriage
18 and Dissolution of Marriage Act, the Non-Support of Spouse and
19 Children Act, the Non-Support Punishment Act, the Uniform
20 Interstate Family Support Act, ~~or~~ the Illinois Parentage Act of
21 1984, or the Illinois Parentage Act of 2012.

22 (b) The Illinois Department shall provide by rule for
23 notice to and an opportunity to be heard by each responsible
24 relative affected, and any final administrative decision
25 rendered by the Illinois Department shall be reviewed only

1 under and in accordance with the Administrative Review Law.

2 (c) When enforcing a lien under subsection (a) of this
3 Section, the Illinois Department shall have the authority to
4 execute notices of administrative liens and levies, which shall
5 contain the name and address of the responsible relative, a
6 description of the property to be levied, the fact that a lien
7 is being claimed for past-due child support, and such other
8 information as the Illinois Department may by rule prescribe.
9 The Illinois Department may serve the notice of lien or levy
10 upon any financial institution where the accounts as defined in
11 Section 10-24 of the responsible relative may be held, for
12 encumbrance or surrender of the accounts as defined in Section
13 10-24 by the financial institution.

14 (d) The Illinois Department shall enforce its lien against
15 the responsible relative's personal property, other than
16 accounts as defined in Section 10-24 in financial institutions,
17 and levy upon such personal property in the manner provided for
18 enforcement of judgments contained in Article XII of the Code
19 of Civil Procedure.

20 (e) The Illinois Department shall not be required to
21 furnish bond or make a deposit for or pay any costs or fees of
22 any court or officer thereof in any legal proceeding involving
23 the lien.

24 (f) To protect the lien of the State for past-due child
25 support, the Illinois Department may, from funds that are
26 available for that purpose, pay or provide for the payment of

1 necessary or essential repairs, purchase tax certificates, or
2 pay or cause to be satisfied any prior liens on the property to
3 which the lien hereunder applies.

4 (g) A lien on personal property under this Section shall be
5 released in the manner provided under Article XII of the Code
6 of Civil Procedure. Notwithstanding the foregoing, a lien under
7 this Section on accounts as defined in Section 10-24 shall
8 expire upon the passage of 120 days from the date of issuance
9 of the Notice of Lien or Levy by the Illinois Department.
10 However, the lien shall remain in effect during the pendency of
11 any appeal or protest.

12 (h) A lien created under this Section is subordinate to any
13 prior lien of the financial institution or any prior lien
14 holder or any prior right of set-off that the financial
15 institution may have against the assets, or in the case of an
16 insurance company or benefit association only in the accounts
17 as defined in Section 10-24.

18 (i) A financial institution has no obligation under this
19 Section to hold, encumber, or surrender the assets, or in the
20 case of an insurance company or benefit association only the
21 accounts as defined in Section 10-24, until the financial
22 institution has been properly served with a subpoena, summons,
23 warrant, court or administrative order, or administrative lien
24 and levy requiring that action.

25 (Source: P.A. 97-186, eff. 7-22-11.)

1 (305 ILCS 5/10-27)

2 Sec. 10-27. State Case Registry.

3 (a) The Illinois Department shall establish an automated
4 State Case Registry to contain records concerning child support
5 orders for parties receiving child support enforcement
6 services under this Article X, and for all child support orders
7 entered or modified on or after October 1, 1998. The State Case
8 Registry shall include (i) the information filed with the
9 Illinois Department, or filed with the clerk of the circuit
10 court and provided to the Illinois Department, under the
11 provisions of Sections 10-10.5 and 10-11.2 of this Code,
12 Section 505.3 of the Illinois Marriage and Dissolution of
13 Marriage Act, Section 30 of the Non-Support Punishment Act, and
14 Section 803 of the Illinois Parentage Act of 2012, and Section
15 14.1 of the Illinois Parentage Act of 1984, and (ii) any other
16 information required under Title IV, Part D of the Social
17 Security Act or by the federal Department of Health and Human
18 Services.

19 (b) (Blank).

20 (c) The Illinois Department shall maintain the following
21 payment information on child support orders for parties
22 receiving child support enforcement services under this
23 Article X:

24 (1) the amount of monthly or other periodic support
25 owed under the order and other amounts, including
26 arrearages, interest or late payment penalties, and fees,

1 due or overdue under the order;

2 (2) any amounts described in subdivision (1) of
3 subsection (d) that have been collected;

4 (3) the distribution of the collected amounts; and

5 (4) the amount of any lien imposed with respect to the
6 order pursuant to Section 10-25 or Section 10-25.5 of this
7 Code.

8 (d) The Illinois Department shall establish, update,
9 maintain, and monitor case records in the Registry of parties
10 receiving child support enforcement services under this
11 Article X, on the bases of:

12 (1) information on administrative actions and
13 administrative and judicial proceedings and orders
14 relating to paternity and support;

15 (2) information obtained from comparison with federal,
16 State, and local sources of information;

17 (3) information on support collections and
18 distribution; and

19 (4) any other relevant information.

20 (e) The Illinois Department shall use the automated State
21 Case Registry to share and compare information with, and
22 receive information from, other data bases and information
23 comparison services in order to obtain (or provide) information
24 necessary to enable the Illinois Department (or the federal
25 Department of Health and Human Services or other State or
26 federal agencies) to carry out the requirements of the child

1 support enforcement program established under Title IV, Part D
2 of the Social Security Act. Such information comparison
3 activities shall include the following:

4 (1) Furnishing to the Federal Case Registry of Child
5 Support Orders (and updating as necessary, with
6 information including notice of expiration of orders) the
7 information specified by the federal Department of Health
8 and Human Services in regulations.

9 (2) Exchanging information with the Federal Parent
10 Locator Service for the purposes specified in Section 453
11 of the Social Security Act.

12 (3) Exchanging information with State agencies (of
13 this State and of other states) administering programs
14 funded under Title IV, Part A and Title XIX of the Social
15 Security Act and other programs designated by the federal
16 Department of Health and Human Services, as necessary to
17 perform responsibilities under Title IV, Part D of the
18 Social Security Act and under such other programs.

19 (4) Exchanging information with other agencies of this
20 State, agencies of other states, and interstate
21 information networks, as necessary and appropriate to
22 carry out (or assist other states to carry out) the
23 purposes of Title IV, Part D of the Social Security Act.

24 (5) Disclosing information to any other entities as
25 required under Title IV, Part D of the Social Security Act.

26 (f) The Illinois Department shall adopt rules establishing

1 safeguards, applicable to all confidential information
2 included in the State Case Registry, that are designed to
3 protect the privacy rights of persons concerning whom
4 information is on record in the State Case Registry. Such
5 safeguards shall include, but not be limited to the following:

6 (1) Prohibitions against the release of information on
7 the whereabouts of one party or the child to another party
8 against whom a protective order with respect to the former
9 party or the child has been entered.

10 (2) Prohibitions against the release of information on
11 the whereabouts of one party or the child to another party
12 if the Illinois Department has reasonable evidence of
13 domestic violence or child abuse (that is, allegations of
14 domestic violence or child abuse, unless the Illinois
15 Department has an independent, reasonable basis to find the
16 person making the allegation not credible) to the former
17 party or child by the party requesting information.

18 (3) Prohibitions against the release of information on
19 the whereabouts of one party or the child to another person
20 if the Illinois Department has reason to believe the
21 release of information to that person may result in
22 physical or emotional harm to the party or child.

23 (Source: P.A. 92-463, eff. 8-22-01.)

24 (305 ILCS 5/12-4.7c)

25 Sec. 12-4.7c. Exchange of information after July 1, 1997.

1 (a) The Department of Human Services shall exchange with
2 the Department of Healthcare and Family Services information
3 that may be necessary for the enforcement of child support
4 orders entered pursuant to Sections 10-10 and 10-11 of this
5 Code or pursuant to the Illinois Marriage and Dissolution of
6 Marriage Act, the Non-Support of Spouse and Children Act, the
7 Non-Support Punishment Act, the Revised Uniform Reciprocal
8 Enforcement of Support Act, the Uniform Interstate Family
9 Support Act, ~~or~~ the Illinois Parentage Act of 1984, or the
10 Illinois Parentage Act of 2012.

11 (b) Notwithstanding any provisions in this Code to the
12 contrary, the Department of Human Services shall not be liable
13 to any person for any disclosure of information to the
14 Department of Healthcare and Family Services (formerly
15 Illinois Department of Public Aid) under subsection (a) or for
16 any other action taken in good faith to comply with the
17 requirements of subsection (a).

18 (Source: P.A. 95-331, eff. 8-21-07.)

19 Section 957. The Genetic Information Privacy Act is amended
20 by changing Sections 22 and 30 as follows:

21 (410 ILCS 513/22)

22 Sec. 22. Tests to determine inherited characteristics in
23 paternity proceedings. Nothing in this Act shall be construed
24 to affect or restrict in any way the ordering of or use of

1 results from deoxyribonucleic acid (DNA) testing or other tests
2 to determine inherited characteristics by the court in a
3 judicial proceeding under the Illinois Parentage Act of 1984 or
4 under the Illinois Parentage Act of 2012 on and after the
5 effective date of that Act or by the Department of Healthcare
6 and Family Services in an administrative paternity proceeding
7 under Article X of the Illinois Public Aid Code and rules
8 promulgated under that Article.

9 (Source: P.A. 95-331, eff. 8-21-07.)

10 (410 ILCS 513/30)

11 Sec. 30. Disclosure of person tested and test results.

12 (a) No person may disclose or be compelled to disclose the
13 identity of any person upon whom a genetic test is performed or
14 the results of a genetic test in a manner that permits
15 identification of the subject of the test, except to the
16 following persons:

17 (1) The subject of the test or the subject's legally
18 authorized representative. This paragraph does not create
19 a duty or obligation under which a health care provider
20 must notify the subject's spouse or legal guardian of the
21 test results, and no such duty or obligation shall be
22 implied. No civil liability or criminal sanction under this
23 Act shall be imposed for any disclosure or nondisclosure of
24 a test result to a spouse by a physician acting in good
25 faith under this paragraph. For the purpose of any

1 proceedings, civil or criminal, the good faith of any
2 physician acting under this paragraph shall be presumed.

3 (2) Any person designated in a specific written legally
4 effective release of the test results executed by the
5 subject of the test or the subject's legally authorized
6 representative.

7 (3) An authorized agent or employee of a health
8 facility or health care provider if the health facility or
9 health care provider itself is authorized to obtain the
10 test results, the agent or employee provides patient care,
11 and the agent or employee has a need to know the
12 information in order to conduct the tests or provide care
13 or treatment.

14 (4) A health facility or health care provider that
15 procures, processes, distributes, or uses:

16 (A) a human body part from a deceased person with
17 respect to medical information regarding that person;
18 or

19 (B) semen provided prior to the effective date of
20 this Act for the purpose of artificial insemination.

21 (5) Health facility staff committees for the purposes
22 of conducting program monitoring, program evaluation, or
23 service reviews.

24 (6) In the case of a minor under 18 years of age, the
25 health care provider who ordered the test shall make a
26 reasonable effort to notify the minor's parent or legal

1 guardian if, in the professional judgment of the health
2 care provider, notification would be in the best interest
3 of the minor and the health care provider has first sought
4 unsuccessfully to persuade the minor to notify the parent
5 or legal guardian or after a reasonable time after the
6 minor has agreed to notify the parent or legal guardian,
7 the health care provider has reason to believe that the
8 minor has not made the notification. This paragraph shall
9 not create a duty or obligation under which a health care
10 provider must notify the minor's parent or legal guardian
11 of the test results, nor shall a duty or obligation be
12 implied. No civil liability or criminal sanction under this
13 Act shall be imposed for any notification or
14 non-notification of a minor's test result by a health care
15 provider acting in good faith under this paragraph. For the
16 purpose of any proceeding, civil or criminal, the good
17 faith of any health care provider acting under this
18 paragraph shall be presumed.

19 (7) All information and records held by a State agency
20 or local health authority pertaining to genetic
21 information shall be strictly confidential and exempt from
22 copying and inspection under the Freedom of Information
23 Act. The information and records shall not be released or
24 made public by the State agency or local health authority
25 and shall not be admissible as evidence nor discoverable in
26 any action of any kind in any court or before any tribunal,

1 board, agency, or person and shall be treated in the same
2 manner as the information and those records subject to the
3 provisions of Part 21 of Article VIII of the Code of Civil
4 Procedure except under the following circumstances:

5 (A) when made with the written consent of all
6 persons to whom the information pertains;

7 (B) when authorized by Section 5-4-3 of the Unified
8 Code of Corrections;

9 (C) when made for the sole purpose of implementing
10 the Newborn Metabolic Screening Act and rules; or

11 (D) when made under the authorization of the
12 Illinois Parentage Act of 2012 ~~1984~~.

13 Disclosure shall be limited to those who have a need to
14 know the information, and no additional disclosures may be
15 made.

16 (b) Disclosure by an insurer in accordance with the
17 requirements of the Article XL of the Illinois Insurance Code
18 shall be deemed compliance with this Section.

19 (Source: P.A. 96-328, eff. 8-11-09.)

20 Section 958. The Vital Records Act is amended by changing
21 Sections 12 and 24 as follows:

22 (410 ILCS 535/12)

23 Sec. 12. Live births; place of registration.

24 (1) Each live birth which occurs in this State shall be

1 registered with the local or subregistrar of the district in
2 which the birth occurred as provided in this Section, within 7
3 days after the birth. When a birth occurs on a moving
4 conveyance, the city, village, township, or road district in
5 which the child is first removed from the conveyance shall be
6 considered the place of birth and a birth certificate shall be
7 filed in the registration district in which the place is
8 located.

9 (2) When a birth occurs in an institution, the person in
10 charge of the institution or his designated representative
11 shall obtain and record all the personal and statistical
12 particulars relative to the parents of the child that are
13 required to properly complete the live birth certificate; shall
14 secure the required personal signatures on the hospital
15 worksheet; shall prepare the certificate from this worksheet;
16 and shall file the certificate with the local registrar. The
17 institution shall retain the hospital worksheet permanently or
18 as otherwise specified by rule. The physician in attendance
19 shall verify or provide the date of birth and medical
20 information required by the certificate, within 24 hours after
21 the birth occurs.

22 (3) When a birth occurs outside an institution, the
23 certificate shall be prepared and filed by one of the following
24 in the indicated order of priority:

25 (a) The physician in attendance at or immediately after
26 the birth, or in the absence of such a person,

1 (b) Any other person in attendance at or immediately
2 after the birth, or in the absence of such a person,

3 (c) The father, the mother, or in the absence of the
4 father and the inability of the mother, the person in
5 charge of the premises where the birth occurred.

6 (4) Unless otherwise provided in this Act, if the mother
7 was not married to the father of the child at either the time
8 of conception or the time of birth, the name of the father
9 shall be entered on the child's birth certificate only if the
10 mother and the person to be named as the father have signed an
11 acknowledgment of parentage in accordance with subsection (5).

12 Unless otherwise provided in this Act, if the mother was
13 married at the time of conception or birth and the presumed
14 father (that is, the mother's husband) is not the biological
15 father of the child, the name of the biological father shall be
16 entered on the child's birth certificate only if, in accordance
17 with subsection (5), (i) the mother and the person to be named
18 as the father have signed an acknowledgment of parentage and
19 (ii) the mother and presumed father have signed a denial of
20 paternity.

21 (5) Upon the birth of a child to an unmarried woman, or
22 upon the birth of a child to a woman who was married at the time
23 of conception or birth and whose husband is not the biological
24 father of the child, the institution at the time of birth and
25 the local registrar or county clerk after the birth shall do
26 the following:

1 (a) Provide (i) an opportunity for the child's mother
2 and father to sign an acknowledgment of parentage and (ii)
3 if the presumed father is not the biological father, an
4 opportunity for the mother and presumed father to sign a
5 denial of paternity. The signing and witnessing of the
6 acknowledgment of parentage or, if the presumed father of
7 the child is not the biological father, the acknowledgment
8 of parentage and denial of paternity conclusively
9 establishes a parent and child relationship in accordance
10 with Sections 5 and 6 of the Illinois Parentage Act of 1984
11 and with the Illinois Parentage Act of 2012 on and after
12 the effective date of that Act.

13 The Department of Healthcare and Family Services shall
14 furnish the acknowledgment of parentage and denial of
15 paternity form to institutions, county clerks, and State
16 and local registrars' offices. The form shall include
17 instructions to send the original signed and witnessed
18 acknowledgment of parentage and denial of paternity to the
19 Department of Healthcare and Family Services. The
20 acknowledgement of paternity and denial of paternity form
21 shall also include a statement informing the mother, the
22 alleged father, and the presumed father, if any, that they
23 have the right to request deoxyribonucleic acid (DNA) tests
24 regarding the issue of the child's paternity and that by
25 signing the form, they expressly waive such tests. The
26 statement shall be set forth in bold-face capital letters

1 not less than 0.25 inches in height.

2 (b) Provide the following documents, furnished by the
3 Department of Healthcare and Family Services, to the
4 child's mother, biological father, and (if the person
5 presumed to be the child's father is not the biological
6 father) presumed father for their review at the time the
7 opportunity is provided to establish a parent and child
8 relationship:

9 (i) An explanation of the implications of,
10 alternatives to, legal consequences of, and the rights
11 and responsibilities that arise from signing an
12 acknowledgment of parentage and, if necessary, a
13 denial of paternity, including an explanation of the
14 parental rights and responsibilities of child support,
15 visitation, custody, retroactive support, health
16 insurance coverage, and payment of birth expenses.

17 (ii) An explanation of the benefits of having a
18 child's parentage established and the availability of
19 parentage establishment and child support enforcement
20 services.

21 (iii) A request for an application for child
22 support enforcement services from the Department of
23 Healthcare and Family Services.

24 (iv) Instructions concerning the opportunity to
25 speak, either by telephone or in person, with staff of
26 the Department of Healthcare and Family Services who

1 are trained to clarify information and answer
2 questions about paternity establishment.

3 (v) Instructions for completing and signing the
4 acknowledgment of parentage and denial of paternity.

5 (c) Provide an oral explanation of the documents and
6 instructions set forth in subdivision (5) (b), including an
7 explanation of the implications of, alternatives to, legal
8 consequences of, and the rights and responsibilities that
9 arise from signing an acknowledgment of parentage and, if
10 necessary, a denial of paternity. The oral explanation may
11 be given in person or through the use of video or audio
12 equipment.

13 (6) The institution, State or local registrar, or county
14 clerk shall provide an opportunity for the child's father or
15 mother to sign a rescission of parentage. The signing and
16 witnessing of the rescission of parentage voids the
17 acknowledgment of parentage and nullifies the presumption of
18 paternity if executed and filed with the Department of
19 Healthcare and Family Services (formerly Illinois Department
20 of Public Aid) within the time frame contained in Section 5 of
21 the Illinois Parentage Act of 1984 or Section 307 of the
22 Illinois Parentage Act of 2012 on and after the effective date
23 of that Act. The Department of Healthcare and Family Services
24 shall furnish the rescission of parentage form to institutions,
25 county clerks, and State and local registrars' offices. The
26 form shall include instructions to send the original signed and

1 witnessed rescission of parentage to the Department of
2 Healthcare and Family Services.

3 (7) An acknowledgment of paternity signed pursuant to
4 Section 6 of the Illinois Parentage Act of 1984 or Section 302
5 of the Illinois Parentage Act of 2012 on and after the
6 effective date of that Act may be challenged in court only on
7 the basis of fraud, duress, or material mistake of fact, with
8 the burden of proof upon the challenging party. Pending outcome
9 of a challenge to the acknowledgment of paternity, the legal
10 responsibilities of the signatories shall remain in full force
11 and effect, except upon order of the court upon a showing of
12 good cause.

13 (8) When the process for acknowledgment of parentage as
14 provided for under subsection (5) establishes the paternity of
15 a child whose certificate of birth is on file in another state,
16 the Department of Healthcare and Family Services shall forward
17 a copy of the acknowledgment of parentage, the denial of
18 paternity, if applicable, and the rescission of parentage, if
19 applicable, to the birth record agency of the state where the
20 child's certificate of birth is on file.

21 (9) In the event the parent-child relationship has been
22 established in accordance with subdivision (a)(1) of Section 6
23 of the Parentage Act of 1984, the names of the biological
24 mother and biological father so established shall be entered on
25 the child's birth certificate, and the names of the surrogate
26 mother and surrogate mother's husband, if any, shall not be on

1 the birth certificate.

2 (Source: P.A. 95-331, eff. 8-21-07; 96-333, eff. 8-11-09;
3 96-474, eff. 8-14-09; 96-1000, eff. 7-2-10.)

4 (410 ILCS 535/24) (from Ch. 111 1/2, par. 73-24)

5 Sec. 24. (1) To protect the integrity of vital records, to
6 insure their proper use, and to insure the efficient and proper
7 administration of the vital records system, access to vital
8 records, and indexes thereof, including vital records in the
9 custody of local registrars and county clerks originating prior
10 to January 1, 1916, is limited to the custodian and his
11 employees, and then only for administrative purposes, except
12 that the indexes of those records in the custody of local
13 registrars and county clerks, originating prior to January 1,
14 1916, shall be made available to persons for the purpose of
15 genealogical research. Original, photographic or
16 microphotographic reproductions of original records of births
17 100 years old and older and deaths 50 years old and older, and
18 marriage records 75 years old and older on file in the State
19 Office of Vital Records and in the custody of the county clerks
20 may be made available for inspection in the Illinois State
21 Archives reference area, Illinois Regional Archives
22 Depositories, and other libraries approved by the Illinois
23 State Registrar and the Director of the Illinois State
24 Archives, provided that the photographic or microphotographic
25 copies are made at no cost to the county or to the State of

1 Illinois. It is unlawful for any custodian to permit inspection
2 of, or to disclose information contained in, vital records, or
3 to copy or permit to be copied, all or part of any such record
4 except as authorized by this Act or regulations adopted
5 pursuant thereto.

6 (2) The State Registrar of Vital Records, or his agent, and
7 any municipal, county, multi-county, public health district,
8 or regional health officer recognized by the Department may
9 examine vital records for the purpose only of carrying out the
10 public health programs and responsibilities under his
11 jurisdiction.

12 (3) The State Registrar of Vital Records, may disclose, or
13 authorize the disclosure of, data contained in the vital
14 records when deemed essential for bona fide research purposes
15 which are not for private gain.

16 This amendatory Act of 1973 does not apply to any home rule
17 unit.

18 (4) The State Registrar shall exchange with the Department
19 of Healthcare and Family Services information that may be
20 necessary for the establishment of paternity and the
21 establishment, modification, and enforcement of child support
22 orders entered pursuant to the Illinois Public Aid Code, the
23 Illinois Marriage and Dissolution of Marriage Act, the
24 Non-Support of Spouse and Children Act, the Non-Support
25 Punishment Act, the Revised Uniform Reciprocal Enforcement of
26 Support Act, the Uniform Interstate Family Support Act, ~~or~~ the

1 Illinois Parentage Act of 1984, or the Illinois Parentage Act
2 of 2012. Notwithstanding any provisions in this Act to the
3 contrary, the State Registrar shall not be liable to any person
4 for any disclosure of information to the Department of
5 Healthcare and Family Services (formerly Illinois Department
6 of Public Aid) under this subsection or for any other action
7 taken in good faith to comply with the requirements of this
8 subsection.

9 (Source: P.A. 95-331, eff. 8-21-07.)

