

1 AN ACT concerning civil law.

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

4 Section 5. The Illinois Marriage and Dissolution of
5 Marriage Act is amended by changing Sections 503 and 505 as
6 follows:

7 (750 ILCS 5/503) (from Ch. 40, par. 503)

8 Sec. 503. Disposition of property.

9 (a) For purposes of this Act, "marital property" means all
10 property acquired by either spouse subsequent to the marriage,
11 except the following, which is known as "non-marital property":

12 (1) property acquired by gift, legacy or descent;

13 (2) property acquired in exchange for property
14 acquired before the marriage or in exchange for property
15 acquired by gift, legacy or descent;

16 (3) property acquired by a spouse after a judgment of
17 legal separation;

18 (4) property excluded by valid agreement of the
19 parties;

20 (5) any judgment or property obtained by judgment
21 awarded to a spouse from the other spouse;

22 (6) property acquired before the marriage;

23 (7) the increase in value of property acquired by a

1 method listed in paragraphs (1) through (6) of this
2 subsection, irrespective of whether the increase results
3 from a contribution of marital property, non-marital
4 property, the personal effort of a spouse, or otherwise,
5 subject to the right of reimbursement provided in
6 subsection (c) of this Section; and

7 (8) income from property acquired by a method listed in
8 paragraphs (1) through (7) of this subsection if the income
9 is not attributable to the personal effort of a spouse.

10 (b) (1) For purposes of distribution of property pursuant to
11 this Section, all property acquired by either spouse after the
12 marriage and before a judgment of dissolution of marriage or
13 declaration of invalidity of marriage, including non-marital
14 property transferred into some form of co-ownership between the
15 spouses, is presumed to be marital property, regardless of
16 whether title is held individually or by the spouses in some
17 form of co-ownership such as joint tenancy, tenancy in common,
18 tenancy by the entirety, or community property. The presumption
19 of marital property is overcome by a showing that the property
20 was acquired by a method listed in subsection (a) of this
21 Section.

22 (2) For purposes of distribution of property pursuant to
23 this Section, all pension benefits (including pension benefits
24 under the Illinois Pension Code) acquired by either spouse
25 after the marriage and before a judgment of dissolution of
26 marriage or declaration of invalidity of the marriage are

1 presumed to be marital property, regardless of which spouse
2 participates in the pension plan. The presumption that these
3 pension benefits are marital property is overcome by a showing
4 that the pension benefits were acquired by a method listed in
5 subsection (a) of this Section. The right to a division of
6 pension benefits in just proportions under this Section is
7 enforceable under Section 1-119 of the Illinois Pension Code.

8 The value of pension benefits in a retirement system
9 subject to the Illinois Pension Code shall be determined in
10 accordance with the valuation procedures established by the
11 retirement system.

12 The recognition of pension benefits as marital property and
13 the division of those benefits pursuant to a Qualified Illinois
14 Domestic Relations Order shall not be deemed to be a
15 diminishment, alienation, or impairment of those benefits. The
16 division of pension benefits is an allocation of property in
17 which each spouse has a species of common ownership.

18 (3) For purposes of distribution of property under this
19 Section, all stock options granted to either spouse after the
20 marriage and before a judgment of dissolution of marriage or
21 declaration of invalidity of marriage, whether vested or
22 non-vested or whether their value is ascertainable, are
23 presumed to be marital property. This presumption of marital
24 property is overcome by a showing that the stock options were
25 acquired by a method listed in subsection (a) of this Section.
26 The court shall allocate stock options between the parties at

1 the time of the judgment of dissolution of marriage or
2 declaration of invalidity of marriage recognizing that the
3 value of the stock options may not be then determinable and
4 that the actual division of the options may not occur until a
5 future date. In making the allocation between the parties, the
6 court shall consider, in addition to the factors set forth in
7 subsection (d) of this Section, the following:

8 (i) All circumstances underlying the grant of the stock
9 option including but not limited to whether the grant was
10 for past, present, or future efforts, or any combination
11 thereof.