10 Section 959. The Illinois Vehicle Code is amended by
11 changing Sections 2-109.1 and 7-703 as follows:

12 (625 ILCS 5/2-109.1)

13 Sec. 2-109.1. Exchange of information.

14 (a) The Secretary of State shall exchange information with
15 the Department of Healthcare and Family Services which may be
16 necessary for the establishment of paternity and the
17 establishment, modification, and enforcement of child support
18 orders pursuant to the Illinois Public Aid Code, the Illinois
19 Marriage and Dissolution of Marriage Act, the Non-Support of
20 Spouse and Children Act, the Non-Support Punishment Act, the
21 Revised Uniform Reciprocal Enforcement of Support Act, the
22 Uniform Interstate Family Support Act, ~~or~~ the Illinois
23 Parentage Act of 1984, or the Illinois Parentage Act of 2012.

24 (b) Notwithstanding any provisions in this Code to the

1 contrary, the Secretary of State shall not be liable to any
2 person for any disclosure of information to the Department of
3 Healthcare and Family Services (formerly Illinois Department
4 of Public Aid) under subsection (a) or for any other action
5 taken in good faith to comply with the requirements of
6 subsection (a).

7 (Source: P.A. 95-331, eff. 8-21-07.)

8 (625 ILCS 5/7-703)

9 Sec. 7-703. Courts to report non-payment of court ordered
10 support.

11 (a) The clerk of the circuit court, as provided in
12 subsection (b) of Section 505 of the Illinois Marriage and
13 Dissolution of Marriage Act or as provided in Section 805 ~~45~~ of
14 the Illinois Parentage Act of 2012 ~~1984~~, shall forward to the
15 Secretary of State, on a form prescribed by the Secretary, an
16 authenticated document certifying the court's order suspending
17 the driving privileges of the obligor. For any such
18 certification, the clerk of the court shall charge the obligor
19 a fee of \$5 as provided in the Clerks of Courts Act.

20 (b) If an obligor has been adjudicated in arrears in court
21 ordered child support payments in an amount equal to 90 days
22 obligation or more but has not been held in contempt of court,
23 the circuit court may order that the obligor's driving
24 privileges be suspended. If the circuit court orders that the
25 obligor's driving privileges be suspended, it shall forward to

1 the Secretary of State, on a form prescribed by the Secretary,
2 an authenticated document certifying the court's order
3 suspending the driving privileges of the obligor. The
4 authenticated document shall be forwarded to the Secretary of
5 State by the court no later than 45 days after entry of the
6 order suspending the obligor's driving privileges.

7 (Source: P.A. 91-613, eff. 7-1-00.)

8 Section 960. The Clerks of Courts Act is amended by
9 changing Section 27.1a as follows:

10 (705 ILCS 105/27.1a) (from Ch. 25, par. 27.1a)

11 Sec. 27.1a. The fees of the clerks of the circuit court in
12 all counties having a population of not more than 500,000
13 inhabitants in the instances described in this Section shall be
14 as provided in this Section. In those instances where a minimum
15 and maximum fee is stated, the clerk of the circuit court must
16 charge the minimum fee listed and may charge up to the maximum
17 fee if the county board has by resolution increased the fee.
18 The fees shall be paid in advance and shall be as follows:

19 (a) Civil Cases.

20 The fee for filing a complaint, petition, or other
21 pleading initiating a civil action, with the following
22 exceptions, shall be a minimum of \$40 and a maximum of
23 \$160.

24 (A) When the amount of money or damages or the

1 value of personal property claimed does not exceed
2 \$250, \$10.

3 (B) When that amount exceeds \$250 but does not
4 exceed \$500, a minimum of \$10 and a maximum of \$20.

5 (C) When that amount exceeds \$500 but does not
6 exceed \$2500, a minimum of \$25 and a maximum of \$40.

7 (D) When that amount exceeds \$2500 but does not
8 exceed \$15,000, a minimum of \$25 and a maximum of \$75.

9 (E) For the exercise of eminent domain, a minimum
10 of \$45 and a maximum of \$150. For each additional lot
11 or tract of land or right or interest therein subject
12 to be condemned, the damages in respect to which shall
13 require separate assessment by a jury, a minimum of \$45
14 and a maximum of \$150.

15 (a-1) Family.

16 For filing a petition under the Juvenile Court Act of
17 1987, \$25.

18 For filing a petition for a marriage license, \$10.

19 For performing a marriage in court, \$10.

20 For filing a petition under the Illinois Parentage Act
21 of 2012 ~~1984~~, \$40.

22 (b) Forcible Entry and Detainer.

23 In each forcible entry and detainer case when the
24 plaintiff seeks possession only or unites with his or her
25 claim for possession of the property a claim for rent or
26 damages or both in the amount of \$15,000 or less, a minimum

1 of \$10 and a maximum of \$50. When the plaintiff unites his
2 or her claim for possession with a claim for rent or
3 damages or both exceeding \$15,000, a minimum of \$40 and a
4 maximum of \$160.

5 (c) Counterclaim or Joining Third Party Defendant.

6 When any defendant files a counterclaim as part of his
7 or her answer or otherwise or joins another party as a
8 third party defendant, or both, the defendant shall pay a
9 fee for each counterclaim or third party action in an
10 amount equal to the fee he or she would have had to pay had
11 he or she brought a separate action for the relief sought
12 in the counterclaim or against the third party defendant,
13 less the amount of the appearance fee, if that has been
14 paid.

15 (d) Confession of Judgment.

16 In a confession of judgment when the amount does not
17 exceed \$1500, a minimum of \$20 and a maximum of \$50. When
18 the amount exceeds \$1500, but does not exceed \$15,000, a
19 minimum of \$40 and a maximum of \$115. When the amount
20 exceeds \$15,000, a minimum of \$40 and a maximum of \$200.

21 (e) Appearance.

22 The fee for filing an appearance in each civil case
23 shall be a minimum of \$15 and a maximum of \$60, except as
24 follows:

25 (A) When the plaintiff in a forcible entry and
26 detainer case seeks possession only, a minimum of \$10

1 and a maximum of \$50.

2 (B) When the amount in the case does not exceed
3 \$1500, a minimum of \$10 and a maximum of \$30.

4 (C) When that amount exceeds \$1500 but does not
5 exceed \$15,000, a minimum of \$15 and a maximum of \$60.

6 (f) Garnishment, Wage Deduction, and Citation.

7 In garnishment affidavit, wage deduction affidavit,
8 and citation petition when the amount does not exceed
9 \$1,000, a minimum of \$5 and a maximum of \$15; when the
10 amount exceeds \$1,000 but does not exceed \$5,000, a minimum
11 of \$5 and a maximum of \$30; and when the amount exceeds
12 \$5,000, a minimum of \$5 and a maximum of \$50.

13 (g) Petition to Vacate or Modify.

14 (1) Petition to vacate or modify any final judgment or
15 order of court, except in forcible entry and detainer cases
16 and small claims cases or a petition to reopen an estate,
17 to modify, terminate, or enforce a judgment or order for
18 child or spousal support, or to modify, suspend, or
19 terminate an order for withholding, if filed before 30 days
20 after the entry of the judgment or order, a minimum of \$20
21 and a maximum of \$50.

22 (2) Petition to vacate or modify any final judgment or
23 order of court, except a petition to modify, terminate, or
24 enforce a judgment or order for child or spousal support or
25 to modify, suspend, or terminate an order for withholding,
26 if filed later than 30 days after the entry of the judgment

1 or order, a minimum of \$20 and a maximum of \$75.

2 (3) Petition to vacate order of bond forfeiture, a
3 minimum of \$10 and a maximum of \$40.

4 (h) Mailing.

5 When the clerk is required to mail, the fee will be a
6 minimum of \$2 and a maximum of \$10, plus the cost of
7 postage.

8 (i) Certified Copies.

9 Each certified copy of a judgment after the first,
10 except in small claims and forcible entry and detainer
11 cases, a minimum of \$2 and a maximum of \$10.

12 (j) Habeas Corpus.

13 For filing a petition for relief by habeas corpus, a
14 minimum of \$60 and a maximum of \$100.

15 (k) Certification, Authentication, and Reproduction.

16 (1) Each certification or authentication for taking
17 the acknowledgment of a deed or other instrument in writing
18 with the seal of office, a minimum of \$2 and a maximum of
19 \$6.

20 (2) Court appeals when original documents are
21 forwarded, under 100 pages, plus delivery and costs, a
22 minimum of \$20 and a maximum of \$60.

23 (3) Court appeals when original documents are
24 forwarded, over 100 pages, plus delivery and costs, a
25 minimum of \$50 and a maximum of \$150.

26 (4) Court appeals when original documents are

1 forwarded, over 200 pages, an additional fee of a minimum
2 of 20 cents and a maximum of 25 cents per page.

3 (5) For reproduction of any document contained in the
4 clerk's files:

5 (A) First page, a minimum of \$1 and a maximum of
6 \$2.

7 (B) Next 19 pages, 50 cents per page.

8 (C) All remaining pages, 25 cents per page.

9 (l) Remands.

10 In any cases remanded to the Circuit Court from the
11 Supreme Court or the Appellate Court for a new trial, the
12 clerk shall file the remanding order and reinstate the case
13 with either its original number or a new number. The Clerk
14 shall not charge any new or additional fee for the
15 reinstatement. Upon reinstatement the Clerk shall advise
16 the parties of the reinstatement. A party shall have the
17 same right to a jury trial on remand and reinstatement as
18 he or she had before the appeal, and no additional or new
19 fee or charge shall be made for a jury trial after remand.

20 (m) Record Search.

21 For each record search, within a division or municipal
22 district, the clerk shall be entitled to a search fee of a
23 minimum of \$4 and a maximum of \$6 for each year searched.

24 (n) Hard Copy.

25 For each page of hard copy print output, when case
26 records are maintained on an automated medium, the clerk

1 shall be entitled to a fee of a minimum of \$4 and a maximum
2 of \$6.

3 (o) Index Inquiry and Other Records.

4 No fee shall be charged for a single
5 plaintiff/defendant index inquiry or single case record
6 inquiry when this request is made in person and the records
7 are maintained in a current automated medium, and when no
8 hard copy print output is requested. The fees to be charged
9 for management records, multiple case records, and
10 multiple journal records may be specified by the Chief
11 Judge pursuant to the guidelines for access and
12 dissemination of information approved by the Supreme
13 Court.

14 (p) (Blank).

15 (q) Alias Summons.

16 For each alias summons or citation issued by the clerk,
17 a minimum of \$2 and a maximum of \$5.

18 (r) Other Fees.

19 Any fees not covered in this Section shall be set by
20 rule or administrative order of the Circuit Court with the
21 approval of the Administrative Office of the Illinois
22 Courts.

23 The clerk of the circuit court may provide additional
24 services for which there is no fee specified by statute in
25 connection with the operation of the clerk's office as may
26 be requested by the public and agreed to by the clerk and

1 approved by the chief judge of the circuit court. Any
2 charges for additional services shall be as agreed to
3 between the clerk and the party making the request and
4 approved by the chief judge of the circuit court. Nothing
5 in this subsection shall be construed to require any clerk
6 to provide any service not otherwise required by law.

7 (s) Jury Services.

8 The clerk shall be entitled to receive, in addition to
9 other fees allowed by law, the sum of a minimum of \$62.50
10 and a maximum of \$212.50, as a fee for the services of a
11 jury in every civil action not quasi-criminal in its nature
12 and not a proceeding for the exercise of the right of
13 eminent domain and in every other action wherein the right
14 of trial by jury is or may be given by law. The jury fee
15 shall be paid by the party demanding a jury at the time of
16 filing the jury demand. If the fee is not paid by either
17 party, no jury shall be called in the action or proceeding,
18 and the same shall be tried by the court without a jury.

19 (t) Voluntary Assignment.

20 For filing each deed of voluntary assignment, a minimum
21 of \$10 and a maximum of \$20; for recording the same, a
22 minimum of 25 cents and a maximum of 50 cents for each 100
23 words. Exceptions filed to claims presented to an assignee
24 of a debtor who has made a voluntary assignment for the
25 benefit of creditors shall be considered and treated, for
26 the purpose of taxing costs therein, as actions in which

1 the party or parties filing the exceptions shall be
2 considered as party or parties plaintiff, and the claimant
3 or claimants as party or parties defendant, and those
4 parties respectively shall pay to the clerk the same fees
5 as provided by this Section to be paid in other actions.

6 (u) Expungement Petition.

7 The clerk shall be entitled to receive a fee of a
8 minimum of \$15 and a maximum of \$60 for each expungement
9 petition filed and an additional fee of a minimum of \$2 and
10 a maximum of \$4 for each certified copy of an order to
11 expunge arrest records.

12 (v) Probate.

13 The clerk is entitled to receive the fees specified in
14 this subsection (v), which shall be paid in advance, except
15 that, for good cause shown, the court may suspend, reduce,
16 or release the costs payable under this subsection:

17 (1) For administration of the estate of a decedent
18 (whether testate or intestate) or of a missing person, a
19 minimum of \$50 and a maximum of \$150, plus the fees
20 specified in subsection (v) (3), except:

21 (A) When the value of the real and personal
22 property does not exceed \$15,000, the fee shall be a
23 minimum of \$25 and a maximum of \$40.

24 (B) When (i) proof of heirship alone is made, (ii)
25 a domestic or foreign will is admitted to probate
26 without administration (including proof of heirship),

1 or (iii) letters of office are issued for a particular
2 purpose without administration of the estate, the fee
3 shall be a minimum of \$10 and a maximum of \$40.

4 (C) For filing a petition to sell Real Estate, \$50.

5 (2) For administration of the estate of a ward, a
6 minimum of \$50 and a maximum of \$75, plus the fees
7 specified in subsection (v) (3), except:

8 (A) When the value of the real and personal
9 property does not exceed \$15,000, the fee shall be a
10 minimum of \$25 and a maximum of \$40.

11 (B) When (i) letters of office are issued to a
12 guardian of the person or persons, but not of the
13 estate or (ii) letters of office are issued in the
14 estate of a ward without administration of the estate,
15 including filing or joining in the filing of a tax
16 return or releasing a mortgage or consenting to the
17 marriage of the ward, the fee shall be a minimum of \$10
18 and a maximum of \$20.

19 (C) For filing a Petition to sell Real Estate, \$50.

20 (3) In addition to the fees payable under subsection
21 (v) (1) or (v) (2) of this Section, the following fees are
22 payable:

23 (A) For each account (other than one final account)
24 filed in the estate of a decedent, or ward, a minimum
25 of \$10 and a maximum of \$25.

26 (B) For filing a claim in an estate when the amount

1 claimed is \$150 or more but less than \$500, a minimum
2 of \$10 and a maximum of \$25; when the amount claimed is
3 \$500 or more but less than \$10,000, a minimum of \$10
4 and a maximum of \$40; when the amount claimed is
5 \$10,000 or more, a minimum of \$10 and a maximum of \$60;
6 provided that the court in allowing a claim may add to
7 the amount allowed the filing fee paid by the claimant.

8 (C) For filing in an estate a claim, petition, or
9 supplemental proceeding based upon an action seeking
10 equitable relief including the construction or contest
11 of a will, enforcement of a contract to make a will,
12 and proceedings involving testamentary trusts or the
13 appointment of testamentary trustees, a minimum of \$40
14 and a maximum of \$60.

15 (D) For filing in an estate (i) the appearance of
16 any person for the purpose of consent or (ii) the
17 appearance of an executor, administrator,
18 administrator to collect, guardian, guardian ad litem,
19 or special administrator, no fee.

20 (E) Except as provided in subsection (v)(3)(D),
21 for filing the appearance of any person or persons, a
22 minimum of \$10 and a maximum of \$30.

23 (F) For each jury demand, a minimum of \$62.50 and a
24 maximum of \$137.50.

25 (G) For disposition of the collection of a judgment
26 or settlement of an action or claim for wrongful death

1 of a decedent or of any cause of action of a ward, when
2 there is no other administration of the estate, a
3 minimum of \$30 and a maximum of \$50, less any amount
4 paid under subsection (v) (1) (B) or (v) (2) (B) except
5 that if the amount involved does not exceed \$5,000, the
6 fee, including any amount paid under subsection
7 (v) (1) (B) or (v) (2) (B), shall be a minimum of \$10 and a
8 maximum of \$20.

9 (H) For each certified copy of letters of office,
10 of court order or other certification, a minimum of \$1
11 and a maximum of \$2, plus a minimum of 50 cents and a
12 maximum of \$1 per page in excess of 3 pages for the
13 document certified.

14 (I) For each exemplification, a minimum of \$1 and a
15 maximum of \$2, plus the fee for certification.

16 (4) The executor, administrator, guardian, petitioner,
17 or other interested person or his or her attorney shall pay
18 the cost of publication by the clerk directly to the
19 newspaper.

20 (5) The person on whose behalf a charge is incurred for
21 witness, court reporter, appraiser, or other miscellaneous
22 fee shall pay the same directly to the person entitled
23 thereto.

24 (6) The executor, administrator, guardian, petitioner,
25 or other interested person or his or her attorney shall pay
26 to the clerk all postage charges incurred by the clerk in

1 mailing petitions, orders, notices, or other documents
2 pursuant to the provisions of the Probate Act of 1975.

3 (w) Criminal and Quasi-Criminal Costs and Fees.

4 (1) The clerk shall be entitled to costs in all
5 criminal and quasi-criminal cases from each person
6 convicted or sentenced to supervision therein as follows:

7 (A) Felony complaints, a minimum of \$40 and a
8 maximum of \$100.

9 (B) Misdemeanor complaints, a minimum of \$25 and a
10 maximum of \$75.

11 (C) Business offense complaints, a minimum of \$25
12 and a maximum of \$75.

13 (D) Petty offense complaints, a minimum of \$25 and
14 a maximum of \$75.

15 (E) Minor traffic or ordinance violations, \$10.

16 (F) When court appearance required, \$15.

17 (G) Motions to vacate or amend final orders, a
18 minimum of \$20 and a maximum of \$40.

19 (H) Motions to vacate bond forfeiture orders, a
20 minimum of \$20 and a maximum of \$40.

21 (I) Motions to vacate ex parte judgments, whenever
22 filed, a minimum of \$20 and a maximum of \$40.

23 (J) Motions to vacate judgment on forfeitures,
24 whenever filed, a minimum of \$20 and a maximum of \$40.

25 (K) Motions to vacate "failure to appear" or
26 "failure to comply" notices sent to the Secretary of

1 State, a minimum of \$20 and a maximum of \$40.

2 (2) In counties having a population of not more than
3 500,000 inhabitants, when the violation complaint is
4 issued by a municipal police department, the clerk shall be
5 entitled to costs from each person convicted therein as
6 follows:

7 (A) Minor traffic or ordinance violations, \$10.

8 (B) When court appearance required, \$15.

9 (3) In ordinance violation cases punishable by fine
10 only, the clerk of the circuit court shall be entitled to
11 receive, unless the fee is excused upon a finding by the
12 court that the defendant is indigent, in addition to other
13 fees or costs allowed or imposed by law, the sum of a
14 minimum of \$62.50 and a maximum of \$137.50 as a fee for the
15 services of a jury. The jury fee shall be paid by the
16 defendant at the time of filing his or her jury demand. If
17 the fee is not so paid by the defendant, no jury shall be
18 called, and the case shall be tried by the court without a
19 jury.

20 (x) Transcripts of Judgment.

21 For the filing of a transcript of judgment, the clerk
22 shall be entitled to the same fee as if it were the
23 commencement of a new suit.

24 (y) Change of Venue.

25 (1) For the filing of a change of case on a change of
26 venue, the clerk shall be entitled to the same fee as if it

1 were the commencement of a new suit.

2 (2) The fee for the preparation and certification of a
3 record on a change of venue to another jurisdiction, when
4 original documents are forwarded, a minimum of \$10 and a
5 maximum of \$40.

6 (z) Tax objection complaints.

7 For each tax objection complaint containing one or more
8 tax objections, regardless of the number of parcels
9 involved or the number of taxpayers joining on the
10 complaint, a minimum of \$10 and a maximum of \$50.

11 (aa) Tax Deeds.

12 (1) Petition for tax deed, if only one parcel is
13 involved, a minimum of \$45 and a maximum of \$200.

14 (2) For each additional parcel, add a fee of a minimum
15 of \$10 and a maximum of \$60.

16 (bb) Collections.

17 (1) For all collections made of others, except the
18 State and county and except in maintenance or child support
19 cases, a sum equal to a minimum of 2% and a maximum of 2.5%
20 of the amount collected and turned over.

21 (2) Interest earned on any funds held by the clerk
22 shall be turned over to the county general fund as an
23 earning of the office.

24 (3) For any check, draft, or other bank instrument
25 returned to the clerk for non-sufficient funds, account
26 closed, or payment stopped, \$25.

1 (4) In child support and maintenance cases, the clerk,
2 if authorized by an ordinance of the county board, may
3 collect an annual fee of up to \$36 from the person making
4 payment for maintaining child support records and the
5 processing of support orders to the State of Illinois KIDS
6 system and the recording of payments issued by the State
7 Disbursement Unit for the official record of the Court.
8 This fee shall be in addition to and separate from amounts
9 ordered to be paid as maintenance or child support and
10 shall be deposited into a Separate Maintenance and Child
11 Support Collection Fund, of which the clerk shall be the
12 custodian, ex-officio, to be used by the clerk to maintain
13 child support orders and record all payments issued by the
14 State Disbursement Unit for the official record of the
15 Court. The clerk may recover from the person making the
16 maintenance or child support payment any additional cost
17 incurred in the collection of this annual fee.

18 The clerk shall also be entitled to a fee of \$5 for
19 certifications made to the Secretary of State as provided
20 in Section 7-703 of the Family Financial Responsibility Law
21 and these fees shall also be deposited into the Separate
22 Maintenance and Child Support Collection Fund.

23 (cc) Corrections of Numbers.

24 For correction of the case number, case title, or
25 attorney computer identification number, if required by
26 rule of court, on any document filed in the clerk's office,

1 to be charged against the party that filed the document, a
2 minimum of \$10 and a maximum of \$25.

3 (dd) Exceptions.

4 (1) The fee requirements of this Section shall not
5 apply to police departments or other law enforcement
6 agencies. In this Section, "law enforcement agency" means
7 an agency of the State or a unit of local government which
8 is vested by law or ordinance with the duty to maintain
9 public order and to enforce criminal laws or ordinances.
10 "Law enforcement agency" also means the Attorney General or
11 any state's attorney.

12 (2) No fee provided herein shall be charged to any unit
13 of local government or school district.

14 (3) The fee requirements of this Section shall not
15 apply to any action instituted under subsection (b) of
16 Section 11-31-1 of the Illinois Municipal Code by a private
17 owner or tenant of real property within 1200 feet of a
18 dangerous or unsafe building seeking an order compelling
19 the owner or owners of the building to take any of the
20 actions authorized under that subsection.

21 (4) The fee requirements of this Section shall not
22 apply to the filing of any commitment petition or petition
23 for an order authorizing the administration of
24 psychotropic medication or electroconvulsive therapy under
25 the Mental Health and Developmental Disabilities Code.

26 (ee) Adoptions.

1 (1) For an adoption \$65

2 (2) Upon good cause shown, the court may waive the
3 adoption filing fee in a special needs adoption. The term
4 "special needs adoption" shall have the meaning ascribed to
5 it by the Illinois Department of Children and Family
6 Services.

7 (ff) Adoption exemptions.