12 (ii) The length of time from the grant of the option to
13 the time the option is exercisable.

14 (b-5) As to any policy of life insurance insuring the life
15 of either spouse, or any interest in such policy, that
16 constitutes marital property, whether whole life, term life,
17 group term life, universal life, or other form of life
18 insurance policy, and whether or not the value is
19 ascertainable, the court shall allocate ownership, death
20 benefits or the right to assign death benefits, and the
21 obligation for premium payments, if any, equitably between the
22 parties at the time of the judgment for dissolution or
23 declaration of invalidity of marriage.

24 (c) Commingled marital and non-marital property shall be
25 treated in the following manner, unless otherwise agreed by the
26 spouses:

1 (1) When marital and non-marital property are
2 commingled by contributing one estate of property into
3 another resulting in a loss of identity of the contributed
4 property, the classification of the contributed property
5 is transmuted to the estate receiving the contribution,
6 subject to the provisions of paragraph (2) of this
7 subsection; provided that if marital and non-marital
8 property are commingled into newly acquired property
9 resulting in a loss of identity of the contributing
10 estates, the commingled property shall be deemed
11 transmuted to marital property, subject to the provisions
12 of paragraph (2) of this subsection.

13 (2) When one estate of property makes a contribution to
14 another estate of property, or when a spouse contributes
15 personal effort to non-marital property, the contributing
16 estate shall be reimbursed from the estate receiving the
17 contribution notwithstanding any transmutation; provided,
18 that no such reimbursement shall be made with respect to a
19 contribution which is not retraceable by clear and
20 convincing evidence, or was a gift, or, in the case of a
21 contribution of personal effort of a spouse to non-marital
22 property, unless the effort is significant and results in
23 substantial appreciation of the non-marital property.
24 Personal effort of a spouse shall be deemed a contribution
25 by the marital estate. The court may provide for
26 reimbursement out of the marital property to be divided or

1 by imposing a lien against the non-marital property which
2 received the contribution.

3 (d) In a proceeding for dissolution of marriage or
4 declaration of invalidity of marriage, or in a proceeding for
5 disposition of property following dissolution of marriage by a
6 court which lacked personal jurisdiction over the absent spouse
7 or lacked jurisdiction to dispose of the property, the court
8 shall assign each spouse's non-marital property to that spouse.
9 It also shall divide the marital property without regard to
10 marital misconduct in just proportions considering all
11 relevant factors, including:

12 (1) the contribution of each party to the acquisition,
13 preservation, or increase or decrease in value of the
14 marital or non-marital property, including (i) any such
15 decrease attributable to a payment deemed to have been an
16 advance from the parties' marital estate under subsection
17 (c-1)(2) of Section 501 and (ii) the contribution of a
18 spouse as a homemaker or to the family unit;

19 (2) the dissipation by each party of the marital or
20 non-marital property, provided that a party's claim of
21 dissipation is subject to the following conditions:

22 (i) a notice of intent to claim dissipation shall
23 be given no later than 60 days before trial or 30 days
24 after discovery closes, whichever is later;

25 (ii) the notice of intent to claim dissipation
26 shall contain, at a minimum, a date or period of time

1 during which the marriage began undergoing an
2 irretrievable breakdown, an identification of the
3 property dissipated, and a date or period of time
4 during which the dissipation occurred;

5 (iii) the notice of intent to claim dissipation
6 shall be filed with the clerk of the court and be
7 served pursuant to applicable rules;

8 (iv) no dissipation shall be deemed to have
9 occurred prior to 5 years before the filing of the
10 petition for dissolution of marriage, or 3 years after
11 the party claiming dissipation knew or should have
12 known of the dissipation;

13 (3) the value of the property assigned to each spouse;

14 (4) the duration of the marriage;