8 No fee other than that set forth in subsection (ee)
9 shall be charged to any person in connection with an
10 adoption proceeding nor may any fee be charged for
11 proceedings for the appointment of a confidential
12 intermediary under the Adoption Act.

13 (Source: P.A. 95-172, eff. 8-14-07; 95-331, eff. 8-21-07.)

14 Section 961. The Juvenile Court Act of 1987 is amended by
15 changing Sections 1-3 and 6-9 as follows:

16 (705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

17 Sec. 1-3. Definitions. Terms used in this Act, unless the
18 context otherwise requires, have the following meanings
19 ascribed to them:

20 (1) "Adjudicatory hearing" means a hearing to determine
21 whether the allegations of a petition under Section 2-13, 3-15
22 or 4-12 that a minor under 18 years of age is abused, neglected
23 or dependent, or requires authoritative intervention, or
24 addicted, respectively, are supported by a preponderance of the

1 evidence or whether the allegations of a petition under Section
2 5-520 that a minor is delinquent are proved beyond a reasonable
3 doubt.

4 (2) "Adult" means a person 21 years of age or older.

5 (3) "Agency" means a public or private child care facility
6 legally authorized or licensed by this State for placement or
7 institutional care or for both placement and institutional
8 care.

9 (4) "Association" means any organization, public or
10 private, engaged in welfare functions which include services to
11 or on behalf of children but does not include "agency" as
12 herein defined.

13 (4.05) Whenever a "best interest" determination is
14 required, the following factors shall be considered in the
15 context of the child's age and developmental needs:

16 (a) the physical safety and welfare of the child,
17 including food, shelter, health, and clothing;

18 (b) the development of the child's identity;

19 (c) the child's background and ties, including
20 familial, cultural, and religious;

21 (d) the child's sense of attachments, including:

22 (i) where the child actually feels love,
23 attachment, and a sense of being valued (as opposed to
24 where adults believe the child should feel such love,
25 attachment, and a sense of being valued);

26 (ii) the child's sense of security;

- 1 (iii) the child's sense of familiarity;
- 2 (iv) continuity of affection for the child;
- 3 (v) the least disruptive placement alternative for
- 4 the child;
- 5 (e) the child's wishes and long-term goals;
- 6 (f) the child's community ties, including church,
- 7 school, and friends;
- 8 (g) the child's need for permanence which includes the
- 9 child's need for stability and continuity of relationships
- 10 with parent figures and with siblings and other relatives;
- 11 (h) the uniqueness of every family and child;
- 12 (i) the risks attendant to entering and being in
- 13 substitute care; and
- 14 (j) the preferences of the persons available to care
- 15 for the child.

16 (4.1) "Chronic truant" shall have the definition ascribed

17 to it in Section 26-2a of the School Code.

18 (5) "Court" means the circuit court in a session or

19 division assigned to hear proceedings under this Act.

20 (6) "Dispositional hearing" means a hearing to determine

21 whether a minor should be adjudged to be a ward of the court,

22 and to determine what order of disposition should be made in

23 respect to a minor adjudged to be a ward of the court.

24 (7) "Emancipated minor" means any minor 16 years of age or

25 over who has been completely or partially emancipated under the

26 Emancipation of Minors Act or under this Act.

1 (8) "Guardianship of the person" of a minor means the duty
2 and authority to act in the best interests of the minor,
3 subject to residual parental rights and responsibilities, to
4 make important decisions in matters having a permanent effect
5 on the life and development of the minor and to be concerned
6 with his or her general welfare. It includes but is not
7 necessarily limited to:

8 (a) the authority to consent to marriage, to enlistment
9 in the armed forces of the United States, or to a major
10 medical, psychiatric, and surgical treatment; to represent
11 the minor in legal actions; and to make other decisions of
12 substantial legal significance concerning the minor;

13 (b) the authority and duty of reasonable visitation,
14 except to the extent that these have been limited in the
15 best interests of the minor by court order;

16 (c) the rights and responsibilities of legal custody
17 except where legal custody has been vested in another
18 person or agency; and

19 (d) the power to consent to the adoption of the minor,
20 but only if expressly conferred on the guardian in
21 accordance with Section 2-29, 3-30, or 4-27.

22 (9) "Legal custody" means the relationship created by an
23 order of court in the best interests of the minor which imposes
24 on the custodian the responsibility of physical possession of a
25 minor and the duty to protect, train and discipline him and to
26 provide him with food, shelter, education and ordinary medical

1 care, except as these are limited by residual parental rights
2 and responsibilities and the rights and responsibilities of the
3 guardian of the person, if any.

4 (9.1) "Mentally capable adult relative" means a person 21
5 years of age or older who is not suffering from a mental
6 illness that prevents him or her from providing the care
7 necessary to safeguard the physical safety and welfare of a
8 minor who is left in that person's care by the parent or
9 parents or other person responsible for the minor's welfare.

10 (10) "Minor" means a person under the age of 21 years
11 subject to this Act.

12 (11) "Parent" means the father or mother of a child and
13 includes any adoptive parent. It also includes a man (i) whose
14 paternity is presumed or has been established under the law of
15 this or another jurisdiction or (ii) who has registered with
16 the Putative Father Registry in accordance with Section 12.1 of
17 the Adoption Act and whose paternity has not been ruled out
18 under the law of this or another jurisdiction. It does not
19 include a parent whose rights in respect to the minor have been
20 terminated in any manner provided by law. It does not include a
21 person who has been or could be determined to be a parent under
22 the Illinois Parentage Act of 1984 or the Illinois Parentage
23 Act of 2012, or similar parentage law in any other state, if
24 that person has been convicted of or pled nolo contendere to a
25 crime that resulted in the conception of the child under
26 Section 11-1.20, 11-1.30, 11-1.40, 11-11, 12-13, 12-14,

1 12-14.1, subsection (a) or (b) (but not subsection (c)) of
2 Section 11-1.50 or 12-15, or subsection (a), (b), (c), (e), or
3 (f) (but not subsection (d)) of Section 11-1.60 or 12-16 of the
4 Criminal Code of 1961 or similar statute in another
5 jurisdiction unless upon motion of any party, other than the
6 offender, to the juvenile court proceedings the court finds it
7 is in the child's best interest to deem the offender a parent
8 for purposes of the juvenile court proceedings.

9 (11.1) "Permanency goal" means a goal set by the court as
10 defined in subdivision (2) of Section 2-28.

11 (11.2) "Permanency hearing" means a hearing to set the
12 permanency goal and to review and determine (i) the
13 appropriateness of the services contained in the plan and
14 whether those services have been provided, (ii) whether
15 reasonable efforts have been made by all the parties to the
16 service plan to achieve the goal, and (iii) whether the plan
17 and goal have been achieved.

18 (12) "Petition" means the petition provided for in Section
19 2-13, 3-15, 4-12 or 5-520, including any supplemental petitions
20 thereunder in Section 3-15, 4-12 or 5-520.

21 (12.1) "Physically capable adult relative" means a person
22 21 years of age or older who does not have a severe physical
23 disability or medical condition, or is not suffering from
24 alcoholism or drug addiction, that prevents him or her from
25 providing the care necessary to safeguard the physical safety
26 and welfare of a minor who is left in that person's care by the

1 parent or parents or other person responsible for the minor's
2 welfare.

3 (13) "Residual parental rights and responsibilities" means
4 those rights and responsibilities remaining with the parent
5 after the transfer of legal custody or guardianship of the
6 person, including, but not necessarily limited to, the right to
7 reasonable visitation (which may be limited by the court in the
8 best interests of the minor as provided in subsection (8) (b) of
9 this Section), the right to consent to adoption, the right to
10 determine the minor's religious affiliation, and the
11 responsibility for his support.

12 (14) "Shelter" means the temporary care of a minor in
13 physically unrestricting facilities pending court disposition
14 or execution of court order for placement.

15 (15) "Station adjustment" means the informal handling of an
16 alleged offender by a juvenile police officer.

17 (16) "Ward of the court" means a minor who is so adjudged
18 under Section 2-22, 3-23, 4-20 or 5-705, after a finding of the
19 requisite jurisdictional facts, and thus is subject to the
20 dispositional powers of the court under this Act.

21 (17) "Juvenile police officer" means a sworn police officer
22 who has completed a Basic Recruit Training Course, has been
23 assigned to the position of juvenile police officer by his or
24 her chief law enforcement officer and has completed the
25 necessary juvenile officers training as prescribed by the
26 Illinois Law Enforcement Training Standards Board, or in the

1 case of a State police officer, juvenile officer training
2 approved by the Director of the Department of State Police.

3 (18) "Secure child care facility" means any child care
4 facility licensed by the Department of Children and Family
5 Services to provide secure living arrangements for children
6 under 18 years of age who are subject to placement in
7 facilities under the Children and Family Services Act and who
8 are not subject to placement in facilities for whom standards
9 are established by the Department of Corrections under Section
10 3-15-2 of the Unified Code of Corrections. "Secure child care
11 facility" also means a facility that is designed and operated
12 to ensure that all entrances and exits from the facility, a
13 building, or a distinct part of the building are under the
14 exclusive control of the staff of the facility, whether or not
15 the child has the freedom of movement within the perimeter of
16 the facility, building, or distinct part of the building.

17 (Source: P.A. 96-168, eff. 8-10-09; 97-568, eff. 8-25-11.)

18 (705 ILCS 405/6-9) (from Ch. 37, par. 806-9)

19 Sec. 6-9. Enforcement of liability of parents and others.

20 (1) If parentage is at issue in any proceeding under this
21 Act, other than cases involving those exceptions to the
22 definition of parent set out in item (11) in Section 1-3, then
23 the Illinois Parentage Act of 2012 ~~1984~~ shall apply and the
24 court shall enter orders consistent with that Act. If it
25 appears at any hearing that a parent or any other person named

1 in the petition, liable under the law for the support of the
2 minor, is able to contribute to his or her support, the court
3 shall enter an order requiring that parent or other person to
4 pay the clerk of the court, or to the guardian or custodian
5 appointed under Sections 2-27, 3-28, 4-25 or 5-740, a
6 reasonable sum from time to time for the care, support and
7 necessary special care or treatment, of the minor. If the court
8 determines at any hearing that a parent or any other person
9 named in the petition, liable under the law for the support of
10 the minor, is able to contribute to help defray the costs
11 associated with the minor's detention in a county or regional
12 detention center, the court shall enter an order requiring that
13 parent or other person to pay the clerk of the court a
14 reasonable sum for the care and support of the minor. The court
15 may require reasonable security for the payments. Upon failure
16 to pay, the court may enforce obedience to the order by a
17 proceeding as for contempt of court.

18 If it appears that the person liable for the support of the
19 minor is able to contribute to legal fees for representation of
20 the minor, the court shall enter an order requiring that person
21 to pay a reasonable sum for the representation, to the attorney
22 providing the representation or to the clerk of the court for
23 deposit in the appropriate account or fund. The sum may be paid
24 as the court directs, and the payment thereof secured and
25 enforced as provided in this Section for support.

26 If it appears at the detention or shelter care hearing of a

1 minor before the court under Section 5-501 that a parent or any
2 other person liable for support of the minor is able to
3 contribute to his or her support, that parent or other person
4 shall be required to pay a fee for room and board at a rate not
5 to exceed \$10 per day established, with the concurrence of the
6 chief judge of the judicial circuit, by the county board of the
7 county in which the minor is detained unless the court
8 determines that it is in the best interest and welfare of the
9 minor to waive the fee. The concurrence of the chief judge
10 shall be in the form of an administrative order. Each week, on
11 a day designated by the clerk of the circuit court, that parent
12 or other person shall pay the clerk for the minor's room and
13 board. All fees for room and board collected by the circuit
14 court clerk shall be disbursed into the separate county fund
15 under Section 6-7.

16 Upon application, the court shall waive liability for
17 support or legal fees under this Section if the parent or other
18 person establishes that he or she is indigent and unable to pay
19 the incurred liability, and the court may reduce or waive
20 liability if the parent or other person establishes
21 circumstances showing that full payment of support or legal
22 fees would result in financial hardship to the person or his or
23 her family.

24 (2) When a person so ordered to pay for the care and
25 support of a minor is employed for wages, salary or commission,
26 the court may order him to make the support payments for which

1 he is liable under this Act out of his wages, salary or
2 commission and to assign so much thereof as will pay the
3 support. The court may also order him to make discovery to the
4 court as to his place of employment and the amounts earned by
5 him. Upon his failure to obey the orders of court he may be
6 punished as for contempt of court.

7 (3) If the minor is a recipient of public aid under the
8 Illinois Public Aid Code, the court shall order that payments
9 made by a parent or through assignment of his wages, salary or
10 commission be made directly to (a) the Department of Healthcare
11 and Family Services if the minor is a recipient of aid under
12 Article V of the Code, (b) the Department of Human Services if
13 the minor is a recipient of aid under Article IV of the Code,
14 or (c) the local governmental unit responsible for the support
15 of the minor if he is a recipient under Articles VI or VII of
16 the Code. The order shall permit the Department of Healthcare
17 and Family Services, the Department of Human Services, or the
18 local governmental unit, as the case may be, to direct that
19 subsequent payments be made directly to the guardian or
20 custodian of the minor, or to some other person or agency in
21 the minor's behalf, upon removal of the minor from the public
22 aid rolls; and upon such direction and removal of the minor
23 from the public aid rolls, the Department of Healthcare and
24 Family Services, Department of Human Services, or local
25 governmental unit, as the case requires, shall give written
26 notice of such action to the court. Payments received by the

1 Department of Healthcare and Family Services, Department of
2 Human Services, or local governmental unit are to be covered,
3 respectively, into the General Revenue Fund of the State
4 Treasury or General Assistance Fund of the governmental unit,
5 as provided in Section 10-19 of the Illinois Public Aid Code.

6 (Source: P.A. 97-568, eff. 8-25-11.)

7 Section 962. The Code of Criminal Procedure of 1963 is
8 amended by changing Section 112A-14 as follows:

9 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

10 Sec. 112A-14. Order of protection; remedies.

11 (a) Issuance of order. If the court finds that petitioner
12 has been abused by a family or household member, as defined in
13 this Article, an order of protection prohibiting such abuse
14 shall issue; provided that petitioner must also satisfy the
15 requirements of one of the following Sections, as appropriate:
16 Section 112A-17 on emergency orders, Section 112A-18 on interim
17 orders, or Section 112A-19 on plenary orders. Petitioner shall
18 not be denied an order of protection because petitioner or
19 respondent is a minor. The court, when determining whether or
20 not to issue an order of protection, shall not require physical
21 manifestations of abuse on the person of the victim.
22 Modification and extension of prior orders of protection shall
23 be in accordance with this Article.

24 (b) Remedies and standards. The remedies to be included in

1 an order of protection shall be determined in accordance with
2 this Section and one of the following Sections, as appropriate:
3 Section 112A-17 on emergency orders, Section 112A-18 on interim
4 orders, and Section 112A-19 on plenary orders. The remedies
5 listed in this subsection shall be in addition to other civil
6 or criminal remedies available to petitioner.

7 (1) Prohibition of abuse. Prohibit respondent's
8 harassment, interference with personal liberty,
9 intimidation of a dependent, physical abuse or willful
10 deprivation, as defined in this Article, if such abuse has
11 occurred or otherwise appears likely to occur if not
12 prohibited.

13 (2) Grant of exclusive possession of residence.
14 Prohibit respondent from entering or remaining in any
15 residence, household, or premises of the petitioner,
16 including one owned or leased by respondent, if petitioner
17 has a right to occupancy thereof. The grant of exclusive
18 possession of the residence, household, or premises shall
19 not affect title to real property, nor shall the court be
20 limited by the standard set forth in Section 701 of the
21 Illinois Marriage and Dissolution of Marriage Act.

22 (A) Right to occupancy. A party has a right to
23 occupancy of a residence or household if it is solely
24 or jointly owned or leased by that party, that party's
25 spouse, a person with a legal duty to support that
26 party or a minor child in that party's care, or by any

1 person or entity other than the opposing party that
2 authorizes that party's occupancy (e.g., a domestic
3 violence shelter). Standards set forth in subparagraph
4 (B) shall not preclude equitable relief.

5 (B) Presumption of hardships. If petitioner and
6 respondent each has the right to occupancy of a
7 residence or household, the court shall balance (i) the
8 hardships to respondent and any minor child or
9 dependent adult in respondent's care resulting from
10 entry of this remedy with (ii) the hardships to
11 petitioner and any minor child or dependent adult in
12 petitioner's care resulting from continued exposure to
13 the risk of abuse (should petitioner remain at the
14 residence or household) or from loss of possession of
15 the residence or household (should petitioner leave to
16 avoid the risk of abuse). When determining the balance
17 of hardships, the court shall also take into account
18 the accessibility of the residence or household.
19 Hardships need not be balanced if respondent does not
20 have a right to occupancy.

21 The balance of hardships is presumed to favor
22 possession by petitioner unless the presumption is
23 rebutted by a preponderance of the evidence, showing
24 that the hardships to respondent substantially
25 outweigh the hardships to petitioner and any minor
26 child or dependent adult in petitioner's care. The

1 court, on the request of petitioner or on its own
2 motion, may order respondent to provide suitable,
3 accessible, alternate housing for petitioner instead
4 of excluding respondent from a mutual residence or
5 household.

6 (3) Stay away order and additional prohibitions. Order
7 respondent to stay away from petitioner or any other person
8 protected by the order of protection, or prohibit
9 respondent from entering or remaining present at
10 petitioner's school, place of employment, or other
11 specified places at times when petitioner is present, or
12 both, if reasonable, given the balance of hardships.
13 Hardships need not be balanced for the court to enter a
14 stay away order or prohibit entry if respondent has no
15 right to enter the premises.

16 If an order of protection grants petitioner exclusive
17 possession of the residence, or prohibits respondent from
18 entering the residence, or orders respondent to stay away
19 from petitioner or other protected persons, then the court
20 may allow respondent access to the residence to remove
21 items of clothing and personal adornment used exclusively
22 by respondent, medications, and other items as the court
23 directs. The right to access shall be exercised on only one
24 occasion as the court directs and in the presence of an
25 agreed-upon adult third party or law enforcement officer.

26 (4) Counseling. Require or recommend the respondent to

1 undergo counseling for a specified duration with a social
2 worker, psychologist, clinical psychologist, psychiatrist,
3 family service agency, alcohol or substance abuse program,
4 mental health center guidance counselor, agency providing
5 services to elders, program designed for domestic violence
6 abusers or any other guidance service the court deems
7 appropriate. The court may order the respondent in any
8 intimate partner relationship to report to an Illinois
9 Department of Human Services protocol approved partner
10 abuse intervention program for an assessment and to follow
11 all recommended treatment.

12 (5) Physical care and possession of the minor child. In
13 order to protect the minor child from abuse, neglect, or
14 unwarranted separation from the person who has been the
15 minor child's primary caretaker, or to otherwise protect
16 the well-being of the minor child, the court may do either
17 or both of the following: (i) grant petitioner physical
18 care or possession of the minor child, or both, or (ii)
19 order respondent to return a minor child to, or not remove
20 a minor child from, the physical care of a parent or person
21 in loco parentis.

22 If a court finds, after a hearing, that respondent has
23 committed abuse (as defined in Section 112A-3) of a minor
24 child, there shall be a rebuttable presumption that
25 awarding physical care to respondent would not be in the
26 minor child's best interest.

1 (6) Temporary legal custody. Award temporary legal
2 custody to petitioner in accordance with this Section, the
3 Illinois Marriage and Dissolution of Marriage Act, the
4 Illinois Parentage Act of 2012 ~~1984~~, and this State's
5 Uniform Child-Custody Jurisdiction and Enforcement Act.

6 If a court finds, after a hearing, that respondent has
7 committed abuse (as defined in Section 112A-3) of a minor
8 child, there shall be a rebuttable presumption that
9 awarding temporary legal custody to respondent would not be
10 in the child's best interest.

11 (7) Visitation. Determine the visitation rights, if
12 any, of respondent in any case in which the court awards
13 physical care or temporary legal custody of a minor child
14 to petitioner. The court shall restrict or deny
15 respondent's visitation with a minor child if the court
16 finds that respondent has done or is likely to do any of
17 the following: (i) abuse or endanger the minor child during
18 visitation; (ii) use the visitation as an opportunity to
19 abuse or harass petitioner or petitioner's family or
20 household members; (iii) improperly conceal or detain the
21 minor child; or (iv) otherwise act in a manner that is not
22 in the best interests of the minor child. The court shall
23 not be limited by the standards set forth in Section 607.1
24 of the Illinois Marriage and Dissolution of Marriage Act.
25 If the court grants visitation, the order shall specify
26 dates and times for the visitation to take place or other

1 specific parameters or conditions that are appropriate. No
2 order for visitation shall refer merely to the term
3 "reasonable visitation".

4 Petitioner may deny respondent access to the minor
5 child if, when respondent arrives for visitation,
6 respondent is under the influence of drugs or alcohol and
7 constitutes a threat to the safety and well-being of
8 petitioner or petitioner's minor children or is behaving in
9 a violent or abusive manner.

10 If necessary to protect any member of petitioner's
11 family or household from future abuse, respondent shall be
12 prohibited from coming to petitioner's residence to meet
13 the minor child for visitation, and the parties shall
14 submit to the court their recommendations for reasonable
15 alternative arrangements for visitation. A person may be
16 approved to supervise visitation only after filing an
17 affidavit accepting that responsibility and acknowledging
18 accountability to the court.

19 (8) Removal or concealment of minor child. Prohibit
20 respondent from removing a minor child from the State or
21 concealing the child within the State.

22 (9) Order to appear. Order the respondent to appear in
23 court, alone or with a minor child, to prevent abuse,
24 neglect, removal or concealment of the child, to return the
25 child to the custody or care of the petitioner or to permit
26 any court-ordered interview or examination of the child or

1 the respondent.

2 (10) Possession of personal property. Grant petitioner
3 exclusive possession of personal property and, if
4 respondent has possession or control, direct respondent to
5 promptly make it available to petitioner, if:

6 (i) petitioner, but not respondent, owns the
7 property; or

8 (ii) the parties own the property jointly; sharing
9 it would risk abuse of petitioner by respondent or is
10 impracticable; and the balance of hardships favors
11 temporary possession by petitioner.

12 If petitioner's sole claim to ownership of the property
13 is that it is marital property, the court may award
14 petitioner temporary possession thereof under the
15 standards of subparagraph (ii) of this paragraph only if a
16 proper proceeding has been filed under the Illinois
17 Marriage and Dissolution of Marriage Act, as now or
18 hereafter amended.

19 No order under this provision shall affect title to
20 property.

21 (11) Protection of property. Forbid the respondent
22 from taking, transferring, encumbering, concealing,
23 damaging or otherwise disposing of any real or personal
24 property, except as explicitly authorized by the court, if:

25 (i) petitioner, but not respondent, owns the
26 property; or

1 (ii) the parties own the property jointly, and the
2 balance of hardships favors granting this remedy.

3 If petitioner's sole claim to ownership of the property
4 is that it is marital property, the court may grant
5 petitioner relief under subparagraph (ii) of this
6 paragraph only if a proper proceeding has been filed under
7 the Illinois Marriage and Dissolution of Marriage Act, as
8 now or hereafter amended.

9 The court may further prohibit respondent from
10 improperly using the financial or other resources of an
11 aged member of the family or household for the profit or
12 advantage of respondent or of any other person.