15 (5) the relevant economic circumstances of each spouse
16 when the division of property is to become effective,
17 including the desirability of awarding the family home, or
18 the right to live therein for reasonable periods, to the
19 spouse having custody of the children;

20 (6) any obligations and rights arising from a prior
21 marriage of either party;

22 (7) any antenuptial agreement of the parties;

23 (8) the age, health, station, occupation, amount and
24 sources of income, vocational skills, employability,
25 estate, liabilities, and needs of each of the parties;

26 (9) the custodial provisions for any children;

1 (10) whether the apportionment is in lieu of or in
2 addition to maintenance;

3 (11) the reasonable opportunity of each spouse for
4 future acquisition of capital assets and income; and

5 (12) the tax consequences of the property division upon
6 the respective economic circumstances of the parties.

7 (e) Each spouse has a species of common ownership in the
8 marital property which vests at the time dissolution
9 proceedings are commenced and continues only during the
10 pendency of the action. Any such interest in marital property
11 shall not encumber that property so as to restrict its
12 transfer, assignment or conveyance by the title holder unless
13 such title holder is specifically enjoined from making such
14 transfer, assignment or conveyance.

15 (f) In a proceeding for dissolution of marriage or
16 declaration of invalidity of marriage or in a proceeding for
17 disposition of property following dissolution of marriage by a
18 court that lacked personal jurisdiction over the absent spouse
19 or lacked jurisdiction to dispose of the property, the court,
20 in determining the value of the marital and non-marital
21 property for purposes of dividing the property, shall value the
22 property as of the date of trial or some other date as close to
23 the date of trial as is practicable.

24 (g) The court if necessary to protect and promote the best
25 interests of the children may set aside a portion of the
26 jointly or separately held estates of the parties in a separate

1 fund or trust for the support, maintenance, education, physical
2 and mental health, and general welfare of any minor, dependent,
3 or incompetent child of the parties. In making a determination
4 under this subsection, the court may consider, among other
5 things, the conviction of a party of any of the offenses set
6 forth in Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
7 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-13, 12-14, 12-14.1,
8 12-15, or 12-16, or Section 12-3.05 except for subdivision
9 (a) (4) or (g) (1), of the Criminal Code of 1961 if the victim is
10 a child of one or both of the parties, and there is a need for,
11 and cost of, care, healing and counseling for the child who is
12 the victim of the crime.

13 (h) Unless specifically directed by a reviewing court, or
14 upon good cause shown, the court shall not on remand consider
15 any increase or decrease in the value of any "marital" or
16 "non-marital" property occurring since the assessment of such
17 property at the original trial or hearing, but shall use only
18 that assessment made at the original trial or hearing.

19 (i) The court may make such judgments affecting the marital
20 property as may be just and may enforce such judgments by
21 ordering a sale of marital property, with proceeds therefrom to
22 be applied as determined by the court.

23 (j) After proofs have closed in the final hearing on all
24 other issues between the parties (or in conjunction with the
25 final hearing, if all parties so stipulate) and before judgment
26 is entered, a party's petition for contribution to fees and

1 costs incurred in the proceeding shall be heard and decided, in
2 accordance with the following provisions:

3 (1) A petition for contribution, if not filed before
4 the final hearing on other issues between the parties,
5 shall be filed no later than 30 days after the closing of
6 proofs in the final hearing or within such other period as
7 the court orders.

8 (2) Any award of contribution to one party from the
9 other party shall be based on the criteria for division of
10 marital property under this Section 503 and, if maintenance
11 has been awarded, on the criteria for an award of
12 maintenance under Section 504.

13 (3) The filing of a petition for contribution shall not
14 be deemed to constitute a waiver of the attorney-client
15 privilege between the petitioning party and current or
16 former counsel; and such a waiver shall not constitute a
17 prerequisite to a hearing for contribution. If either
18 party's presentation on contribution, however, includes
19 evidence within the scope of the attorney-client
20 privilege, the disclosure or disclosures shall be narrowly
21 construed and shall not be deemed by the court to
22 constitute a general waiver of the privilege as to matters
23 beyond the scope of the presentation.

24 (4) No finding on which a contribution award is based
25 or denied shall be asserted against counsel or former
26 counsel for purposes of any hearing under subsection (c) or

1 (e) of Section 508.

2 (5) A contribution award (payable to either the
3 petitioning party or the party's counsel, or jointly, as
4 the court determines) may be in the form of either a set
5 dollar amount or a percentage of fees and costs (or a
6 portion of fees and costs) to be subsequently agreed upon
7 by the petitioning party and counsel or, alternatively,
8 thereafter determined in a hearing pursuant to subsection
9 (c) of Section 508 or previously or thereafter determined
10 in an independent proceeding under subsection (e) of
11 Section 508.

12 (6) The changes to this Section 503 made by this
13 amendatory Act of 1996 apply to cases pending on or after
14 June 1, 1997, except as otherwise provided in Section 508.

15 The changes made to this Section by this amendatory Act of
16 the 97th General Assembly apply only to petitions for
17 dissolution of marriage filed on or after the effective date of
18 this amendatory Act of the 97th General Assembly.

19 (Source: P.A. 95-374, eff. 1-1-08; 96-583, eff. 1-1-10;
20 96-1551, Article 1, Section 985, eff. 7-1-11; 96-1551, Article
21 2, Section 1100, eff. 7-1-11; 97-608, eff. 1-1-12; revised
22 9-26-11.)

23 (750 ILCS 5/505) (from Ch. 40, par. 505)

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

25 (a) In a proceeding for dissolution of marriage, legal

1 separation, declaration of invalidity of marriage, a
 2 proceeding for child support following dissolution of the
 3 marriage by a court that ~~which~~ lacked personal jurisdiction
 4 over the absent spouse, a proceeding for modification of a
 5 previous order for child support under Section 510 of this Act,
 6 or any proceeding authorized under Section 501 or 601 of this
 7 Act, the court may order either or both parents owing a duty of
 8 support to a child of the marriage to pay an amount reasonable
 9 and necessary for the support of the child ~~his support~~, without
 10 regard to marital misconduct. The duty of support owed to a
 11 child includes the obligation to provide for the reasonable and
 12 necessary educational, physical, mental and emotional health
 13 needs of the child. For purposes of this Section, the term
 14 "child" shall include any child under age 18 and any child
 15 under age 19 who is still attending high school.

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

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

26 (2) The above guidelines shall be applied in each case

1 unless the court finds that a deviation from the guidelines
2 is appropriate after considering the best interest of the
3 child in light of the evidence, including, but not limited
4 to, ~~makes a finding that application of the guidelines~~
5 ~~would be inappropriate, after considering the best~~
6 ~~interests of the child in light of evidence including but~~
7 ~~not limited to~~ one or more of the following relevant
8 factors:

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

10 (b) the financial resources and needs of the
11 custodial parent;

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

14 (d) the physical, mental, and emotional needs
15 ~~condition~~ of the child, ~~and his educational needs; and~~

16 (d-5) the educational needs of the child; and

17 (e) the financial resources and needs of the
18 non-custodial parent.

19 If the court deviates from the guidelines, the court's
20 finding shall state the amount of support that would have
21 been required under the guidelines, if determinable. The
22 court shall include the reason or reasons for the variance
23 from the guidelines.

24 (2.5) The court, in its discretion, in addition to
25 setting child support pursuant to the guidelines and
26 factors, may order either or both parents owing a duty of

1 support to a child of the marriage to contribute to the
2 following expenses, if determined by the court to be
3 reasonable:

4 (a) health needs not covered by insurance;

5 (b) child care;

6 (c) education; and

7 (d) extracurricular activities.