13 (11.5) Protection of animals. Grant the petitioner the
14 exclusive care, custody, or control of any animal owned,
15 possessed, leased, kept, or held by either the petitioner
16 or the respondent or a minor child residing in the
17 residence or household of either the petitioner or the
18 respondent and order the respondent to stay away from the
19 animal and forbid the respondent from taking,
20 transferring, encumbering, concealing, harming, or
21 otherwise disposing of the animal.

22 (12) Order for payment of support. Order respondent to
23 pay temporary support for the petitioner or any child in
24 the petitioner's care or custody, when the respondent has a
25 legal obligation to support that person, in accordance with
26 the Illinois Marriage and Dissolution of Marriage Act,

1 which shall govern, among other matters, the amount of
2 support, payment through the clerk and withholding of
3 income to secure payment. An order for child support may be
4 granted to a petitioner with lawful physical care or
5 custody of a child, or an order or agreement for physical
6 care or custody, prior to entry of an order for legal
7 custody. Such a support order shall expire upon entry of a
8 valid order granting legal custody to another, unless
9 otherwise provided in the custody order.

10 (13) Order for payment of losses. Order respondent to
11 pay petitioner for losses suffered as a direct result of
12 the abuse. Such losses shall include, but not be limited
13 to, medical expenses, lost earnings or other support,
14 repair or replacement of property damaged or taken,
15 reasonable attorney's fees, court costs and moving or other
16 travel expenses, including additional reasonable expenses
17 for temporary shelter and restaurant meals.

18 (i) Losses affecting family needs. If a party is
19 entitled to seek maintenance, child support or
20 property distribution from the other party under the
21 Illinois Marriage and Dissolution of Marriage Act, as
22 now or hereafter amended, the court may order
23 respondent to reimburse petitioner's actual losses, to
24 the extent that such reimbursement would be
25 "appropriate temporary relief", as authorized by
26 subsection (a) (3) of Section 501 of that Act.

1 (ii) Recovery of expenses. In the case of an
2 improper concealment or removal of a minor child, the
3 court may order respondent to pay the reasonable
4 expenses incurred or to be incurred in the search for
5 and recovery of the minor child, including but not
6 limited to legal fees, court costs, private
7 investigator fees, and travel costs.

8 (14) Prohibition of entry. Prohibit the respondent
9 from entering or remaining in the residence or household
10 while the respondent is under the influence of alcohol or
11 drugs and constitutes a threat to the safety and well-being
12 of the petitioner or the petitioner's children.

13 (14.5) Prohibition of firearm possession.

14 (a) Prohibit a respondent against whom an order of
15 protection was issued from possessing any firearms
16 during the duration of the order if the order:

17 (1) was issued after a hearing of which such
18 person received actual notice, and at which such
19 person had an opportunity to participate;

20 (2) restrains such person from harassing,
21 stalking, or threatening an intimate partner of
22 such person or child of such intimate partner or
23 person, or engaging in other conduct that would
24 place an intimate partner in reasonable fear of
25 bodily injury to the partner or child; and

26 (3)(i) includes a finding that such person

1 represents a credible threat to the physical
2 safety of such intimate partner or child; or (ii)
3 by its terms explicitly prohibits the use,
4 attempted use, or threatened use of physical force
5 against such intimate partner or child that would
6 reasonably be expected to cause bodily injury.

7 Any firearms in the possession of the respondent,
8 except as provided in subsection (b), shall be ordered
9 by the court to be turned over to the local law
10 enforcement agency for safekeeping. The court shall
11 issue an order that the respondent's Firearm Owner's
12 Identification Card be turned over to the local law
13 enforcement agency for safekeeping. The period of
14 safekeeping shall be for the duration of the order of
15 protection. The firearm or firearms shall be returned
16 to the respondent at expiration of the order of
17 protection.

18 (b) If the respondent is a peace officer as defined
19 in Section 2-13 of the Criminal Code of 1961, the court
20 shall order that any firearms used by the respondent in
21 the performance of his or her duties as a peace officer
22 be surrendered to the chief law enforcement executive
23 of the agency in which the respondent is employed, who
24 shall retain the firearms for safekeeping for the
25 duration of the order of protection.

26 (c) Upon expiration of the period of safekeeping,

1 if the firearms or Firearm Owner's Identification Card
2 cannot be returned to respondent because respondent
3 cannot be located, fails to respond to requests to
4 retrieve the firearms, or is not lawfully eligible to
5 possess a firearm, upon petition from the local law
6 enforcement agency, the court may order the local law
7 enforcement agency to destroy the firearms, use the
8 firearms for training purposes, or for any other
9 application as deemed appropriate by the local law
10 enforcement agency; or that the firearms be turned over
11 to a third party who is lawfully eligible to possess
12 firearms, and who does not reside with respondent.

13 (15) Prohibition of access to records. If an order of
14 protection prohibits respondent from having contact with
15 the minor child, or if petitioner's address is omitted
16 under subsection (b) of Section 112A-5, or if necessary to
17 prevent abuse or wrongful removal or concealment of a minor
18 child, the order shall deny respondent access to, and
19 prohibit respondent from inspecting, obtaining, or
20 attempting to inspect or obtain, school or any other
21 records of the minor child who is in the care of
22 petitioner.

23 (16) Order for payment of shelter services. Order
24 respondent to reimburse a shelter providing temporary
25 housing and counseling services to the petitioner for the
26 cost of the services, as certified by the shelter and

1 deemed reasonable by the court.

2 (17) Order for injunctive relief. Enter injunctive
3 relief necessary or appropriate to prevent further abuse of
4 a family or household member or to effectuate one of the
5 granted remedies, if supported by the balance of hardships.
6 If the harm to be prevented by the injunction is abuse or
7 any other harm that one of the remedies listed in
8 paragraphs (1) through (16) of this subsection is designed
9 to prevent, no further evidence is necessary to establish
10 that the harm is an irreparable injury.

11 (c) Relevant factors; findings.

12 (1) In determining whether to grant a specific remedy,
13 other than payment of support, the court shall consider
14 relevant factors, including but not limited to the
15 following:

16 (i) the nature, frequency, severity, pattern and
17 consequences of the respondent's past abuse of the
18 petitioner or any family or household member,
19 including the concealment of his or her location in
20 order to evade service of process or notice, and the
21 likelihood of danger of future abuse to petitioner or
22 any member of petitioner's or respondent's family or
23 household; and

24 (ii) the danger that any minor child will be abused
25 or neglected or improperly removed from the
26 jurisdiction, improperly concealed within the State or

1 improperly separated from the child's primary
2 caretaker.

3 (2) In comparing relative hardships resulting to the
4 parties from loss of possession of the family home, the
5 court shall consider relevant factors, including but not
6 limited to the following:

7 (i) availability, accessibility, cost, safety,
8 adequacy, location and other characteristics of
9 alternate housing for each party and any minor child or
10 dependent adult in the party's care;

11 (ii) the effect on the party's employment; and

12 (iii) the effect on the relationship of the party,
13 and any minor child or dependent adult in the party's
14 care, to family, school, church and community.

15 (3) Subject to the exceptions set forth in paragraph
16 (4) of this subsection, the court shall make its findings
17 in an official record or in writing, and shall at a minimum
18 set forth the following:

19 (i) That the court has considered the applicable
20 relevant factors described in paragraphs (1) and (2) of
21 this subsection.

22 (ii) Whether the conduct or actions of respondent,
23 unless prohibited, will likely cause irreparable harm
24 or continued abuse.

25 (iii) Whether it is necessary to grant the
26 requested relief in order to protect petitioner or

1 other alleged abused persons.

2 (4) For purposes of issuing an ex parte emergency order
3 of protection, the court, as an alternative to or as a
4 supplement to making the findings described in paragraphs
5 (c)(3)(i) through (c)(3)(iii) of this subsection, may use
6 the following procedure:

7 When a verified petition for an emergency order of
8 protection in accordance with the requirements of Sections
9 112A-5 and 112A-17 is presented to the court, the court
10 shall examine petitioner on oath or affirmation. An
11 emergency order of protection shall be issued by the court
12 if it appears from the contents of the petition and the
13 examination of petitioner that the averments are
14 sufficient to indicate abuse by respondent and to support
15 the granting of relief under the issuance of the emergency
16 order of protection.

17 (5) Never married parties. No rights or
18 responsibilities for a minor child born outside of marriage
19 attach to a putative father until a father and child
20 relationship has been established under the Illinois
21 Parentage Act of 1984 or under the Illinois Parentage Act
22 of 2012 on and after the effective date of that Act. Absent
23 such an adjudication, no putative father shall be granted
24 temporary custody of the minor child, visitation with the
25 minor child, or physical care and possession of the minor
26 child, nor shall an order of payment for support of the

1 minor child be entered.

2 (d) Balance of hardships; findings. If the court finds that
3 the balance of hardships does not support the granting of a
4 remedy governed by paragraph (2), (3), (10), (11), or (16) of
5 subsection (b) of this Section, which may require such
6 balancing, the court's findings shall so indicate and shall
7 include a finding as to whether granting the remedy will result
8 in hardship to respondent that would substantially outweigh the
9 hardship to petitioner from denial of the remedy. The findings
10 shall be an official record or in writing.

11 (e) Denial of remedies. Denial of any remedy shall not be
12 based, in whole or in part, on evidence that:

13 (1) Respondent has cause for any use of force, unless
14 that cause satisfies the standards for justifiable use of
15 force provided by Article VII of the Criminal Code of 1961;

16 (2) Respondent was voluntarily intoxicated;

17 (3) Petitioner acted in self-defense or defense of
18 another, provided that, if petitioner utilized force, such
19 force was justifiable under Article VII of the Criminal
20 Code of 1961;

21 (4) Petitioner did not act in self-defense or defense
22 of another;

23 (5) Petitioner left the residence or household to avoid
24 further abuse by respondent;

25 (6) Petitioner did not leave the residence or household
26 to avoid further abuse by respondent;

1 (7) Conduct by any family or household member excused
2 the abuse by respondent, unless that same conduct would
3 have excused such abuse if the parties had not been family
4 or household members.

5 (Source: P.A. 96-701, eff. 1-1-10; 96-1239, eff. 1-1-11;
6 97-158, eff. 1-1-12.)

7 Section 963. The Unified Code of Corrections is amended by
8 changing Section 3-5-4 as follows:

9 (730 ILCS 5/3-5-4)

10 Sec. 3-5-4. Exchange of information for child support
11 enforcement.

12 (a) The Department shall exchange with the Department of
13 Healthcare and Family Services information that may be
14 necessary for the enforcement of child support orders entered
15 pursuant to the Illinois Public Aid Code, the Illinois Marriage
16 and Dissolution of Marriage Act, the Non-Support of Spouse and
17 Children Act, the Non-Support Punishment Act, the Revised
18 Uniform Reciprocal Enforcement of Support Act, the Uniform
19 Interstate Family Support Act, ~~or~~ the Illinois Parentage Act of
20 1984, or the Illinois Parentage Act of 2012.

21 (b) Notwithstanding any provisions in this Code to the
22 contrary, the Department shall not be liable to any person for
23 any disclosure of information to the Department of Healthcare
24 and Family Services (formerly Illinois Department of Public

1 Aid) under subsection (a) or for any other action taken in good
2 faith to comply with the requirements of subsection (a).

3 (Source: P.A. 95-331, eff. 8-21-07.)

4 Section 964. The Code of Civil Procedure is amended by
5 changing Sections 2-209, 2-1401, 12-112, and 12-819 as follows:

6 (735 ILCS 5/2-209) (from Ch. 110, par. 2-209)

7 Sec. 2-209. Act submitting to jurisdiction - Process.

8 (a) Any person, whether or not a citizen or resident of
9 this State, who in person or through an agent does any of the
10 acts hereinafter enumerated, thereby submits such person, and,
11 if an individual, his or her personal representative, to the
12 jurisdiction of the courts of this State as to any cause of
13 action arising from the doing of any of such acts:

14 (1) The transaction of any business within this State;

15 (2) The commission of a tortious act within this State;

16 (3) The ownership, use, or possession of any real
17 estate situated in this State;

18 (4) Contracting to insure any person, property or risk
19 located within this State at the time of contracting;

20 (5) With respect to actions of dissolution of marriage,
21 declaration of invalidity of marriage and legal
22 separation, the maintenance in this State of a matrimonial
23 domicile at the time this cause of action arose or the
24 commission in this State of any act giving rise to the

1 cause of action;

2 (6) With respect to actions brought under the Illinois
3 Parentage Act of 1984, as now or hereafter amended, or
4 under the Illinois Parentage Act of 2012 on and after the
5 effective date of that Act, the performance of an act of
6 sexual intercourse within this State during the possible
7 period of conception;

8 (7) The making or performance of any contract or
9 promise substantially connected with this State;

10 (8) The performance of sexual intercourse within this
11 State which is claimed to have resulted in the conception
12 of a child who resides in this State;

13 (9) The failure to support a child, spouse or former
14 spouse who has continued to reside in this State since the
15 person either formerly resided with them in this State or
16 directed them to reside in this State;

17 (10) The acquisition of ownership, possession or
18 control of any asset or thing of value present within this
19 State when ownership, possession or control was acquired;

20 (11) The breach of any fiduciary duty within this
21 State;

22 (12) The performance of duties as a director or officer
23 of a corporation organized under the laws of this State or
24 having its principal place of business within this State;

25 (13) The ownership of an interest in any trust
26 administered within this State; or

1 (14) The exercise of powers granted under the authority
2 of this State as a fiduciary.

3 (b) A court may exercise jurisdiction in any action arising
4 within or without this State against any person who:

5 (1) Is a natural person present within this State when
6 served;

7 (2) Is a natural person domiciled or resident within
8 this State when the cause of action arose, the action was
9 commenced, or process was served;

10 (3) Is a corporation organized under the laws of this
11 State; or

12 (4) Is a natural person or corporation doing business
13 within this State.

14 (b-5) Foreign defamation judgment. The courts of this State
15 shall have personal jurisdiction over any person who obtains a
16 judgment in a defamation proceeding outside the United States
17 against any person who is a resident of Illinois or, if not a
18 natural person, has its principal place of business in
19 Illinois, for the purposes of rendering declaratory relief with
20 respect to that resident's liability for the judgment, or for
21 the purpose of determining whether said judgment should be
22 deemed non-recognizable pursuant to this Code, to the fullest
23 extent permitted by the United States Constitution, provided:

24 (1) the publication at issue was published in Illinois,
25 and

26 (2) that resident (i) has assets in Illinois which

1 might be used to satisfy the foreign defamation judgment,
2 or (ii) may have to take actions in Illinois to comply with
3 the foreign defamation judgment.

4 The provisions of this subsection (b-5) shall apply to
5 persons who obtained judgments in defamation proceedings
6 outside the United States prior to, on, or after the effective
7 date of this amendatory Act of the 95th General Assembly.

8 (c) A court may also exercise jurisdiction on any other
9 basis now or hereafter permitted by the Illinois Constitution
10 and the Constitution of the United States.

11 (d) Service of process upon any person who is subject to
12 the jurisdiction of the courts of this State, as provided in
13 this Section, may be made by personally serving the summons
14 upon the defendant outside this State, as provided in this Act,
15 with the same force and effect as though summons had been
16 personally served within this State.

17 (e) Service of process upon any person who resides or whose
18 business address is outside the United States and who is
19 subject to the jurisdiction of the courts of this State, as
20 provided in this Section, in any action based upon product
21 liability may be made by serving a copy of the summons with a
22 copy of the complaint attached upon the Secretary of State. The
23 summons shall be accompanied by a \$5 fee payable to the
24 Secretary of State. The plaintiff shall forthwith mail a copy
25 of the summons, upon which the date of service upon the
26 Secretary is clearly shown, together with a copy of the

1 complaint to the defendant at his or her last known place of
2 residence or business address. Plaintiff shall file with the
3 circuit clerk an affidavit of the plaintiff or his or her
4 attorney stating the last known place of residence or the last
5 known business address of the defendant and a certificate of
6 mailing a copy of the summons and complaint to the defendant at
7 such address as required by this subsection (e). The
8 certificate of mailing shall be prima facie evidence that the
9 plaintiff or his or her attorney mailed a copy of the summons
10 and complaint to the defendant as required. Service of the
11 summons shall be deemed to have been made upon the defendant on
12 the date it is served upon the Secretary and shall have the
13 same force and effect as though summons had been personally
14 served upon the defendant within this State.

15 (f) Only causes of action arising from acts enumerated
16 herein may be asserted against a defendant in an action in
17 which jurisdiction over him or her is based upon subsection
18 (a).

19 (g) Nothing herein contained limits or affects the right to
20 serve any process in any other manner now or hereafter provided
21 by law.

22 (Source: P.A. 95-865, eff. 8-19-08.)

23 (735 ILCS 5/2-1401) (from Ch. 110, par. 2-1401)

24 Sec. 2-1401. Relief from judgments.

25 (a) Relief from final orders and judgments, after 30 days

1 from the entry thereof, may be had upon petition as provided in
2 this Section. Writs of error coram nobis and coram vobis, bills
3 of review and bills in the nature of bills of review are
4 abolished. All relief heretofore obtainable and the grounds for
5 such relief heretofore available, whether by any of the
6 foregoing remedies or otherwise, shall be available in every
7 case, by proceedings hereunder, regardless of the nature of the
8 order or judgment from which relief is sought or of the
9 proceedings in which it was entered. Except as provided in
10 ~~Section 6~~ of the Illinois Parentage Act of 2012 ~~1984~~, there
11 shall be no distinction between actions and other proceedings,
12 statutory or otherwise, as to availability of relief, grounds
13 for relief or the relief obtainable.

14 (b) The petition must be filed in the same proceeding in
15 which the order or judgment was entered but is not a
16 continuation thereof. The petition must be supported by
17 affidavit or other appropriate showing as to matters not of
18 record. All parties to the petition shall be notified as
19 provided by rule.

20 (c) Except as provided in Section 20b of the Adoption Act
21 and Section 2-32 of the Juvenile Court Act of 1987 or in a
22 petition based upon Section 116-3 of the Code of Criminal
23 Procedure of 1963, the petition must be filed not later than 2
24 years after the entry of the order or judgment. Time during
25 which the person seeking relief is under legal disability or
26 duress or the ground for relief is fraudulently concealed shall

1 be excluded in computing the period of 2 years.

2 (d) The filing of a petition under this Section does not
3 affect the order or judgment, or suspend its operation.

4 (e) Unless lack of jurisdiction affirmatively appears from
5 the record proper, the vacation or modification of an order or
6 judgment pursuant to the provisions of this Section does not
7 affect the right, title or interest in or to any real or
8 personal property of any person, not a party to the original
9 action, acquired for value after the entry of the order or
10 judgment but before the filing of the petition, nor affect any
11 right of any person not a party to the original action under
12 any certificate of sale issued before the filing of the
13 petition, pursuant to a sale based on the order or judgment.

14 (f) Nothing contained in this Section affects any existing
15 right to relief from a void order or judgment, or to employ any
16 existing method to procure that relief.

17 (Source: P.A. 95-331, eff. 8-21-07.)

18 (735 ILCS 5/12-112) (from Ch. 110, par. 12-112)

19 Sec. 12-112. What liable to enforcement. All the lands,
20 tenements, real estate, goods and chattels (except such as is
21 by law declared to be exempt) of every person against whom any
22 judgment has been or shall be hereafter entered in any court,
23 for any debt, damages, costs, or other sum of money, shall be
24 liable to be sold upon such judgment. Any real property, any
25 beneficial interest in a land trust, or any interest in real

1 property held in a revocable inter vivos trust or revocable
2 inter vivos trusts created for estate planning purposes, held
3 in tenancy by the entirety shall not be liable to be sold upon
4 judgment entered on or after October 1, 1990 against only one
5 of the tenants, except if the property was transferred into
6 tenancy by the entirety with the sole intent to avoid the
7 payment of debts existing at the time of the transfer beyond
8 the transferor's ability to pay those debts as they become due.
9 However, any income from such property shall be subject to
10 garnishment as provided in Part 7 of this Article XII, whether
11 judgment has been entered against one or both of the tenants.

12 If the court authorizes the piercing of the ownership veil
13 pursuant to Section 505 of the Illinois Marriage and
14 Dissolution of Marriage Act or Section 805 ~~45~~ of the Illinois
15 Parentage Act of 2012 ~~1984~~, any assets determined to be those
16 of the non-custodial parent, although not held in name of the
17 non-custodial parent, shall be subject to attachment or other
18 provisional remedy in accordance with the procedure prescribed
19 by this Code. The court may not authorize attachment of
20 property or any other provisional remedy under this paragraph
21 unless it has obtained jurisdiction over the entity holding
22 title to the property by proper service on that entity. With
23 respect to assets which are real property, no order entered as
24 described in this paragraph shall affect the rights of bona
25 fide purchasers, mortgagees, judgment creditors, or other lien
26 holders who acquire their interests in the property prior to

1 the time a notice of lis pendens pursuant to this Code or a
2 copy of the order is placed of record in the office of the
3 recorder of deeds for the county in which the real property is
4 located.

5 This amendatory Act of 1995 (P.A. 89-438) is declarative of
6 existing law.

7 This amendatory Act of 1997 (P.A. 90-514) is intended as a
8 clarification of existing law and not as a new enactment.

9 (Source: P.A. 96-1145, eff. 1-1-11.)

10 (735 ILCS 5/12-819) (from Ch. 110, par. 12-819)

11 Sec. 12-819. Limitations on part 8 of Article XII. The
12 provisions of this Part 8 of Article XII of this Act do not
13 apply to orders for withholding of income entered by the court
14 under provisions of The Illinois Public Aid Code, the Illinois
15 Marriage and Dissolution of Marriage Act, the Non-Support of
16 Spouse and Children Act, the Non-Support Punishment Act, the
17 Revised Uniform Reciprocal Enforcement of Support Act, the
18 Illinois Parentage Act of 1984, and the Illinois Parentage Act
19 of 2012, and the Paternity Act for support of a child or
20 maintenance of a spouse.

21 (Source: P.A. 91-613, eff. 10-1-99.)

22 Section 965. The Illinois Wage Assignment Act is amended by
23 changing Section 11 as follows:

1 (740 ILCS 170/11) (from Ch. 48, par. 39.12)

2 Sec. 11. The provisions of this Act do not apply to orders
3 for withholding of income entered by the court under provisions
4 of The Illinois Public Aid Code, the Illinois Marriage and
5 Dissolution of Marriage Act, the Non-Support of Spouse and
6 Children Act, the Non-Support Punishment Act, the Revised
7 Uniform Reciprocal Enforcement of Support Act, the Illinois
8 Parentage Act of 1984, and the Illinois Parentage Act of 2012
9 ~~and the Paternity Act~~ for support of a child or maintenance of
10 a spouse.

11 (Source: P.A. 91-613, eff. 10-1-99.)

12 Section 966. The Illinois Marriage and Dissolution of
13 Marriage Act is amended by changing Section 713 as follows:

14 (750 ILCS 5/713) (from Ch. 40, par. 713)

15 Sec. 713. Attachment of the Body. As used in this Section,
16 "obligor" has the same meaning ascribed to such term in the
17 Income Withholding for Support Act.

18 (a) In any proceeding to enforce an order for support,
19 where the obligor has failed to appear in court pursuant to
20 order of court and after due notice thereof, the court may
21 enter an order for the attachment of the body of the obligor.
22 Notices under this Section shall be served upon the obligor by
23 any means authorized under subsection (a-5) of Section 505. The
24 attachment order shall fix an amount of escrow which is equal

1 to a minimum of 20% of the total child support arrearage
2 alleged by the obligee in sworn testimony to be due and owing.
3 The attachment order shall direct the Sheriff of any county in
4 Illinois to take the obligor into custody and shall set the
5 number of days following release from custody for a hearing to
6 be held at which the obligor must appear, if he is released
7 under subsection (b) of this Section.

8 (b) If the obligor is taken into custody, the Sheriff shall
9 take the obligor before the court which entered the attachment
10 order. However, the Sheriff may release the person after he or
11 she has deposited the amount of escrow ordered by the court
12 pursuant to local procedures for the posting of bond. The
13 Sheriff shall advise the obligor of the hearing date at which
14 the obligor is required to appear.

15 (c) Any escrow deposited pursuant to this Section shall be
16 transmitted to the Clerk of the Circuit Court for the county in
17 which the order for attachment of the body of the obligor was
18 entered. Any Clerk who receives money deposited into escrow
19 pursuant to this Section shall notify the obligee, public
20 office or legal counsel whose name appears on the attachment
21 order of the court date at which the obligor is required to
22 appear and the amount deposited into escrow. The Clerk shall
23 disburse such money to the obligee only under an order from the
24 court that entered the attachment order pursuant to this
25 Section.

26 (d) Whenever an obligor is taken before the court by the

1 Sheriff, or appears in court after the court has ordered the
2 attachment of his body, the court shall:

3 (1) hold a hearing on the complaint or petition that
4 gave rise to the attachment order. For purposes of
5 determining arrearages that are due and owing by the
6 obligor, the court shall accept the previous sworn
7 testimony of the obligee as true and the appearance of the
8 obligee shall not be required. The court shall require
9 sworn testimony of the obligor as to his or her Social
10 Security number, income, employment, bank accounts,
11 property and any other assets. If there is a dispute as to
12 the total amount of arrearages, the court shall proceed as
13 in any other case as to the undisputed amounts; and

14 (2) order the Clerk of the Circuit Court to disburse to
15 the obligee or public office money held in escrow pursuant
16 to this Section if the court finds that the amount of
17 arrearages exceeds the amount of the escrow. Amounts
18 received by the obligee or public office shall be deducted
19 from the amount of the arrearages.

20 (e) If the obligor fails to appear in court after being
21 notified of the court date by the Sheriff upon release from
22 custody, the court shall order any monies deposited into escrow
23 to be immediately released to the obligee or public office and
24 shall proceed under subsection (a) of this Section by entering
25 another order for the attachment of the body of the obligor.

26 (f) This Section shall apply to any order for support

1 issued under the "Illinois Marriage and Dissolution of Marriage
2 Act", approved September 22, 1977, as amended; the Illinois
3 Parentage Act of 2012; the "Illinois Parentage Act of 1984",
4 effective July 1, 1985, as amended; the "Revised Uniform
5 Reciprocal Enforcement of Support Act", approved August 28,
6 1969, as amended; "The Illinois Public Aid Code", approved
7 April 11, 1967, as amended; the Non-Support Punishment Act; and
8 the "Non-support of Spouse and Children Act", approved June 8,
9 1953, as amended.

10 (g) Any escrow established pursuant to this Section for the
11 purpose of providing support shall not be subject to fees
12 collected by the Clerk of the Circuit Court for any other
13 escrow.

14 (Source: P.A. 91-113, eff. 7-15-99; 91-613, eff. 10-1-99;
15 92-16, eff. 6-28-01.)

16 Section 967. The Non-Support Punishment Act is amended by
17 changing Section 50 as follows:

18 (750 ILCS 16/50)

19 Sec. 50. Community service; work alternative program.

20 (a) In addition to any other penalties imposed against an
21 offender under this Act, the court may order the offender to
22 perform community service for not less than 30 and not more
23 than 120 hours per month, if community service is available in
24 the jurisdiction and is funded and approved by the county board

1 of the county where the offense was committed. In addition,
2 whenever any person is placed on supervision for committing an
3 offense under this Act, the supervision shall be conditioned on
4 the performance of the community service.

5 (b) In addition to any other penalties imposed against an
6 offender under this Act, the court may sentence the offender to
7 service in a work alternative program administered by the
8 sheriff. The conditions of the program are that the offender
9 obtain or retain employment and participate in a work
10 alternative program administered by the sheriff during
11 non-working hours. A person may not be required to participate
12 in a work alternative program under this subsection if the
13 person is currently participating in a work program pursuant to
14 another provision of this Act, Section 10-11.1 of the Illinois
15 Public Aid Code, Section 505.1 of the Illinois Marriage and
16 Dissolution of Marriage Act, or Section 806 ~~15.1~~ of the
17 Illinois Parentage Act of 2012 ~~1984~~.

18 (c) In addition to any other penalties imposed against an
19 offender under this Act, the court may order, in cases where
20 the offender has been in violation of this Act for 90 days or
21 more, that the offender's Illinois driving privileges be
22 suspended until the court determines that the offender is in
23 compliance with this Act.

24 The court may determine that the offender is in compliance
25 with this Act if the offender has agreed (i) to pay all
26 required amounts of support and maintenance as determined by

1 the court or (ii) to the garnishment of his or her income for
2 the purpose of paying those amounts.

3 The court may also order that the offender be issued a
4 family financial responsibility driving permit that would
5 allow limited driving privileges for employment and medical
6 purposes in accordance with Section 7-702.1 of the Illinois
7 Vehicle Code. The clerk of the circuit court shall certify the
8 order suspending the driving privileges of the offender or
9 granting the issuance of a family financial responsibility
10 driving permit to the Secretary of State on forms prescribed by
11 the Secretary. Upon receipt of the authenticated documents, the
12 Secretary of State shall suspend the offender's driving
13 privileges until further order of the court and shall, if
14 ordered by the court, subject to the provisions of Section
15 7-702.1 of the Illinois Vehicle Code, issue a family financial
16 responsibility driving permit to the offender.

17 (d) If the court determines that the offender has been in
18 violation of this Act for more than 60 days, the court may
19 determine whether the offender has applied for or been issued a
20 professional license by the Department of Professional
21 Regulation or another licensing agency. If the court determines
22 that the offender has applied for or been issued such a
23 license, the court may certify to the Department of
24 Professional Regulation or other licensing agency that the
25 offender has been in violation of this Act for more than 60
26 days so that the Department or other agency may take

1 appropriate steps with respect to the license or application as
2 provided in Section 10-65 of the Illinois Administrative
3 Procedure Act and Section 2105-15 of the Department of
4 Professional Regulation Law of the Civil Administrative Code of
5 Illinois. The court may take the actions required under this
6 subsection in addition to imposing any other penalty authorized
7 under this Act.

8 (Source: P.A. 91-613, eff. 10-1-99; 92-651, eff. 7-11-02.)

9 Section 968. The Uniform Interstate Family Support Act is
10 amended by changing Section 102 as follows:

11 (750 ILCS 22/102) (was 750 ILCS 22/101)

12 Sec. 102. Definitions. In this Act:

13 "Child" means an individual, whether over or under the age
14 of 18, who is or is alleged to be owed a duty of support by the
15 individual's parent or who is or is alleged to be the
16 beneficiary of a support order directed to the parent.

17 "Child-support order" means a support order for a child,
18 including a child who has attained the age of 18.

19 "Duty of support" means an obligation imposed or imposable
20 by law to provide support for a child, spouse, or former spouse
21 including an unsatisfied obligation to provide support.

22 "Home state" means the state in which a child lived with a
23 parent or a person acting as parent for at least 6 consecutive
24 months immediately preceding the time of filing of a petition

1 or comparable pleading for support, and if a child is less than
2 6 months old, the state in which the child lived from birth
3 with any of them. A period of temporary absence of any of them
4 is counted as part of the 6-month or other period.

5 "Income" includes earnings or other periodic entitlements
6 to money from any source and any other property subject to
7 withholding for support under the law of this State.

8 "Income-withholding order" means an order or other legal
9 process directed to an obligor's employer or other debtor, as
10 defined by the Illinois Marriage and Dissolution of Marriage
11 Act, the Non-Support of Spouse and Children Act, the
12 Non-Support Punishment Act the Illinois Public Aid Code, and
13 the Illinois Parentage Act of 2012 ~~1984~~, to withhold support
14 from the income of the obligor.

15 "Initiating state" means a state from which a proceeding is
16 forwarded or in which a proceeding is filed for forwarding to a
17 responding state under this Act or a law or procedure
18 substantially similar to this Act.

19 "Initiating tribunal" means the authorized tribunal in an
20 initiating state.

21 "Issuing state" means the state in which a tribunal issues
22 a support order or renders a judgment determining parentage.

23 "Issuing tribunal" means the tribunal that issues a support
24 order or renders a judgment determining parentage.

25 "Obligee" means:

26 (A) an individual to whom a duty of support is or is

1 alleged to be owed or in whose favor a support order has
2 been issued or a judgment determining parentage has been
3 rendered;

4 (B) a state or political subdivision to which the
5 rights under a duty of support or support order have been
6 assigned or which has independent claims based on financial
7 assistance provided to an individual obligee; or

8 (C) an individual seeking a judgment determining
9 parentage of the individual's child.

10 "Obligor" means an individual, or the estate of a decedent:

11 (i) who owes or is alleged to owe a duty of
12 support;

13 (ii) who is alleged but has not been adjudicated to
14 be a parent of a child; or

15 (iii) who is liable under a support order.

16 "Person means an individual, corporation, business trust,
17 estate, trust, partnership, limited liability company,
18 association, joint venture, government, governmental
19 subdivision, agency, instrumentality, public corporation, or
20 any other legal or commercial entity.

21 "Record" means information that is inscribed on a tangible
22 medium or that is stored in an electronic or other medium and
23 is retrievable in perceivable form.

24 "Register" means to record a support order or judgment
25 determining parentage in the appropriate Registry of Foreign
26 Support Orders.

1 "Registering tribunal" means a tribunal in which a support
2 order is registered.

3 "Responding state" means a state in which a proceeding is
4 filed or to which a proceeding is forwarded for filing from an
5 initiating state under this Act or a law or procedure
6 substantially similar to this Act.

7 "Responding tribunal" means the authorized tribunal in a
8 responding state.

9 "Spousal-support order" means a support order for a spouse
10 or former spouse of the obligor.

11 "State" means a state of the United States, the District of
12 Columbia, Puerto Rico, the United States Virgin Islands, or any
13 territory or insular possession subject to the jurisdiction of
14 the United States. The term includes:

15 (A) an Indian tribe; and

16 (B) a foreign country or political subdivision that:

17 (i) has been declared to be a foreign reciprocating
18 country or political subdivision under federal law;

19 (ii) has established a reciprocal arrangement for
20 child support with this State as provided in Section
21 308; or

22 (iii) has enacted a law or established procedures
23 for issuance and enforcement of support orders which
24 are substantially similar to the procedures under this
25 Act.

26 "Support enforcement agency" means a public official or

1 agency authorized to seek:

2 (A) enforcement of support orders or laws relating to
3 the duty of support;

4 (B) establishment or modification of child support;

5 (C) determination of parentage;

6 (D) to locate obligors or their assets; or

7 (E) determination of the controlling child support
8 order.

9 "Support order" means a judgment, decree, order, or
10 directive, whether temporary, final, or subject to
11 modification, issued by a tribunal for the benefit of a child,
12 a spouse, or a former spouse, which provides for monetary
13 support, health care, arrearages, or reimbursement, and may
14 include related costs and fees, interest, income withholding,
15 attorney's fees, and other relief.

16 "Tribunal" means a court, administrative agency, or
17 quasi-judicial entity authorized to establish, enforce, or
18 modify support orders or to determine parentage.

19 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

20 Section 969. The Expedited Child Support Act of 1990 is
21 amended by changing Section 6 as follows:

22 (750 ILCS 25/6) (from Ch. 40, par. 2706)

23 Sec. 6. Authority of hearing officers.

24 (a) With the exception of judicial functions exclusively

1 retained by the court in Section 8 of this Act and in
2 accordance with Supreme Court rules promulgated pursuant to
3 this Act, Administrative Hearing Officers shall be authorized
4 to:

5 (1) Accept voluntary agreements reached by the parties
6 setting the amount of child support to be paid and medical
7 support liability and recommend the entry of orders
8 incorporating such agreements.

9 (2) Accept voluntary acknowledgments of parentage and
10 recommend entry of an order establishing parentage based on
11 such acknowledgement. Prior to accepting such
12 acknowledgment, the Administrative Hearing Officer shall
13 advise the putative father of his rights and obligations in
14 accordance with Supreme Court rules promulgated pursuant
15 to this Act.

16 (3) Manage all stages of discovery, including setting
17 deadlines by which discovery must be completed; and
18 directing the parties to submit to appropriate tests
19 pursuant to ~~Section 11 of~~ the Illinois Parentage Act of
20 2012 ~~1984~~.

21 (4) Cause notices to be issued requiring the Obligor to
22 appear either before the Administrative Hearing Officer or
23 in court.

24 (5) Administer the oath or affirmation and take
25 testimony under oath or affirmation.

26 (6) Analyze the evidence and prepare written

1 recommendations based on such evidence, including but not
2 limited to: (i) proposed findings as to the amount of the
3 Obligor's income; (ii) proposed findings as to the amount
4 and nature of appropriate deductions from the Obligor's
5 income to determine the Obligor's net income; (iii)
6 proposed findings as to the existence of relevant factors
7 as set forth in subsection (a)(2) of Section 505 of the
8 Illinois Marriage and Dissolution of Marriage Act, which
9 justify setting child support payment levels above or below
10 the guidelines; (iv) recommended orders for temporary
11 child support; (v) recommended orders setting the amount of
12 current child support to be paid; (vi) proposed findings as
13 to the existence and amount of any arrearages; (vii)
14 recommended orders reducing any arrearages to judgement
15 and for the payment of amounts towards such arrearages;
16 (viii) proposed findings as to whether there has been a
17 substantial change of circumstances since the entry of the
18 last child support order, or other circumstances
19 justifying a modification of the child support order; and
20 (ix) proposed findings as to whether the Obligor is
21 employed.

22 (7) With respect to any unemployed Obligor who is not
23 making child support payments or is otherwise unable to
24 provide support, recommend that the Obligor be ordered to
25 seek employment and report periodically of his or her
26 efforts in accordance with such order. Additionally, the

1 Administrative Hearing Officer may recommend that the
2 Obligor be ordered to report to the Department of
3 Employment Security for job search services or to make
4 application with the local Job Training Partnership Act
5 provider for participation in job search, training or work
6 programs and, where the duty of support is owed to a child
7 receiving child support enforcement services under Article
8 X of the Illinois Public Aid Code, the Administrative
9 Hearing Officer may recommend that the Obligor be ordered
10 to report to the Department of Healthcare and Family
11 Services for participation in the job search, training or
12 work programs established under Section 9-6 of the Illinois
13 Public Aid Code.

14 (8) Recommend the registration of any foreign support
15 judgments or orders as the judgments or orders of Illinois.

16 (b) In any case in which the Obligee is not participating
17 in the IV-D program or has not applied to participate in the
18 IV-D program, the Administrative Hearing Officer shall:

19 (1) inform the Obligee of the existence of the IV-D
20 program and provide applications on request; and

21 (2) inform the Obligee and the Obligor of the option of
22 requesting payment to be made through the Clerk of the
23 Circuit Court.

24 If a request for payment through the Clerk is made, the
25 Administrative Hearing Officer shall note this fact in the
26 recommendations to the court.

1 (c) The Administrative Hearing Officer may make
2 recommendations in addition to the proposed findings of fact
3 and recommended order to which the parties have agreed.

4 (Source: P.A. 95-331, eff. 8-21-07.)

5 Section 970. The Income Withholding for Support Act is
6 amended by changing Section 15 as follows:

7 (750 ILCS 28/15)

8 Sec. 15. Definitions.

9 (a) "Order for support" means any order of the court which
10 provides for periodic payment of funds for the support of a
11 child or maintenance of a spouse, whether temporary or final,
12 and includes any such order which provides for:

13 (1) modification or resumption of, or payment of
14 arrearage, including interest, accrued under, a previously
15 existing order;

16 (2) reimbursement of support;

17 (3) payment or reimbursement of the expenses of
18 pregnancy and delivery (for orders for support entered
19 under the Illinois Parentage Act of 1984 or its predecessor
20 the Paternity Act or under the Illinois Parentage Act of
21 2012); or

22 (4) enrollment in a health insurance plan that is
23 available to the obligor through an employer or labor union
24 or trade union.

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

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

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

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

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

23 (2) union dues;

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

26 (4) public assistance payments; and

1 (5) unemployment insurance benefits except as provided
2 by law.

3 Any other State or local laws which limit or exempt income
4 or the amount or percentage of income that can be withheld
5 shall not apply.

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

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

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

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

20 (i) "Premium" means the dollar amount for which the obligor
21 is liable to his employer or labor union or trade union and
22 which must be paid to enroll or maintain a child in a health
23 insurance plan that is available to the obligor through an
24 employer or labor union or trade union.

25 (j) "State Disbursement Unit" means the unit established to
26 collect and disburse support payments in accordance with the

1 provisions of Section 10-26 of the Illinois Public Aid Code.

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

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

11 (m) "National Medical Support Notice" means the notice
12 required for enforcement of orders for support providing for
13 health insurance coverage of a child under Title IV, Part D of
14 the Social Security Act, the Employee Retirement Income
15 Security Act of 1974, and federal regulations promulgated under
16 those Acts.

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

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

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

26 (Source: P.A. 94-90, eff. 1-1-06; 95-331, eff. 8-21-07; 95-685,

1 eff. 10-23-07.)

2 Section 971. The Gestational Surrogacy Act is amended by
3 changing Section 35 as follows:

4 (750 ILCS 47/35)

5 Sec. 35. Establishment of the parent-child relationship.

6 (a) For purposes of the Illinois Parentage Act of 2012
7 ~~1984~~, a parent-child relationship shall be established prior to
8 the birth of a child born through gestational surrogacy if, in
9 addition to satisfying the requirements of Articles 2 and 3
10 ~~Sections 5 and 6~~ of the Illinois Parentage Act of 2012 ~~1984~~,
11 the attorneys representing both the gestational surrogate and
12 the intended parent or parents certify that the parties entered
13 into a gestational surrogacy contract intended to satisfy the
14 requirements of Section 25 of this Act with respect to the
15 child.

16 (b) The attorneys' certifications required by subsection
17 (a) of this Section shall be filed on forms prescribed by the
18 Illinois Department of Public Health and in a manner consistent
19 with the requirement of the Illinois Parentage Act of 2012
20 ~~1984~~.

21 (Source: P.A. 93-921, eff. 1-1-05.)

22 Section 972. The Adoption Act is amended by changing
23 Sections 1, 8, 12a, and 18.06 as follows:

1 (750 ILCS 50/1) (from Ch. 40, par. 1501)

2 Sec. 1. Definitions. When used in this Act, unless the
3 context otherwise requires:

4 A. "Child" means a person under legal age subject to
5 adoption under this Act.

6 B. "Related child" means a child subject to adoption where
7 either or both of the adopting parents stands in any of the
8 following relationships to the child by blood or marriage:
9 parent, grand-parent, brother, sister, step-parent,
10 step-grandparent, step-brother, step-sister, uncle, aunt,
11 great-uncle, great-aunt, or cousin of first degree. A child
12 whose parent has executed a final irrevocable consent to
13 adoption or a final irrevocable surrender for purposes of
14 adoption, or whose parent has had his or her parental rights
15 terminated, is not a related child to that person, unless the
16 consent is determined to be void or is void pursuant to
17 subsection O of Section 10.

18 C. "Agency" for the purpose of this Act means a public
19 child welfare agency or a licensed child welfare agency.

20 D. "Unfit person" means any person whom the court shall
21 find to be unfit to have a child, without regard to the
22 likelihood that the child will be placed for adoption. The
23 grounds of unfitness are any one or more of the following,
24 except that a person shall not be considered an unfit person
25 for the sole reason that the person has relinquished a child in

1 accordance with the Abandoned Newborn Infant Protection Act:

2 (a) Abandonment of the child.

3 (a-1) Abandonment of a newborn infant in a hospital.

4 (a-2) Abandonment of a newborn infant in any setting
5 where the evidence suggests that the parent intended to
6 relinquish his or her parental rights.

7 (b) Failure to maintain a reasonable degree of
8 interest, concern or responsibility as to the child's
9 welfare.

10 (c) Desertion of the child for more than 3 months next
11 preceding the commencement of the Adoption proceeding.

12 (d) Substantial neglect of the child if continuous or
13 repeated.

14 (d-1) Substantial neglect, if continuous or repeated,
15 of any child residing in the household which resulted in
16 the death of that child.

17 (e) Extreme or repeated cruelty to the child.

18 (f) There is a rebuttable presumption, which can be
19 overcome only by clear and convincing evidence, that a
20 parent is unfit if:

21 (1) Two or more findings of physical abuse have
22 been entered regarding any children under Section 2-21
23 of the Juvenile Court Act of 1987, the most recent of
24 which was determined by the juvenile court hearing the
25 matter to be supported by clear and convincing
26 evidence; or

1 (2) The parent has been convicted or found not
2 guilty by reason of insanity and the conviction or
3 finding resulted from the death of any child by
4 physical abuse; or

5 (3) There is a finding of physical child abuse
6 resulting from the death of any child under Section
7 2-21 of the Juvenile Court Act of 1987.

8 No conviction or finding of delinquency pursuant
9 to Article 5 of the Juvenile Court Act of 1987 shall be
10 considered a criminal conviction for the purpose of
11 applying any presumption under this item (f).

12 (g) Failure to protect the child from conditions within
13 his environment injurious to the child's welfare.

14 (h) Other neglect of, or misconduct toward the child;
15 provided that in making a finding of unfitness the court
16 hearing the adoption proceeding shall not be bound by any
17 previous finding, order or judgment affecting or
18 determining the rights of the parents toward the child
19 sought to be adopted in any other proceeding except such
20 proceedings terminating parental rights as shall be had
21 under either this Act, the Juvenile Court Act or the
22 Juvenile Court Act of 1987.

23 (i) Depravity. Conviction of any one of the following
24 crimes shall create a presumption that a parent is deprived
25 which can be overcome only by clear and convincing
26 evidence: (1) first degree murder in violation of paragraph

1 1 or 2 of subsection (a) of Section 9-1 of the Criminal
2 Code of 1961 or conviction of second degree murder in
3 violation of subsection (a) of Section 9-2 of the Criminal
4 Code of 1961 of a parent of the child to be adopted; (2)
5 first degree murder or second degree murder of any child in
6 violation of the Criminal Code of 1961; (3) attempt or
7 conspiracy to commit first degree murder or second degree
8 murder of any child in violation of the Criminal Code of
9 1961; (4) solicitation to commit murder of any child,
10 solicitation to commit murder of any child for hire, or
11 solicitation to commit second degree murder of any child in
12 violation of the Criminal Code of 1961; (5) predatory
13 criminal sexual assault of a child in violation of Section
14 11-1.40 or 12-14.1 of the Criminal Code of 1961; (6)
15 heinous battery of any child in violation of the Criminal
16 Code of 1961; or (7) aggravated battery of any child in
17 violation of the Criminal Code of 1961.