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

10 (a) Federal income tax (properly calculated
11 withholding or estimated payments);

12 (b) State income tax (properly calculated
13 withholding or estimated payments);

14 (c) Social Security (FICA payments);

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

17 (e) Union dues;

18 (f) Dependent and individual
19 health/hospitalization insurance premiums and life
20 insurance premiums for life insurance ordered by the
21 court to reasonably secure child support or support
22 ordered pursuant to Section 513, any such order to
23 entail provisions on which the parties agree or,
24 otherwise, in accordance with the limitations set
25 forth in subsection 504(f) (1) and (2);

26 (g) Prior obligations of support or maintenance

1 actually paid pursuant to a court order;

2 (h) Expenditures for repayment of debts that
3 represent reasonable and necessary expenses for the
4 production of income, medical expenditures necessary
5 to preserve life or health, reasonable expenditures
6 for the benefit of the child and the other parent,
7 exclusive of gifts. The court shall reduce net income
8 in determining the minimum amount of support to be
9 ordered only for the period that such payments are due
10 and shall enter an order containing provisions for its
11 self-executing modification upon termination of such
12 payment period;

13 (i) Foster care payments paid by the Department of
14 Children and Family Services for providing licensed
15 foster care to a foster child.

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

25 (4.5) In a proceeding for child support following
26 dissolution of the marriage by a court that lacked personal

1 jurisdiction over the absent spouse, and in which the court
2 is requiring payment of support for the period before the
3 date an order for current support is entered, there is a
4 rebuttable presumption that the supporting party's net
5 income for the prior period was the same as his or her net
6 income at the time the order for current support is
7 entered.

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

20 (6) If (i) the non-custodial parent was properly served
21 with a request for discovery of financial information
22 relating to the non-custodial parent's ability to provide
23 child support, (ii) the non-custodial parent failed to
24 comply with the request, despite having been ordered to do
25 so by the court, and (iii) the non-custodial parent is not
26 present at the hearing to determine support despite having

1 received proper notice, then any relevant financial
2 information concerning the non-custodial parent's ability
3 to provide child support that was obtained pursuant to
4 subpoena and proper notice shall be admitted into evidence
5 without the need to establish any further foundation for
6 its admission.

7 (a-5) In an action to enforce an order for support based on
8 the respondent's failure to make support payments as required
9 by the order, notice of proceedings to hold the respondent in
10 contempt for that failure may be served on the respondent by
11 personal service or by regular mail addressed to the
12 respondent's last known address. The respondent's last known
13 address may be determined from records of the clerk of the
14 court, from the Federal Case Registry of Child Support Orders,
15 or by any other reasonable means.

16 (b) Failure of either parent to comply with an order to pay
17 support shall be punishable as in other cases of contempt. In
18 addition to other penalties provided by law the Court may,
19 after finding the parent guilty of contempt, order that the
20 parent be:

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

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

1 (A) work; or

2 (B) conduct a business or other self-employed
3 occupation.

4 The Court may further order any part or all of the earnings
5 of a parent during a sentence of periodic imprisonment paid to
6 the Clerk of the Circuit Court or to the parent having custody
7 or to the guardian having custody of the children of the
8 sentenced parent for the support of said children until further
9 order of the Court.

10 If there is a unity of interest and ownership sufficient to
11 render no financial separation between a non-custodial parent
12 and another person or persons or business entity, the court may
13 pierce the ownership veil of the person, persons, or business
14 entity to discover assets of the non-custodial parent held in
15 the name of that person, those persons, or that business
16 entity. The following circumstances are sufficient to
17 authorize a court to order discovery of the assets of a person,
18 persons, or business entity and to compel the application of
19 any discovered assets toward payment on the judgment for
20 support:

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

23 (2) the non-custodial parent and the person, persons,
24 or business entity fail to maintain an arm's ~~arms~~ length
25 relationship between themselves with regard to any assets.