18 There is a rebuttable presumption that a parent is
19 deprived if the parent has been criminally convicted of at
20 least 3 felonies under the laws of this State or any other
21 state, or under federal law, or the criminal laws of any
22 United States territory; and at least one of these
23 convictions took place within 5 years of the filing of the
24 petition or motion seeking termination of parental rights.

25 There is a rebuttable presumption that a parent is
26 deprived if that parent has been criminally convicted of

1 either first or second degree murder of any person as
2 defined in the Criminal Code of 1961 within 10 years of the
3 filing date of the petition or motion to terminate parental
4 rights.

5 No conviction or finding of delinquency pursuant to
6 Article 5 of the Juvenile Court Act of 1987 shall be
7 considered a criminal conviction for the purpose of
8 applying any presumption under this item (i).

9 (j) Open and notorious adultery or fornication.

10 (j-1) (Blank).

11 (k) Habitual drunkenness or addiction to drugs, other
12 than those prescribed by a physician, for at least one year
13 immediately prior to the commencement of the unfitness
14 proceeding.

15 There is a rebuttable presumption that a parent is
16 unfit under this subsection with respect to any child to
17 which that parent gives birth where there is a confirmed
18 test result that at birth the child's blood, urine, or
19 meconium contained any amount of a controlled substance as
20 defined in subsection (f) of Section 102 of the Illinois
21 Controlled Substances Act or metabolites of such
22 substances, the presence of which in the newborn infant was
23 not the result of medical treatment administered to the
24 mother or the newborn infant; and the biological mother of
25 this child is the biological mother of at least one other
26 child who was adjudicated a neglected minor under

1 subsection (c) of Section 2-3 of the Juvenile Court Act of
2 1987.

3 (l) Failure to demonstrate a reasonable degree of
4 interest, concern or responsibility as to the welfare of a
5 new born child during the first 30 days after its birth.

6 (m) Failure by a parent (i) to make reasonable efforts
7 to correct the conditions that were the basis for the
8 removal of the child from the parent, or (ii) to make
9 reasonable progress toward the return of the child to the
10 parent within 9 months after an adjudication of neglected
11 or abused minor under Section 2-3 of the Juvenile Court Act
12 of 1987 or dependent minor under Section 2-4 of that Act,
13 or (iii) to make reasonable progress toward the return of
14 the child to the parent during any 9-month period after the
15 end of the initial 9-month period following the
16 adjudication of neglected or abused minor under Section 2-3
17 of the Juvenile Court Act of 1987 or dependent minor under
18 Section 2-4 of that Act. If a service plan has been
19 established as required under Section 8.2 of the Abused and
20 Neglected Child Reporting Act to correct the conditions
21 that were the basis for the removal of the child from the
22 parent and if those services were available, then, for
23 purposes of this Act, "failure to make reasonable progress
24 toward the return of the child to the parent" includes (I)
25 the parent's failure to substantially fulfill his or her
26 obligations under the service plan and correct the

1 conditions that brought the child into care within 9 months
2 after the adjudication under Section 2-3 or 2-4 of the
3 Juvenile Court Act of 1987 and (II) the parent's failure to
4 substantially fulfill his or her obligations under the
5 service plan and correct the conditions that brought the
6 child into care during any 9-month period after the end of
7 the initial 9-month period following the adjudication
8 under Section 2-3 or 2-4 of the Juvenile Court Act of 1987.
9 Notwithstanding any other provision, when a petition or
10 motion seeks to terminate parental rights on the basis of
11 item (iii) of this subsection (m), the petitioner shall
12 file with the court and serve on the parties a pleading
13 that specifies the 9-month period or periods relied on. The
14 pleading shall be filed and served on the parties no later
15 than 3 weeks before the date set by the court for closure
16 of discovery, and the allegations in the pleading shall be
17 treated as incorporated into the petition or motion.
18 Failure of a respondent to file a written denial of the
19 allegations in the pleading shall not be treated as an
20 admission that the allegations are true.

21 (m-1) Pursuant to the Juvenile Court Act of 1987, a
22 child has been in foster care for 15 months out of any 22
23 month period which begins on or after the effective date of
24 this amendatory Act of 1998 unless the child's parent can
25 prove by a preponderance of the evidence that it is more
26 likely than not that it will be in the best interests of

1 the child to be returned to the parent within 6 months of
2 the date on which a petition for termination of parental
3 rights is filed under the Juvenile Court Act of 1987. The
4 15 month time limit is tolled during any period for which
5 there is a court finding that the appointed custodian or
6 guardian failed to make reasonable efforts to reunify the
7 child with his or her family, provided that (i) the finding
8 of no reasonable efforts is made within 60 days of the
9 period when reasonable efforts were not made or (ii) the
10 parent filed a motion requesting a finding of no reasonable
11 efforts within 60 days of the period when reasonable
12 efforts were not made. For purposes of this subdivision
13 (m-1), the date of entering foster care is the earlier of:
14 (i) the date of a judicial finding at an adjudicatory
15 hearing that the child is an abused, neglected, or
16 dependent minor; or (ii) 60 days after the date on which
17 the child is removed from his or her parent, guardian, or
18 legal custodian.

19 (n) Evidence of intent to forgo his or her parental
20 rights, whether or not the child is a ward of the court,
21 (1) as manifested by his or her failure for a period of 12
22 months: (i) to visit the child, (ii) to communicate with
23 the child or agency, although able to do so and not
24 prevented from doing so by an agency or by court order, or
25 (iii) to maintain contact with or plan for the future of
26 the child, although physically able to do so, or (2) as

1 manifested by the father's failure, where he and the mother
2 of the child were unmarried to each other at the time of
3 the child's birth, (i) to commence legal proceedings to
4 establish his paternity under the Illinois Parentage Act of
5 1984, the Illinois Parentage Act of 2012, or the law of the
6 jurisdiction of the child's birth within 30 days of being
7 informed, pursuant to Section 12a of this Act, that he is
8 the father or the likely father of the child or, after
9 being so informed where the child is not yet born, within
10 30 days of the child's birth, or (ii) to make a good faith
11 effort to pay a reasonable amount of the expenses related
12 to the birth of the child and to provide a reasonable
13 amount for the financial support of the child, the court to
14 consider in its determination all relevant circumstances,
15 including the financial condition of both parents;
16 provided that the ground for termination provided in this
17 subparagraph (n)(2)(ii) shall only be available where the
18 petition is brought by the mother or the husband of the
19 mother.

20 Contact or communication by a parent with his or her
21 child that does not demonstrate affection and concern does
22 not constitute reasonable contact and planning under
23 subdivision (n). In the absence of evidence to the
24 contrary, the ability to visit, communicate, maintain
25 contact, pay expenses and plan for the future shall be
26 presumed. The subjective intent of the parent, whether

1 expressed or otherwise, unsupported by evidence of the
2 foregoing parental acts manifesting that intent, shall not
3 preclude a determination that the parent has intended to
4 forgo his or her parental rights. In making this
5 determination, the court may consider but shall not require
6 a showing of diligent efforts by an authorized agency to
7 encourage the parent to perform the acts specified in
8 subdivision (n).

9 It shall be an affirmative defense to any allegation
10 under paragraph (2) of this subsection that the father's
11 failure was due to circumstances beyond his control or to
12 impediments created by the mother or any other person
13 having legal custody. Proof of that fact need only be by a
14 preponderance of the evidence.

15 (o) Repeated or continuous failure by the parents,
16 although physically and financially able, to provide the
17 child with adequate food, clothing, or shelter.

18 (p) Inability to discharge parental responsibilities
19 supported by competent evidence from a psychiatrist,
20 licensed clinical social worker, or clinical psychologist
21 of mental impairment, mental illness or an intellectual
22 disability as defined in Section 1-116 of the Mental Health
23 and Developmental Disabilities Code, or developmental
24 disability as defined in Section 1-106 of that Code, and
25 there is sufficient justification to believe that the
26 inability to discharge parental responsibilities shall

1 extend beyond a reasonable time period. However, this
2 subdivision (p) shall not be construed so as to permit a
3 licensed clinical social worker to conduct any medical
4 diagnosis to determine mental illness or mental
5 impairment.

6 (q) (Blank).

7 (r) The child is in the temporary custody or
8 guardianship of the Department of Children and Family
9 Services, the parent is incarcerated as a result of
10 criminal conviction at the time the petition or motion for
11 termination of parental rights is filed, prior to
12 incarceration the parent had little or no contact with the
13 child or provided little or no support for the child, and
14 the parent's incarceration will prevent the parent from
15 discharging his or her parental responsibilities for the
16 child for a period in excess of 2 years after the filing of
17 the petition or motion for termination of parental rights.

18 (s) The child is in the temporary custody or
19 guardianship of the Department of Children and Family
20 Services, the parent is incarcerated at the time the
21 petition or motion for termination of parental rights is
22 filed, the parent has been repeatedly incarcerated as a
23 result of criminal convictions, and the parent's repeated
24 incarceration has prevented the parent from discharging
25 his or her parental responsibilities for the child.

26 (t) A finding that at birth the child's blood, urine,

1 or meconium contained any amount of a controlled substance
2 as defined in subsection (f) of Section 102 of the Illinois
3 Controlled Substances Act, or a metabolite of a controlled
4 substance, with the exception of controlled substances or
5 metabolites of such substances, the presence of which in
6 the newborn infant was the result of medical treatment
7 administered to the mother or the newborn infant, and that
8 the biological mother of this child is the biological
9 mother of at least one other child who was adjudicated a
10 neglected minor under subsection (c) of Section 2-3 of the
11 Juvenile Court Act of 1987, after which the biological
12 mother had the opportunity to enroll in and participate in
13 a clinically appropriate substance abuse counseling,
14 treatment, and rehabilitation program.

15 E. "Parent" means the father or mother of a lawful child of
16 the parties or child born out of wedlock. For the purpose of
17 this Act, a person who has executed a final and irrevocable
18 consent to adoption or a final and irrevocable surrender for
19 purposes of adoption, or whose parental rights have been
20 terminated by a court, is not a parent of the child who was the
21 subject of the consent or surrender, unless the consent is void
22 pursuant to subsection O of Section 10.

23 F. A person is available for adoption when the person is:

24 (a) a child who has been surrendered for adoption to an
25 agency and to whose adoption the agency has thereafter
26 consented;

1 (b) a child to whose adoption a person authorized by
2 law, other than his parents, has consented, or to whose
3 adoption no consent is required pursuant to Section 8 of
4 this Act;

5 (c) a child who is in the custody of persons who intend
6 to adopt him through placement made by his parents;

7 (c-1) a child for whom a parent has signed a specific
8 consent pursuant to subsection 0 of Section 10;

9 (d) an adult who meets the conditions set forth in
10 Section 3 of this Act; or

11 (e) a child who has been relinquished as defined in
12 Section 10 of the Abandoned Newborn Infant Protection Act.

13 A person who would otherwise be available for adoption
14 shall not be deemed unavailable for adoption solely by reason
15 of his or her death.

16 G. The singular includes the plural and the plural includes
17 the singular and the "male" includes the "female", as the
18 context of this Act may require.

19 H. "Adoption disruption" occurs when an adoptive placement
20 does not prove successful and it becomes necessary for the
21 child to be removed from placement before the adoption is
22 finalized.

23 I. "Foreign placing agency" is an agency or individual
24 operating in a country or territory outside the United States
25 that is authorized by its country to place children for
26 adoption either directly with families in the United States or

1 through United States based international agencies.

2 J. "Immediate relatives" means the biological parents, the
3 parents of the biological parents and siblings of the
4 biological parents.

5 K. "Intercountry adoption" is a process by which a child
6 from a country other than the United States is adopted.

7 L. "Intercountry Adoption Coordinator" is a staff person of
8 the Department of Children and Family Services appointed by the
9 Director to coordinate the provision of services by the public
10 and private sector to prospective parents of foreign-born
11 children.

12 M. "Interstate Compact on the Placement of Children" is a
13 law enacted by most states for the purpose of establishing
14 uniform procedures for handling the interstate placement of
15 children in foster homes, adoptive homes, or other child care
16 facilities.

17 N. "Non-Compact state" means a state that has not enacted
18 the Interstate Compact on the Placement of Children.

19 O. "Preadoption requirements" are any conditions
20 established by the laws or regulations of the Federal
21 Government or of each state that must be met prior to the
22 placement of a child in an adoptive home.

23 P. "Abused child" means a child whose parent or immediate
24 family member, or any person responsible for the child's
25 welfare, or any individual residing in the same home as the
26 child, or a paramour of the child's parent:

1 (a) inflicts, causes to be inflicted, or allows to be
2 inflicted upon the child physical injury, by other than
3 accidental means, that causes death, disfigurement,
4 impairment of physical or emotional health, or loss or
5 impairment of any bodily function;

6 (b) creates a substantial risk of physical injury to
7 the child by other than accidental means which would be
8 likely to cause death, disfigurement, impairment of
9 physical or emotional health, or loss or impairment of any
10 bodily function;

11 (c) commits or allows to be committed any sex offense
12 against the child, as sex offenses are defined in the
13 Criminal Code of 1961 and extending those definitions of
14 sex offenses to include children under 18 years of age;

15 (d) commits or allows to be committed an act or acts of
16 torture upon the child; or

17 (e) inflicts excessive corporal punishment.

18 Q. "Neglected child" means any child whose parent or other
19 person responsible for the child's welfare withholds or denies
20 nourishment or medically indicated treatment including food or
21 care denied solely on the basis of the present or anticipated
22 mental or physical impairment as determined by a physician
23 acting alone or in consultation with other physicians or
24 otherwise does not provide the proper or necessary support,
25 education as required by law, or medical or other remedial care
26 recognized under State law as necessary for a child's

1 well-being, or other care necessary for his or her well-being,
2 including adequate food, clothing and shelter; or who is
3 abandoned by his or her parents or other person responsible for
4 the child's welfare.

5 A child shall not be considered neglected or abused for the
6 sole reason that the child's parent or other person responsible
7 for his or her welfare depends upon spiritual means through
8 prayer alone for the treatment or cure of disease or remedial
9 care as provided under Section 4 of the Abused and Neglected
10 Child Reporting Act. A child shall not be considered neglected
11 or abused for the sole reason that the child's parent or other
12 person responsible for the child's welfare failed to vaccinate,
13 delayed vaccination, or refused vaccination for the child due
14 to a waiver on religious or medical grounds as permitted by
15 law.

16 R. "Putative father" means a man who may be a child's
17 father, but who (1) is not married to the child's mother on or
18 before the date that the child was or is to be born and (2) has
19 not established paternity of the child in a court proceeding
20 before the filing of a petition for the adoption of the child.
21 The term includes a male who is less than 18 years of age.
22 "Putative father" does not mean a man who is the child's father
23 as a result of criminal sexual abuse or assault as defined
24 under Article 12 of the Criminal Code of 1961.

25 S. "Standby adoption" means an adoption in which a parent
26 consents to custody and termination of parental rights to

1 become effective upon the occurrence of a future event, which
2 is either the death of the parent or the request of the parent
3 for the entry of a final judgment of adoption.

4 T. (Blank).

5 (Source: P.A. 96-1551, eff. 7-1-11; 97-227, eff. 1-1-12;
6 revised 9-15-11.)

7 (750 ILCS 50/8) (from Ch. 40, par. 1510)

8 Sec. 8. Consents to adoption and surrenders for purposes of
9 adoption.

10 (a) Except as hereinafter provided in this Section consents
11 or surrenders shall be required in all cases, unless the person
12 whose consent or surrender would otherwise be required shall be
13 found by the court:

14 (1) to be an unfit person as defined in Section 1 of
15 this Act, by clear and convincing evidence; or

16 (2) not to be the biological or adoptive father of the
17 child; or

18 (3) to have waived his parental rights to the child
19 under Section 12a or 12.1 or subsection S of Section 10 of
20 this Act; or

21 (4) to be the parent of an adult sought to be adopted;
22 or

23 (5) to be the father of the child as a result of
24 criminal sexual abuse or assault as defined under Article
25 12 of the Criminal Code of 1961; or

1 (6) to be the father of a child who:

2 (i) is a family member of the mother of the child,
3 and the mother is under the age of 18 at the time of
4 the child's conception; for purposes of this
5 subsection, a "family member" is a parent,
6 step-parent, grandparent, step-grandparent, sibling,
7 or cousin of the first degree, whether by whole blood,
8 half-blood, or adoption, as well as a person age 18 or
9 over at the time of the child's conception who has
10 resided in the household with the mother continuously
11 for at least one year; or

12 (ii) is at least 5 years older than the child's
13 mother, and the mother was under the age of 17 at the
14 time of the child's conception, unless the mother and
15 father voluntarily acknowledge the father's paternity
16 of the child by marrying or by establishing the
17 father's paternity by consent of the parties pursuant
18 to the Illinois Parentage Act of 2012 ~~1984~~ or pursuant
19 to a substantially similar statute in another state.

20 A criminal conviction of any offense pursuant to
21 Article 12 of the Criminal Code of 1961 is not required.

22 (b) Where consents are required in the case of an adoption
23 of a minor child, the consents of the following persons shall
24 be sufficient:

25 (1) (A) The mother of the minor child; and

26 (B) The father of the minor child, if the father:

1 (i) was married to the mother on the date of
2 birth of the child or within 300 days before the
3 birth of the child, except for a husband or former
4 husband who has been found by a court of competent
5 jurisdiction not to be the biological father of the
6 child; or

7 (ii) is the father of the child under a
8 judgment for adoption, an order of parentage, or an
9 acknowledgment of parentage or paternity pursuant
10 to subsection (a) of Section 5 of the Illinois
11 Parentage Act of 1984 or pursuant to Article 3 of
12 the Illinois Parentage Act of 2012; or

13 (iii) in the case of a child placed with the
14 adopting parents less than 6 months after birth,
15 openly lived with the child, the child's
16 biological mother, or both, and held himself out to
17 be the child's biological father during the first
18 30 days following the birth of the child; or

19 (iv) in the case of a child placed with the
20 adopting parents less than 6 months after birth,
21 made a good faith effort to pay a reasonable amount
22 of the expenses related to the birth of the child
23 and to provide a reasonable amount for the
24 financial support of the child before the
25 expiration of 30 days following the birth of the
26 child, provided that the court may consider in its

1 determination all relevant circumstances,
2 including the financial condition of both
3 biological parents; or

4 (v) in the case of a child placed with the
5 adopting parents more than 6 months after birth,
6 has maintained substantial and continuous or
7 repeated contact with the child as manifested by:

8 (I) the payment by the father toward the support of
9 the child of a fair and reasonable sum, according
10 to the father's means, and either (II) the father's
11 visiting the child at least monthly when
12 physically and financially able to do so and not
13 prevented from doing so by the person or authorized
14 agency having lawful custody of the child, or (III)
15 the father's regular communication with the child
16 or with the person or agency having the care or
17 custody of the child, when physically and
18 financially unable to visit the child or prevented
19 from doing so by the person or authorized agency
20 having lawful custody of the child. The subjective
21 intent of the father, whether expressed or
22 otherwise unsupported by evidence of acts
23 specified in this sub-paragraph as manifesting
24 such intent, shall not preclude a determination
25 that the father failed to maintain substantial and
26 continuous or repeated contact with the child; or

1 (vi) in the case of a child placed with the
2 adopting parents more than six months after birth,
3 openly lived with the child for a period of six
4 months within the one year period immediately
5 preceding the placement of the child for adoption
6 and openly held himself out to be the father of the
7 child; or

8 (vii) has timely registered with Putative
9 Father Registry, as provided in Section 12.1 of
10 this Act, and prior to the expiration of 30 days
11 from the date of such registration, commenced
12 legal proceedings to establish paternity under the
13 Illinois Parentage Act of 1984, under the Illinois
14 Parentage Act of 2012, or under the law of the
15 jurisdiction of the child's birth; or

16 (2) The legal guardian of the person of the child, if
17 there is no surviving parent; or

18 (3) An agency, if the child has been surrendered for
19 adoption to such agency; or

20 (4) Any person or agency having legal custody of a
21 child by court order if the parental rights of the parents
22 have been judicially terminated, and the court having
23 jurisdiction of the guardianship of the child has
24 authorized the consent to the adoption; or

25 (5) The execution and verification of the petition by
26 any petitioner who is also a parent of the child sought to

1 be adopted shall be sufficient evidence of such parent's
2 consent to the adoption.

3 (c) Where surrenders to an agency are required in the case
4 of a placement for adoption of a minor child by an agency, the
5 surrenders of the following persons shall be sufficient:

6 (1) (A) The mother of the minor child; and

7 (B) The father of the minor child, if the father:

8 (i) was married to the mother on the date of
9 birth of the child or within 300 days before the
10 birth of the child, except for a husband or former
11 husband who has been found by a court of competent
12 jurisdiction not to be the biological father of the
13 child; or

14 (ii) is the father of the child under a
15 judgment for adoption, an order of parentage, or an
16 acknowledgment of parentage or paternity pursuant
17 to subsection (a) of Section 5 of the Illinois
18 Parentage Act of 1984 or pursuant to Article 3 of
19 the Illinois Parentage Act of 2012; or

20 (iii) in the case of a child placed with the
21 adopting parents less than 6 months after birth,
22 openly lived with the child, the child's
23 biological mother, or both, and held himself out to
24 be the child's biological father during the first
25 30 days following the birth of a child; or

26 (iv) in the case of a child placed with the

1 adopting parents less than 6 months after birth,
2 made a good faith effort to pay a reasonable amount
3 of the expenses related to the birth of the child
4 and to provide a reasonable amount for the
5 financial support of the child before the
6 expiration of 30 days following the birth of the
7 child, provided that the court may consider in its
8 determination all relevant circumstances,
9 including the financial condition of both
10 biological parents; or

11 (v) in the case of a child placed with the
12 adopting parents more than six months after birth,
13 has maintained substantial and continuous or
14 repeated contact with the child as manifested by:
15 (I) the payment by the father toward the support of
16 the child of a fair and reasonable sum, according
17 to the father's means, and either (II) the father's
18 visiting the child at least monthly when
19 physically and financially able to do so and not
20 prevented from doing so by the person or authorized
21 agency having lawful custody of the child or (III)
22 the father's regular communication with the child
23 or with the person or agency having the care or
24 custody of the child, when physically and
25 financially unable to visit the child or prevented
26 from doing so by the person or authorized agency

1 having lawful custody of the child. The subjective
2 intent of the father, whether expressed or
3 otherwise, unsupported by evidence of acts
4 specified in this sub-paragraph as manifesting
5 such intent, shall not preclude a determination
6 that the father failed to maintain substantial and
7 continuous or repeated contact with the child; or

8 (vi) in the case of a child placed with the
9 adopting parents more than six months after birth,
10 openly lived with the child for a period of six
11 months within the one year period immediately
12 preceding the placement of the child for adoption
13 and openly held himself out to be the father of the
14 child; or

15 (vii) has timely registered with the Putative
16 Father Registry, as provided in Section 12.1 of
17 this Act, and prior to the expiration of 30 days
18 from the date of such registration, commenced
19 legal proceedings to establish paternity under the
20 Illinois Parentage Act of 1984, under the Illinois
21 Parentage Act of 2012, or under the law of the
22 jurisdiction of the child's birth.

23 (d) In making a determination under subparagraphs (b) (1)
24 and (c) (1), no showing shall be required of diligent efforts by
25 a person or agency to encourage the father to perform the acts
26 specified therein.

1 (e) In the case of the adoption of an adult, only the
2 consent of such adult shall be required.

3 (Source: P.A. 97-493, eff. 8-22-11.)

4 (750 ILCS 50/12a) (from Ch. 40, par. 1515)

5 Sec. 12a. Notice to putative father.

6 1. Upon the written request to any Clerk of any Circuit
7 Court, and upon the payment of a filing fee of \$10.00, by any
8 interested party, including persons intending to adopt a child,
9 a child welfare agency with whom the mother has placed or has
10 given written notice of her intention to place a child for
11 adoption, the mother of a child, or any attorney representing
12 an interested party, a notice, the declaration of paternity and
13 the disclaimer of paternity may be served on a putative father
14 in the same manner as Summons is served in other civil
15 proceedings, or, in lieu of personal service, service may be
16 made as follows:

17 (a) The person requesting notice shall pay to the Clerk
18 of the Court a mailing fee of \$2 plus the cost of U. S.
19 postage for certified or registered mail and furnish to the
20 Clerk an original and one copy of a notice, the declaration
21 of paternity and the disclaimer of paternity together with
22 an Affidavit setting forth the putative father's last known
23 address. The original notice, the declaration of paternity
24 and the disclaimer of paternity shall be retained by the
25 Clerk.

1 (b) The Clerk shall forthwith mail to the putative
2 father, at the address appearing in the Affidavit, the copy
3 of the notice, the declaration of paternity and the
4 disclaimer of paternity, by certified mail, return receipt
5 requested; the envelope and return receipt shall bear the
6 return address of the Clerk. The receipt for certified mail
7 shall state the name and address of the addressee, and the
8 date of mailing, and shall be attached to the original
9 notice.

10 (c) The return receipt, when returned to the Clerk,
11 shall be attached to the original notice, the declaration
12 of paternity and the disclaimer of paternity, and shall
13 constitute proof of service.

14 (d) The Clerk shall note the fact of service in a
15 permanent record.

16 2. The notice shall be signed by the Clerk, and may be
17 served on the putative father at any time after conception, and
18 shall read as follows:

19 "IN THE MATTER OF NOTICE TO, PUTATIVE FATHER.

20 You have been identified as the father of a child born or
21 expected to be born on or about (insert date).

22 The mother of the child is.....

23 The mother has indicated that she intends to place the
24 child for adoption.

25 As the alleged father of the child, you have certain legal
26 rights with respect to the child, including the right to notice

1 of the filing of proceedings instituted for the adoption of the
2 child. If you wish to retain your rights with respect to the
3 child, you must file with the Clerk of this Circuit Court of
4 County, Illinois, whose address is, Illinois, within
5 30 days after the date of receipt of this notice, the
6 declaration of paternity enclosed herewith stating that you
7 are, in fact, the father of the child and that you intend to
8 retain your legal rights with respect to the child, or request
9 to be notified of any further proceedings with respect to
10 custody or adoption of the child.

11 If you do not file such a declaration of paternity, or a
12 request for notice, then whatever legal rights you have with
13 respect to the child, including the right to notice of any
14 future proceedings for the adoption of the child, may be
15 terminated without any further notice to you. When your legal
16 rights with respect to the child are so terminated, you will
17 not be entitled to notice of any proceeding instituted for the
18 adoption of the child.

19 If you are not the father of the child, you may file with
20 the Clerk of this Court the disclaimer of paternity enclosed
21 herewith which will be noted in the Clerk's file and you will
22 receive no further notice with respect to the child."

23 The declaration of paternity shall be substantially as
24 follows:

25 "IN THE CIRCUIT COURT OF THE
26 JUDICIAL CIRCUIT, ILLINOIS

1 second notice, I must state that I am, in fact, the father of
 2 said child, and that I intend to retain my legal rights with
 3 respect to said child, and request to be notified of any
 4 further proceedings with respect to custody or adoption of the
 5 child.

6 (6) I hereby enter my appearance in the above entitled
 7 cause.

8 OATH

9 I have been duly sworn and I say under oath that I have
 10 read and understand this Declaration of Paternity With Entry of
 11 Appearance. The facts that it contains are true and correct to
 12 the best of my knowledge, and I understand that by signing this
 13 document I admit my paternity. I have signed this document as
 14 my free and voluntary act.

15

16 (signature)

17 Dated (insert date).

18 Signed and sworn before me on (insert date).

19

20 (notary public)".

21
 22 The disclaimer of paternity shall be substantially as
 23 follows:

24 "IN THE CIRCUIT COURT OF THE
 25 JUDICIAL CIRCUIT, ILLINOIS

1 County

2)

3)

4) No.)

5)

6 DENIAL OF PATERNITY WITH ENTRY OF APPEARANCE

7 AND CONSENT TO ADOPTION

8 I,, state as follows:

9 (1) That I am years of age; and I reside at
10 in the County of, State of

11 (2) That I have been advised that is the mother
12 of amale child named born or expected to be born on
13 or about and that such mother has stated that I am the
14 father of this child.

15 (3) I deny that I am the father of this child.

16 (4) I further understand that the mother of this child
17 wishes to consent to the adoption of the child. I hereby
18 consent to the adoption of this child, and waive any rights,
19 remedies and defenses that I may now or in the future have as a
20 result of the mother's allegation of the paternity of this
21 child. This consent is being given in order to facilitate the
22 adoption of the child and so that the court may terminate what
23 rights I may have to the child as a result of being named the
24 father by the mother. This consent is not in any manner an
25 admission of paternity.

26 (5) I hereby enter my appearance in the above entitled

1 cause and waive service of summons and other pleading.

2 OATH

3 I have been duly sworn and I say under oath that I have
4 read and understood this Denial of Paternity With Entry of
5 Appearance and Consent to Adoption. The facts it contains are
6 true and correct to the best of my knowledge, and I understand
7 that by signing this document I have not admitted paternity. I
8 have signed this document as my free and voluntary act in order
9 to facilitate the adoption of the child.

10
11 (signature)

12 Dated (insert date).

13 Signed and sworn before me on (insert date).

14
15 (notary public)".

16

17 The names of adoptive parents shall not be included in the
18 notice.

19 3. If the putative father files a disclaimer of paternity,
20 he shall be deemed not to be the father of the child with
21 respect to any adoption or other proceeding held to terminate
22 the rights of parents as respects such child.

23 4. In the event the putative father does not file a
24 declaration of paternity of the child or request for notice
25 within 30 days of service of the above notice, he need not be

1 made a party to or given notice of any proceeding brought for
2 the adoption of the child. An Order or judgment may be entered
3 in such proceeding terminating all of his rights with respect
4 to the child without further notice to him.

5 5. If the putative father files a declaration of paternity
6 or a request for notice in accordance with subsection 2, with
7 respect to the child, he shall be given notice in event any
8 proceeding is brought for the adoption of the child.

9 6. The Clerk shall maintain separate numbered files and
10 records of requests and proofs of service and all other
11 documents filed pursuant to this article. All such records
12 shall be impounded.

13 (Source: P.A. 91-357, eff. 7-29-99.)

14 (750 ILCS 50/18.06)

15 Sec. 18.06. Definitions. When used in Sections 18.05
16 through Section 18.6, for the purposes of the Registry:

17 "Adopted person" means a person who was adopted pursuant to
18 the laws in effect at the time of the adoption.

19 "Adoptive parent" means a person who has become a parent
20 through the legal process of adoption.

21 "Adult child" means the biological child 21 years of age or
22 over of a deceased adopted or surrendered person.

23 "Adult Adopted or Surrendered Person" means an adopted or
24 surrendered person 21 years of age or over.

25 "Agency" means a public child welfare agency or a licensed

1 child welfare agency.

2 "Birth aunt" means the adult full or half sister of a
3 deceased birth parent.

4 "Birth father" means the biological father of an adopted or
5 surrendered person who is named on the original certificate of
6 live birth or on a consent or surrender document, or a
7 biological father whose paternity has been established by a
8 judgment or order of the court, pursuant to the Illinois
9 Parentage Act of 1984 or the Illinois Parentage Act of 2012.

10 "Birth mother" means the biological mother of an adopted or
11 surrendered person.

12 "Birth parent" means a birth mother or birth father of an
13 adopted or surrendered person.

14 "Birth Parent Preference Form" means the form prepared by
15 the Department of Public Health pursuant to Section 18.2
16 completed by a birth parent registrant and filed with the
17 Registry that indicates the birth parent's preferences
18 regarding contact and, if applicable, the release of his or her
19 identifying information on the non-certified copy of the
20 original birth certificate released to an adult adopted or
21 surrendered person or to the surviving adult child or surviving
22 spouse of a deceased adopted or surrendered person who has
23 filed a Request for a Non-Certified Copy of an Original Birth
24 Certificate.

25 "Birth relative" means a birth mother, birth father, birth
26 sibling, birth aunt, or birth uncle.

1 "Birth sibling" means the adult full or half sibling of an
2 adopted or surrendered person.

3 "Birth uncle" means the adult full or half brother of a
4 deceased birth parent.

5 "Confidential intermediary" means an individual certified
6 by the Department of Children and Family Services pursuant to
7 Section 18.3a(e).

8 "Denial of Information Exchange" means an affidavit
9 completed by a registrant with the Illinois Adoption Registry
10 and Medical Information Exchange denying the release of
11 identifying information which has been filed with the Registry.

12 "Information Exchange Authorization" means an affidavit
13 completed by a registrant with the Illinois Adoption Registry
14 and Medical Information Exchange authorizing the release of
15 identifying information which has been filed with the Registry.

16 "Medical Information Exchange Questionnaire" means the
17 medical history questionnaire completed by a registrant of the
18 Illinois Adoption Registry and Medical Information Exchange.

19 "Non-certified Copy of the Original Birth Certificate"
20 means a non-certified copy of the original certificate of live
21 birth of an adult adopted or surrendered person who was born in
22 Illinois.

23 "Proof of death" means a death certificate.

24 "Registrant" or "Registered Party" means a birth parent,
25 birth sibling, birth aunt, birth uncle, adopted or surrendered
26 person 21 years of age or over, adoptive parent or legal

1 guardian of an adopted or surrendered person under the age of
2 21, or adoptive parent, surviving spouse, or adult child of a
3 deceased adopted or surrendered person who has filed an
4 Illinois Adoption Registry Application or Registration
5 Identification Form with the Registry.

6 "Registry" means the Illinois Adoption Registry and
7 Medical Information Exchange.

8 "Request for a Non-Certified Copy of an Original Birth
9 Certificate" means an affidavit completed by an adult adopted
10 or surrendered person or by the surviving adult child or
11 surviving spouse of a deceased adopted or surrendered person
12 and filed with the Registry requesting a non-certified copy of
13 an adult adopted or surrendered person's original certificate
14 of live birth in Illinois.

15 "Surrendered person" means a person whose parents' rights
16 have been surrendered or terminated but who has not been
17 adopted.

18 "Surviving spouse" means the wife or husband, 21 years of
19 age or older, of a deceased adopted or surrendered person who
20 would be 21 years of age or older if still alive and who has one
21 or more surviving biological children who are under the age of
22 21.

23 "18.3 Statement" means a statement regarding the
24 disclosure of identifying information signed by a birth parent
25 under Section 18.3 of this Act as it existed immediately prior
26 to the effective date of this amendatory Act of the 96th

1 General Assembly.

2 (Source: P.A. 96-895, eff. 5-21-10; 97-110, eff. 7-14-11.)

3 Section 973. The Illinois Domestic Violence Act of 1986 is
4 amended by changing Sections 202 and 214 as follows:

5 (750 ILCS 60/202) (from Ch. 40, par. 2312-2)

6 Sec. 202. Commencement of action; filing fees; dismissal.

7 (a) How to commence action. Actions for orders of
8 protection are commenced:

9 (1) Independently: By filing a petition for an order of
10 protection in any civil court, unless specific courts are
11 designated by local rule or order.

12 (2) In conjunction with another civil proceeding: By
13 filing a petition for an order of protection under the same
14 case number as another civil proceeding involving the
15 parties, including but not limited to: (i) any proceeding
16 under the Illinois Marriage and Dissolution of Marriage
17 Act, Illinois Parentage Act of 2012 ~~1984~~, Nonsupport of
18 Spouse and Children Act, Revised Uniform Reciprocal
19 Enforcement of Support Act or an action for nonsupport
20 brought under Article 10 of the Illinois Public Aid Code,
21 provided that a petitioner and the respondent are a party
22 to or the subject of that proceeding or (ii) a guardianship
23 proceeding under the Probate Act of 1975, or a proceeding
24 for involuntary commitment under the Mental Health and

1 Developmental Disabilities Code, or any proceeding, other
2 than a delinquency petition, under the Juvenile Court Act
3 of 1987, provided that a petitioner or the respondent is a
4 party to or the subject of such proceeding.

5 (3) In conjunction with a delinquency petition or a
6 criminal prosecution: By filing a petition for an order of
7 protection, under the same case number as the delinquency
8 petition or criminal prosecution, to be granted during
9 pre-trial release of a defendant, with any dispositional
10 order issued under Section 5-710 of the Juvenile Court Act
11 of 1987 or as a condition of release, supervision,
12 conditional discharge, probation, periodic imprisonment,
13 parole or mandatory supervised release, or in conjunction
14 with imprisonment or a bond forfeiture warrant; provided
15 that:

16 (i) the violation is alleged in an information,
17 complaint, indictment or delinquency petition on file,
18 and the alleged offender and victim are family or
19 household members or persons protected by this Act; and

20 (ii) the petition, which is filed by the State's
21 Attorney, names a victim of the alleged crime as a
22 petitioner.

23 (b) Filing, certification, and service fees. No fee shall
24 be charged by the clerk for filing, amending, vacating,
25 certifying, or photocopying petitions or orders; or for issuing
26 alias summons; or for any related filing service. No fee shall

1 be charged by the sheriff for service by the sheriff of a
2 petition, rule, motion, or order in an action commenced under
3 this Section.

4 (c) Dismissal and consolidation. Withdrawal or dismissal
5 of any petition for an order of protection prior to
6 adjudication where the petitioner is represented by the State
7 shall operate as a dismissal without prejudice. No action for
8 an order of protection shall be dismissed because the
9 respondent is being prosecuted for a crime against the
10 petitioner. An independent action may be consolidated with
11 another civil proceeding, as provided by paragraph (2) of
12 subsection (a) of this Section. For any action commenced under
13 paragraph (2) or (3) of subsection (a) of this Section,
14 dismissal of the conjoined case (or a finding of not guilty)
15 shall not require dismissal of the action for the order of
16 protection; instead, it may be treated as an independent action
17 and, if necessary and appropriate, transferred to a different
18 court or division. Dismissal of any conjoined case shall not
19 affect the validity of any previously issued order of
20 protection, and thereafter subsections (b)(1) and (b)(2) of
21 Section 220 shall be inapplicable to such order.

22 (d) Pro se petitions. The court shall provide, through the
23 office of the clerk of the court, simplified forms and clerical
24 assistance to help with the writing and filing of a petition
25 under this Section by any person not represented by counsel. In
26 addition, that assistance may be provided by the state's

1 attorney.

2 (Source: P.A. 93-458, eff. 1-1-04.)

3 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

4 Sec. 214. Order of protection; remedies.

5 (a) Issuance of order. If the court finds that petitioner
6 has been abused by a family or household member or that
7 petitioner is a high-risk adult who has been abused, neglected,
8 or exploited, as defined in this Act, an order of protection
9 prohibiting the abuse, neglect, or exploitation shall issue;
10 provided that petitioner must also satisfy the requirements of
11 one of the following Sections, as appropriate: Section 217 on
12 emergency orders, Section 218 on interim orders, or Section 219
13 on plenary orders. Petitioner shall not be denied an order of
14 protection because petitioner or respondent is a minor. The
15 court, when determining whether or not to issue an order of
16 protection, shall not require physical manifestations of abuse
17 on the person of the victim. Modification and extension of
18 prior orders of protection shall be in accordance with this
19 Act.

20 (b) Remedies and standards. The remedies to be included in
21 an order of protection shall be determined in accordance with
22 this Section and one of the following Sections, as appropriate:
23 Section 217 on emergency orders, Section 218 on interim orders,
24 and Section 219 on plenary orders. The remedies listed in this
25 subsection shall be in addition to other civil or criminal

1 remedies available to petitioner.

2 (1) Prohibition of abuse, neglect, or exploitation.
3 Prohibit respondent's harassment, interference with
4 personal liberty, intimidation of a dependent, physical
5 abuse, or willful deprivation, neglect or exploitation, as
6 defined in this Act, or stalking of the petitioner, as
7 defined in Section 12-7.3 of the Criminal Code of 1961, if
8 such abuse, neglect, exploitation, or stalking has
9 occurred or otherwise appears likely to occur if not
10 prohibited.

11 (2) Grant of exclusive possession of residence.
12 Prohibit respondent from entering or remaining in any
13 residence, household, or premises of the petitioner,
14 including one owned or leased by respondent, if petitioner
15 has a right to occupancy thereof. The grant of exclusive
16 possession of the residence, household, or premises shall
17 not affect title to real property, nor shall the court be
18 limited by the standard set forth in Section 701 of the
19 Illinois Marriage and Dissolution of Marriage Act.

20 (A) Right to occupancy. A party has a right to
21 occupancy of a residence or household if it is solely
22 or jointly owned or leased by that party, that party's
23 spouse, a person with a legal duty to support that
24 party or a minor child in that party's care, or by any
25 person or entity other than the opposing party that
26 authorizes that party's occupancy (e.g., a domestic

1 violence shelter). Standards set forth in subparagraph
2 (B) shall not preclude equitable relief.

3 (B) Presumption of hardships. If petitioner and
4 respondent each has the right to occupancy of a
5 residence or household, the court shall balance (i) the
6 hardships to respondent and any minor child or
7 dependent adult in respondent's care resulting from
8 entry of this remedy with (ii) the hardships to
9 petitioner and any minor child or dependent adult in
10 petitioner's care resulting from continued exposure to
11 the risk of abuse (should petitioner remain at the
12 residence or household) or from loss of possession of
13 the residence or household (should petitioner leave to
14 avoid the risk of abuse). When determining the balance
15 of hardships, the court shall also take into account
16 the accessibility of the residence or household.
17 Hardships need not be balanced if respondent does not
18 have a right to occupancy.

19 The balance of hardships is presumed to favor
20 possession by petitioner unless the presumption is
21 rebutted by a preponderance of the evidence, showing
22 that the hardships to respondent substantially
23 outweigh the hardships to petitioner and any minor
24 child or dependent adult in petitioner's care. The
25 court, on the request of petitioner or on its own
26 motion, may order respondent to provide suitable,

1 accessible, alternate housing for petitioner instead
2 of excluding respondent from a mutual residence or
3 household.

4 (3) Stay away order and additional prohibitions. Order
5 respondent to stay away from petitioner or any other person
6 protected by the order of protection, or prohibit
7 respondent from entering or remaining present at
8 petitioner's school, place of employment, or other
9 specified places at times when petitioner is present, or
10 both, if reasonable, given the balance of hardships.
11 Hardships need not be balanced for the court to enter a
12 stay away order or prohibit entry if respondent has no
13 right to enter the premises.

14 (A) If an order of protection grants petitioner
15 exclusive possession of the residence, or prohibits
16 respondent from entering the residence, or orders
17 respondent to stay away from petitioner or other
18 protected persons, then the court may allow respondent
19 access to the residence to remove items of clothing and
20 personal adornment used exclusively by respondent,
21 medications, and other items as the court directs. The
22 right to access shall be exercised on only one occasion
23 as the court directs and in the presence of an
24 agreed-upon adult third party or law enforcement
25 officer.

26 (B) When the petitioner and the respondent attend

1 the same public, private, or non-public elementary,
2 middle, or high school, the court when issuing an order
3 of protection and providing relief shall consider the
4 severity of the act, any continuing physical danger or
5 emotional distress to the petitioner, the educational
6 rights guaranteed to the petitioner and respondent
7 under federal and State law, the availability of a
8 transfer of the respondent to another school, a change
9 of placement or a change of program of the respondent,
10 the expense, difficulty, and educational disruption
11 that would be caused by a transfer of the respondent to
12 another school, and any other relevant facts of the
13 case. The court may order that the respondent not
14 attend the public, private, or non-public elementary,
15 middle, or high school attended by the petitioner,
16 order that the respondent accept a change of placement
17 or change of program, as determined by the school
18 district or private or non-public school, or place
19 restrictions on the respondent's movements within the
20 school attended by the petitioner. The respondent
21 bears the burden of proving by a preponderance of the
22 evidence that a transfer, change of placement, or
23 change of program of the respondent is not available.
24 The respondent also bears the burden of production with
25 respect to the expense, difficulty, and educational
26 disruption that would be caused by a transfer of the

1 respondent to another school. A transfer, change of
2 placement, or change of program is not unavailable to
3 the respondent solely on the ground that the respondent
4 does not agree with the school district's or private or
5 non-public school's transfer, change of placement, or
6 change of program or solely on the ground that the
7 respondent fails or refuses to consent or otherwise
8 does not take an action required to effectuate a
9 transfer, change of placement, or change of program.
10 When a court orders a respondent to stay away from the
11 public, private, or non-public school attended by the
12 petitioner and the respondent requests a transfer to
13 another attendance center within the respondent's
14 school district or private or non-public school, the
15 school district or private or non-public school shall
16 have sole discretion to determine the attendance
17 center to which the respondent is transferred. In the
18 event the court order results in a transfer of the
19 minor respondent to another attendance center, a
20 change in the respondent's placement, or a change of
21 the respondent's program, the parents, guardian, or
22 legal custodian of the respondent is responsible for
23 transportation and other costs associated with the
24 transfer or change.

25 (C) The court may order the parents, guardian, or
26 legal custodian of a minor respondent to take certain

1 actions or to refrain from taking certain actions to
2 ensure that the respondent complies with the order. ~~The~~
3 ~~court may order the parents, guardian, or legal~~
4 ~~custodian of a minor respondent to take certain actions~~
5 ~~or to refrain from taking certain actions to ensure~~
6 ~~that the respondent complies with the order.~~ In the
7 event the court orders a transfer of the respondent to
8 another school, the parents, guardian, or legal
9 custodian of the respondent is responsible for
10 transportation and other costs associated with the
11 change of school by the respondent.

12 (4) Counseling. Require or recommend the respondent to
13 undergo counseling for a specified duration with a social
14 worker, psychologist, clinical psychologist, psychiatrist,
15 family service agency, alcohol or substance abuse program,
16 mental health center guidance counselor, agency providing
17 services to elders, program designed for domestic violence
18 abusers or any other guidance service the court deems
19 appropriate. The Court may order the respondent in any
20 intimate partner relationship to report to an Illinois
21 Department of Human Services protocol approved partner
22 abuse intervention program for an assessment and to follow
23 all recommended treatment.

24 (5) Physical care and possession of the minor child. In
25 order to protect the minor child from abuse, neglect, or
26 unwarranted separation from the person who has been the

1 minor child's primary caretaker, or to otherwise protect
2 the well-being of the minor child, the court may do either
3 or both of the following: (i) grant petitioner physical
4 care or possession of the minor child, or both, or (ii)
5 order respondent to return a minor child to, or not remove
6 a minor child from, the physical care of a parent or person
7 in loco parentis.

8 If a court finds, after a hearing, that respondent has
9 committed abuse (as defined in Section 103) of a minor
10 child, there shall be a rebuttable presumption that
11 awarding physical care to respondent would not be in the
12 minor child's best interest.