26 (3) the non-custodial parent transfers assets to the

1 person, persons, or business entity with the intent to
2 perpetrate a fraud on the custodial parent.

3 With respect to assets which are real property, no order
4 entered under this paragraph shall affect the rights of bona
5 fide purchasers, mortgagees, judgment creditors, or other lien
6 holders who acquire their interests in the property prior to
7 the time a notice of lis pendens pursuant to the Code of Civil
8 Procedure or a copy of the order is placed of record in the
9 office of the recorder of deeds for the county in which the
10 real property is located.

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

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

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

17 A support obligation, or any portion of a support
18 obligation, which becomes due and remains unpaid as of the end
19 of each month, excluding the child support that was due for
20 that month to the extent that it was not paid in that month,
21 shall accrue simple interest as set forth in Section 12-109 of
22 the Code of Civil Procedure. An order for support entered or
23 modified on or after January 1, 2006 shall contain a statement
24 that a support obligation required under the order, or any
25 portion of a support obligation required under the order, that
26 becomes due and remains unpaid as of the end of each month,

1 excluding the child support that was due for that month to the
2 extent that it was not paid in that month, shall accrue simple
3 interest as set forth in Section 12-109 of the Code of Civil
4 Procedure. Failure to include the statement in the order for
5 support does not affect the validity of the order or the
6 accrual of interest as provided in this Section.

7 (c) A one-time charge of 20% is imposable upon the amount
8 of past-due child support owed on July 1, 1988 which has
9 accrued under a support order entered by the court. The charge
10 shall be imposed in accordance with the provisions of Section
11 10-21 of the Illinois Public Aid Code and shall be enforced by
12 the court upon petition.

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

26 (e) When child support is to be paid through the clerk of

1 the court in a county of 1,000,000 inhabitants or less, the
2 order shall direct the obligor to pay to the clerk, in addition
3 to the child support payments, all fees imposed by the county
4 board under paragraph (3) of subsection (u) of Section 27.1 of
5 the Clerks of Courts Act. Unless paid in cash or pursuant to an
6 order for withholding, the payment of the fee shall be by a
7 separate instrument from the support payment and shall be made
8 to the order of the Clerk.

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

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

14 (g-5) If there is an unpaid arrearage or delinquency (as
15 those terms are defined in the Income Withholding for Support
16 Act) equal to at least one month's support obligation on the
17 termination date stated in the order for support or, if there
18 is no termination date stated in the order, on the date the
19 child attains the age of majority or is otherwise emancipated,
20 the periodic amount required to be paid for current support of
21 that child immediately prior to that date shall automatically
22 continue to be an obligation, not as current support but as
23 periodic payment toward satisfaction of the unpaid arrearage or
24 delinquency. That periodic payment shall be in addition to any
25 periodic payment previously required for satisfaction of the
26 arrearage or delinquency. The total periodic amount to be paid

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

17 (h) An order entered under this Section shall include a
18 provision requiring the obligor to report to the obligee and to
19 the clerk of court within 10 days each time the obligor obtains
20 new employment, and each time the obligor's employment is
21 terminated for any reason. The report shall be in writing and
22 shall, in the case of new employment, include the name and
23 address of the new employer. Failure to report new employment
24 or the termination of current employment, if coupled with
25 nonpayment of support for a period in excess of 60 days, is
26 indirect criminal contempt. For any obligor arrested for

1 failure to report new employment bond shall be set in the
2 amount of the child support that should have been paid during
3 the period of unreported employment. An order entered under
4 this Section shall also include a provision requiring the
5 obligor and obligee parents to advise each other of a change in
6 residence within 5 days of the change except when the court
7 finds that the physical, mental, or emotional health of a party
8 or that of a child, or both, would be seriously endangered by
9 disclosure of the party's address.

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

15 (Source: P.A. 96-1134, eff. 7-21-10; 97-186, eff. 7-22-11;
16 97-608, eff. 1-1-12; revised 10-4-11.)