13 (6) Temporary legal custody. Award temporary legal
14 custody to petitioner in accordance with this Section, the
15 Illinois Marriage and Dissolution of Marriage Act, the
16 Illinois Parentage Act of 2012 ~~1984~~, and this State's
17 Uniform Child-Custody Jurisdiction and Enforcement Act.

18 If a court finds, after a hearing, that respondent has
19 committed abuse (as defined in Section 103) of a minor
20 child, there shall be a rebuttable presumption that
21 awarding temporary legal custody to respondent would not be
22 in the child's best interest.

23 (7) Visitation. Determine the visitation rights, if
24 any, of respondent in any case in which the court awards
25 physical care or temporary legal custody of a minor child
26 to petitioner. The court shall restrict or deny

1 respondent's visitation with a minor child if the court
2 finds that respondent has done or is likely to do any of
3 the following: (i) abuse or endanger the minor child during
4 visitation; (ii) use the visitation as an opportunity to
5 abuse or harass petitioner or petitioner's family or
6 household members; (iii) improperly conceal or detain the
7 minor child; or (iv) otherwise act in a manner that is not
8 in the best interests of the minor child. The court shall
9 not be limited by the standards set forth in Section 607.1
10 of the Illinois Marriage and Dissolution of Marriage Act.
11 If the court grants visitation, the order shall specify
12 dates and times for the visitation to take place or other
13 specific parameters or conditions that are appropriate. No
14 order for visitation shall refer merely to the term
15 "reasonable visitation".

16 Petitioner may deny respondent access to the minor
17 child if, when respondent arrives for visitation,
18 respondent is under the influence of drugs or alcohol and
19 constitutes a threat to the safety and well-being of
20 petitioner or petitioner's minor children or is behaving in
21 a violent or abusive manner.

22 If necessary to protect any member of petitioner's
23 family or household from future abuse, respondent shall be
24 prohibited from coming to petitioner's residence to meet
25 the minor child for visitation, and the parties shall
26 submit to the court their recommendations for reasonable

1 alternative arrangements for visitation. A person may be
2 approved to supervise visitation only after filing an
3 affidavit accepting that responsibility and acknowledging
4 accountability to the court.

5 (8) Removal or concealment of minor child. Prohibit
6 respondent from removing a minor child from the State or
7 concealing the child within the State.

8 (9) Order to appear. Order the respondent to appear in
9 court, alone or with a minor child, to prevent abuse,
10 neglect, removal or concealment of the child, to return the
11 child to the custody or care of the petitioner or to permit
12 any court-ordered interview or examination of the child or
13 the respondent.

14 (10) Possession of personal property. Grant petitioner
15 exclusive possession of personal property and, if
16 respondent has possession or control, direct respondent to
17 promptly make it available to petitioner, if:

18 (i) petitioner, but not respondent, owns the
19 property; or

20 (ii) the parties own the property jointly; sharing
21 it would risk abuse of petitioner by respondent or is
22 impracticable; and the balance of hardships favors
23 temporary possession by petitioner.

24 If petitioner's sole claim to ownership of the property
25 is that it is marital property, the court may award
26 petitioner temporary possession thereof under the

1 standards of subparagraph (ii) of this paragraph only if a
2 proper proceeding has been filed under the Illinois
3 Marriage and Dissolution of Marriage Act, as now or
4 hereafter amended.

5 No order under this provision shall affect title to
6 property.

7 (11) Protection of property. Forbid the respondent
8 from taking, transferring, encumbering, concealing,
9 damaging or otherwise disposing of any real or personal
10 property, except as explicitly authorized by the court, if:

11 (i) petitioner, but not respondent, owns the
12 property; or

13 (ii) the parties own the property jointly, and the
14 balance of hardships favors granting this remedy.

15 If petitioner's sole claim to ownership of the property
16 is that it is marital property, the court may grant
17 petitioner relief under subparagraph (ii) of this
18 paragraph only if a proper proceeding has been filed under
19 the Illinois Marriage and Dissolution of Marriage Act, as
20 now or hereafter amended.

21 The court may further prohibit respondent from
22 improperly using the financial or other resources of an
23 aged member of the family or household for the profit or
24 advantage of respondent or of any other person.

25 (11.5) Protection of animals. Grant the petitioner the
26 exclusive care, custody, or control of any animal owned,

1 possessed, leased, kept, or held by either the petitioner
2 or the respondent or a minor child residing in the
3 residence or household of either the petitioner or the
4 respondent and order the respondent to stay away from the
5 animal and forbid the respondent from taking,
6 transferring, encumbering, concealing, harming, or
7 otherwise disposing of the animal.

8 (12) Order for payment of support. Order respondent to
9 pay temporary support for the petitioner or any child in
10 the petitioner's care or custody, when the respondent has a
11 legal obligation to support that person, in accordance with
12 the Illinois Marriage and Dissolution of Marriage Act,
13 which shall govern, among other matters, the amount of
14 support, payment through the clerk and withholding of
15 income to secure payment. An order for child support may be
16 granted to a petitioner with lawful physical care or
17 custody of a child, or an order or agreement for physical
18 care or custody, prior to entry of an order for legal
19 custody. Such a support order shall expire upon entry of a
20 valid order granting legal custody to another, unless
21 otherwise provided in the custody order.

22 (13) Order for payment of losses. Order respondent to
23 pay petitioner for losses suffered as a direct result of
24 the abuse, neglect, or exploitation. Such losses shall
25 include, but not be limited to, medical expenses, lost
26 earnings or other support, repair or replacement of

1 property damaged or taken, reasonable attorney's fees,
2 court costs and moving or other travel expenses, including
3 additional reasonable expenses for temporary shelter and
4 restaurant meals.

5 (i) Losses affecting family needs. If a party is
6 entitled to seek maintenance, child support or
7 property distribution from the other party under the
8 Illinois Marriage and Dissolution of Marriage Act, as
9 now or hereafter amended, the court may order
10 respondent to reimburse petitioner's actual losses, to
11 the extent that such reimbursement would be
12 "appropriate temporary relief", as authorized by
13 subsection (a) (3) of Section 501 of that Act.

14 (ii) Recovery of expenses. In the case of an
15 improper concealment or removal of a minor child, the
16 court may order respondent to pay the reasonable
17 expenses incurred or to be incurred in the search for
18 and recovery of the minor child, including but not
19 limited to legal fees, court costs, private
20 investigator fees, and travel costs.

21 (14) Prohibition of entry. Prohibit the respondent
22 from entering or remaining in the residence or household
23 while the respondent is under the influence of alcohol or
24 drugs and constitutes a threat to the safety and well-being
25 of the petitioner or the petitioner's children.

26 (14.5) Prohibition of firearm possession.

1 (a) Prohibit a respondent against whom an order of
2 protection was issued from possessing any firearms
3 during the duration of the order if the order:

4 (1) was issued after a hearing of which such
5 person received actual notice, and at which such
6 person had an opportunity to participate;

7 (2) restrains such person from harassing,
8 stalking, or threatening an intimate partner of
9 such person or child of such intimate partner or
10 person, or engaging in other conduct that would
11 place an intimate partner in reasonable fear of
12 bodily injury to the partner or child; and

13 (3) (i) includes a finding that such person
14 represents a credible threat to the physical
15 safety of such intimate partner or child; or (ii)
16 by its terms explicitly prohibits the use,
17 attempted use, or threatened use of physical force
18 against such intimate partner or child that would
19 reasonably be expected to cause bodily injury.

20 Any Firearm Owner's Identification Card in the
21 possession of the respondent, except as provided in
22 subsection (b), shall be ordered by the court to be
23 turned over to the local law enforcement agency for
24 safekeeping. The court shall issue a warrant for
25 seizure of any firearm and Firearm Owner's
26 Identification Card in the possession of the

1 respondent, to be kept by the local law enforcement
2 agency for safekeeping, except as provided in
3 subsection (b). The period of safekeeping shall be for
4 the duration of the order of protection. The firearm or
5 firearms and Firearm Owner's Identification Card shall
6 be returned to the respondent at the end of the order
7 of protection.

8 (b) If the respondent is a peace officer as defined
9 in Section 2-13 of the Criminal Code of 1961, the court
10 shall order that any firearms used by the respondent in
11 the performance of his or her duties as a peace officer
12 be surrendered to the chief law enforcement executive
13 of the agency in which the respondent is employed, who
14 shall retain the firearms for safekeeping for the
15 duration of the order of protection.

16 (c) Upon expiration of the period of safekeeping,
17 if the firearms or Firearm Owner's Identification Card
18 cannot be returned to respondent because respondent
19 cannot be located, fails to respond to requests to
20 retrieve the firearms, or is not lawfully eligible to
21 possess a firearm, upon petition from the local law
22 enforcement agency, the court may order the local law
23 enforcement agency to destroy the firearms, use the
24 firearms for training purposes, or for any other
25 application as deemed appropriate by the local law
26 enforcement agency; or that the firearms be turned over

1 to a third party who is lawfully eligible to possess
2 firearms, and who does not reside with respondent.

3 (15) Prohibition of access to records. If an order of
4 protection prohibits respondent from having contact with
5 the minor child, or if petitioner's address is omitted
6 under subsection (b) of Section 203, or if necessary to
7 prevent abuse or wrongful removal or concealment of a minor
8 child, the order shall deny respondent access to, and
9 prohibit respondent from inspecting, obtaining, or
10 attempting to inspect or obtain, school or any other
11 records of the minor child who is in the care of
12 petitioner.

13 (16) Order for payment of shelter services. Order
14 respondent to reimburse a shelter providing temporary
15 housing and counseling services to the petitioner for the
16 cost of the services, as certified by the shelter and
17 deemed reasonable by the court.

18 (17) Order for injunctive relief. Enter injunctive
19 relief necessary or appropriate to prevent further abuse of
20 a family or household member or further abuse, neglect, or
21 exploitation of a high-risk adult with disabilities or to
22 effectuate one of the granted remedies, if supported by the
23 balance of hardships. If the harm to be prevented by the
24 injunction is abuse or any other harm that one of the
25 remedies listed in paragraphs (1) through (16) of this
26 subsection is designed to prevent, no further evidence is

1 necessary that the harm is an irreparable injury.

2 (c) Relevant factors; findings.

3 (1) In determining whether to grant a specific remedy,
4 other than payment of support, the court shall consider
5 relevant factors, including but not limited to the
6 following:

7 (i) the nature, frequency, severity, pattern and
8 consequences of the respondent's past abuse, neglect
9 or exploitation of the petitioner or any family or
10 household member, including the concealment of his or
11 her location in order to evade service of process or
12 notice, and the likelihood of danger of future abuse,
13 neglect, or exploitation to petitioner or any member of
14 petitioner's or respondent's family or household; and

15 (ii) the danger that any minor child will be abused
16 or neglected or improperly removed from the
17 jurisdiction, improperly concealed within the State or
18 improperly separated from the child's primary
19 caretaker.

20 (2) In comparing relative hardships resulting to the
21 parties from loss of possession of the family home, the
22 court shall consider relevant factors, including but not
23 limited to the following:

24 (i) availability, accessibility, cost, safety,
25 adequacy, location and other characteristics of
26 alternate housing for each party and any minor child or

1 dependent adult in the party's care;

2 (ii) the effect on the party's employment; and

3 (iii) the effect on the relationship of the party,
4 and any minor child or dependent adult in the party's
5 care, to family, school, church and community.

6 (3) Subject to the exceptions set forth in paragraph
7 (4) of this subsection, the court shall make its findings
8 in an official record or in writing, and shall at a minimum
9 set forth the following:

10 (i) That the court has considered the applicable
11 relevant factors described in paragraphs (1) and (2) of
12 this subsection.

13 (ii) Whether the conduct or actions of respondent,
14 unless prohibited, will likely cause irreparable harm
15 or continued abuse.

16 (iii) Whether it is necessary to grant the
17 requested relief in order to protect petitioner or
18 other alleged abused persons.

19 (4) For purposes of issuing an ex parte emergency order
20 of protection, the court, as an alternative to or as a
21 supplement to making the findings described in paragraphs
22 (c)(3)(i) through (c)(3)(iii) of this subsection, may use
23 the following procedure:

24 When a verified petition for an emergency order of
25 protection in accordance with the requirements of Sections
26 203 and 217 is presented to the court, the court shall

1 examine petitioner on oath or affirmation. An emergency
2 order of protection shall be issued by the court if it
3 appears from the contents of the petition and the
4 examination of petitioner that the averments are
5 sufficient to indicate abuse by respondent and to support
6 the granting of relief under the issuance of the emergency
7 order of protection.

8 (5) Never married parties. No rights or
9 responsibilities for a minor child born outside of marriage
10 attach to a putative father until a father and child
11 relationship has been established under the Illinois
12 Parentage Act of 1984, the Illinois Parentage Act of 2012,
13 the Illinois Public Aid Code, Section 12 of the Vital
14 Records Act, the Juvenile Court Act of 1987, the Probate
15 Act of 1985, the Revised Uniform Reciprocal Enforcement of
16 Support Act, the Uniform Interstate Family Support Act, the
17 Expedited Child Support Act of 1990, any judicial,
18 administrative, or other act of another state or territory,
19 any other Illinois statute, or by any foreign nation
20 establishing the father and child relationship, any other
21 proceeding substantially in conformity with the Personal
22 Responsibility and Work Opportunity Reconciliation Act of
23 1996 (Pub. L. 104-193), or where both parties appeared in
24 open court or at an administrative hearing acknowledging
25 under oath or admitting by affirmation the existence of a
26 father and child relationship. Absent such an

1 adjudication, finding, or acknowledgement, no putative
2 father shall be granted temporary custody of the minor
3 child, visitation with the minor child, or physical care
4 and possession of the minor child, nor shall an order of
5 payment for support of the minor child be entered.

6 (d) Balance of hardships; findings. If the court finds that
7 the balance of hardships does not support the granting of a
8 remedy governed by paragraph (2), (3), (10), (11), or (16) of
9 subsection (b) of this Section, which may require such
10 balancing, the court's findings shall so indicate and shall
11 include a finding as to whether granting the remedy will result
12 in hardship to respondent that would substantially outweigh the
13 hardship to petitioner from denial of the remedy. The findings
14 shall be an official record or in writing.

15 (e) Denial of remedies. Denial of any remedy shall not be
16 based, in whole or in part, on evidence that:

17 (1) Respondent has cause for any use of force, unless
18 that cause satisfies the standards for justifiable use of
19 force provided by Article VII of the Criminal Code of 1961;

20 (2) Respondent was voluntarily intoxicated;

21 (3) Petitioner acted in self-defense or defense of
22 another, provided that, if petitioner utilized force, such
23 force was justifiable under Article VII of the Criminal
24 Code of 1961;

25 (4) Petitioner did not act in self-defense or defense
26 of another;

1 (5) Petitioner left the residence or household to avoid
2 further abuse, neglect, or exploitation by respondent;

3 (6) Petitioner did not leave the residence or household
4 to avoid further abuse, neglect, or exploitation by
5 respondent;

6 (7) Conduct by any family or household member excused
7 the abuse, neglect, or exploitation by respondent, unless
8 that same conduct would have excused such abuse, neglect,
9 or exploitation if the parties had not been family or
10 household members.

11 (Source: P.A. 96-701, eff. 1-1-10; 96-1239, eff. 1-1-11;
12 97-158, eff. 1-1-12; 97-294, eff. 1-1-12; revised 10-4-11.)

13 Section 974. The Business Corporation Act of 1983 is
14 amended by changing Section 1.25 as follows:

15 (805 ILCS 5/1.25) (from Ch. 32, par. 1.25)

16 Sec. 1.25. List of corporations; exchange of information.

17 (a) The Secretary of State shall publish each year a list
18 of corporations filing an annual report for the preceding year
19 in accordance with the provisions of this Act, which report
20 shall state the name of the corporation and the respective
21 names and addresses of the president, secretary, and registered
22 agent thereof and the address of the registered office in this
23 State of each such corporation. The Secretary of State shall
24 furnish without charge a copy of such report to each recorder

1 of this State, and to each member of the General Assembly and
2 to each State agency or department requesting the same. The
3 Secretary of State shall, upon receipt of a written request and
4 a fee as determined by the Secretary, furnish such report to
5 anyone else.

6 (b) (1) The Secretary of State shall publish daily a list
7 of all newly formed corporations, business and not for profit,
8 chartered by him on that day issued after receipt of the
9 application. The daily list shall contain the same information
10 as to each corporation as is provided for the corporation list
11 published under subsection (a) of this Section. The daily list
12 may be obtained at the Secretary's office by any person,
13 newspaper, State department or agency, or local government for
14 a reasonable charge to be determined by the Secretary.
15 Inspection of the daily list may be made at the Secretary's
16 office during normal business hours without charge by any
17 person, newspaper, State department or agency, or local
18 government.

19 (2) The Secretary shall compile the daily list mentioned in
20 paragraph (1) of subsection (b) of this Section monthly, or
21 more often at the Secretary's discretion. The compilation shall
22 be immediately mailed free of charge to all local governments
23 requesting in writing receipt of such publication, or shall be
24 automatically mailed by the Secretary without charge to local
25 governments as determined by the Secretary. The Secretary shall
26 mail a copy of the compilations free of charge to all State

1 departments or agencies making a written request. A request for
2 a compilation of the daily list once made by a local government
3 or State department or agency need not be renewed. However, the
4 Secretary may request from time to time whether the local
5 governments or State departments or agencies desire to continue
6 receiving the compilation.

7 (3) The compilations of the daily list mentioned in
8 paragraph (2) of subsection (b) of this Section shall be mailed
9 to newspapers, or any other person not included as a recipient
10 in paragraph (2) of subsection (b) of this Section, upon
11 receipt of a written application signed by the applicant and
12 accompanied by the payment of a fee as determined by the
13 Secretary.

14 (c) If a domestic or foreign corporation has filed with the
15 Secretary of State an annual report for the preceding year or
16 has been newly formed or is otherwise and in any manner
17 registered with the Secretary of State, the Secretary of State
18 shall exchange with the Department of Healthcare and Family
19 Services any information concerning that corporation that may
20 be necessary for the enforcement of child support orders
21 entered pursuant to the Illinois Public Aid Code, the Illinois
22 Marriage and Dissolution of Marriage Act, the Non-Support of
23 Spouse and Children Act, the Non-Support Punishment Act, the
24 Revised Uniform Reciprocal Enforcement of Support Act, the
25 Uniform Interstate Family Support Act, ~~or~~ the Illinois
26 Parentage Act of 1984, or the Illinois Parentage Act of 2012.

1 Notwithstanding any provisions in this Act to the contrary,
2 the Secretary of State shall not be liable to any person for
3 any disclosure of information to the Department of Healthcare
4 and Family Services (formerly Illinois Department of Public
5 Aid) under this subsection or for any other action taken in
6 good faith to comply with the requirements of this subsection.
7 (Source: P.A. 95-331, eff. 8-21-07.)

8 Section 975. The Limited Liability Company Act is amended
9 by changing Section 50-5 as follows:

10 (805 ILCS 180/50-5)

11 Sec. 50-5. List of limited liability companies; exchange of
12 information.

13 (a) The Secretary of State may publish a list or lists of
14 limited liability companies and foreign limited liability
15 companies, as often, in the format, and for the fees as the
16 Secretary of State may in his or her discretion provide by
17 rule. The Secretary of State may disseminate information
18 concerning limited liability companies and foreign limited
19 liability companies by computer network in the format and for
20 the fees as may be determined by rule.

21 (b) Upon written request, any list published under
22 subsection (a) shall be free to each member of the General
23 Assembly, to each State agency or department, and to each
24 recorder in this State. An appropriate fee established by rule

1 to cover the cost of producing the list shall be charged to all
2 others.

3 (c) If a domestic or foreign limited liability company has
4 filed with the Secretary of State an annual report for the
5 preceding year or has been newly formed or is otherwise and in
6 any manner registered with the Secretary of State, the
7 Secretary of State shall exchange with the Department of
8 Healthcare and Family Services any information concerning that
9 limited liability company that may be necessary for the
10 enforcement of child support orders entered pursuant to the
11 Illinois Public Aid Code, the Illinois Marriage and Dissolution
12 of Marriage Act, the Non-Support of Spouse and Children Act,
13 the Non-Support Punishment Act, the Revised Uniform Reciprocal
14 Enforcement of Support Act, the Uniform Interstate Family
15 Support Act, ~~or~~ the Illinois Parentage Act of 1984, or the
16 Illinois Parentage Act of 2012.

17 Notwithstanding any provisions in this Act to the contrary,
18 the Secretary of State shall not be liable to any person for
19 any disclosure of information to the Department of Healthcare
20 and Family Services (formerly Illinois Department of Public
21 Aid) under this subsection or for any other action taken in
22 good faith to comply with the requirements of this subsection.

23 (Source: P.A. 95-331, eff. 8-21-07.)

1 INDEX
2 Statutes amended in order of appearance

3 New Act

4 750 ILCS 40/Act rep.

5 750 ILCS 45/Act rep.

6 20 ILCS 1005/1005-130 was 20 ILCS 1005/43a.14

7 20 ILCS 2105/2105-15

8 20 ILCS 2505/2505-65 was 20 ILCS 2505/39b12

9 55 ILCS 5/3-5036.5

10 225 ILCS 425/2.04 from Ch. 111, par. 2005.1

11 305 ILCS 5/10-3.1 from Ch. 23, par. 10-3.1

12 305 ILCS 5/10-16.7

13 305 ILCS 5/10-17 from Ch. 23, par. 10-17

14 305 ILCS 5/10-17.7

15 305 ILCS 5/10-19 from Ch. 23, par. 10-19

16 305 ILCS 5/10-25

17 305 ILCS 5/10-25.5

18 305 ILCS 5/10-27

19 305 ILCS 5/12-4.7c

20 410 ILCS 513/22

21 410 ILCS 513/30

22 410 ILCS 535/12

23 410 ILCS 535/24 from Ch. 111 1/2, par. 73-24

24 625 ILCS 5/2-109.1

25 625 ILCS 5/7-703

1	705 ILCS 105/27.1a	from Ch. 25, par. 27.1a
2	705 ILCS 405/1-3	from Ch. 37, par. 801-3
3	705 ILCS 405/6-9	from Ch. 37, par. 806-9
4	725 ILCS 5/112A-14	from Ch. 38, par. 112A-14
5	730 ILCS 5/3-5-4	
6	735 ILCS 5/2-209	from Ch. 110, par. 2-209
7	735 ILCS 5/2-1401	from Ch. 110, par. 2-1401
8	735 ILCS 5/12-112	from Ch. 110, par. 12-112
9	735 ILCS 5/12-819	from Ch. 110, par. 12-819
10	740 ILCS 170/11	from Ch. 48, par. 39.12
11	750 ILCS 5/713	from Ch. 40, par. 713
12	750 ILCS 16/50	
13	750 ILCS 22/102	was 750 ILCS 22/101
14	750 ILCS 25/6	from Ch. 40, par. 2706
15	750 ILCS 28/15	
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17	750 ILCS 50/1	from Ch. 40, par. 1501
18	750 ILCS 50/8	from Ch. 40, par. 1510
19	750 ILCS 50/12a	from Ch. 40, par. 1515
20	750 ILCS 50/18.06	
21	750 ILCS 60/202	from Ch. 40, par. 2312-2
22	750 ILCS 60/214	from Ch. 40, par. 2312-14
23	805 ILCS 5/1.25	from Ch. 32, par. 1.25
24	805 ILCS 180/50-5	