

1 AN ACT concerning child support.

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

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

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

7 Sec. 10-10. Court enforcement; applicability also to  
8 persons who are not applicants or recipients. Except where the  
9 Illinois Department, by agreement, acts for the local  
10 governmental unit, as provided in Section 10-3.1, local  
11 governmental units shall refer to the State's Attorney or to  
12 the proper legal representative of the governmental unit, for  
13 judicial enforcement as herein provided, instances of  
14 non-support or insufficient support when the dependents are  
15 applicants or recipients under Article VI. The Child and Spouse  
16 Support Unit established by Section 10-3.1 may institute in  
17 behalf of the Illinois Department any actions under this  
18 Section for judicial enforcement of the support liability when  
19 the dependents are (a) applicants or recipients under Articles  
20 III, IV, V or VII; (b) applicants or recipients in a local  
21 governmental unit when the Illinois Department, by agreement,  
22 acts for the unit; or (c) non-applicants or non-recipients who  
23 are receiving child support enforcement services under this

1 Article X, as provided in Section 10-1. Where the Child and  
2 Spouse Support Unit has exercised its option and discretion not  
3 to apply the provisions of Sections 10-3 through 10-8, the  
4 failure by the Unit to apply such provisions shall not be a bar  
5 to bringing an action under this Section.

6 Action shall be brought in the circuit court to obtain  
7 support, or for the recovery of aid granted during the period  
8 such support was not provided, or both for the obtainment of  
9 support and the recovery of the aid provided. Actions for the  
10 recovery of aid may be taken separately or they may be  
11 consolidated with actions to obtain support. Such actions may  
12 be brought in the name of the person or persons requiring  
13 support, or may be brought in the name of the Illinois  
14 Department or the local governmental unit, as the case  
15 requires, in behalf of such persons.

16 The court may enter such orders for the payment of moneys  
17 for the support of the person as may be just and equitable and  
18 may direct payment thereof for such period or periods of time  
19 as the circumstances require, including support for a period  
20 before the date the order for support is entered. The order may  
21 be entered against any or all of the defendant responsible  
22 relatives and may be based upon the proportionate ability of  
23 each to contribute to the person's support.

24 The Court shall determine the amount of child support  
25 (including child support for a period before the date the order  
26 for child support is entered) by using the guidelines and

1 standards set forth in subsection (a) of Section 505 and in  
2 Section 505.2 of the Illinois Marriage and Dissolution of  
3 Marriage Act. For purposes of determining the amount of child  
4 support to be paid for a period before the date the order for  
5 child support is entered, there is a rebuttable presumption  
6 that the responsible relative's net income for that period was  
7 the same as his or her net income at the time the order is  
8 entered.

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

21 An order entered under this Section shall include a  
22 provision requiring the obligor to report to the obligee and to  
23 the clerk of court within 10 days each time the obligor obtains  
24 new employment, and each time the obligor's employment is  
25 terminated for any reason. The report shall be in writing and  
26 shall, in the case of new employment, include the name and

1 address of the new employer. Failure to report new employment  
2 or the termination of current employment, if coupled with  
3 nonpayment of support for a period in excess of 60 days, is  
4 indirect criminal contempt. For any obligor arrested for  
5 failure to report new employment bond shall be set in the  
6 amount of the child support that should have been paid during  
7 the period of unreported employment. An order entered under  
8 this Section shall also include a provision requiring the  
9 obligor and obligee parents to advise each other of a change in  
10 residence within 5 days of the change except when the court  
11 finds that the physical, mental, or emotional health of a party  
12 or that of a minor child, or both, would be seriously  
13 endangered by disclosure of the party's address.

14 The Court shall determine the amount of maintenance using  
15 the standards set forth in Section 504 of the Illinois Marriage  
16 and Dissolution of Marriage Act.

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

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

7 When an order is entered for the support of a minor, the  
8 court may provide therein for reasonable visitation of the  
9 minor by the person or persons who provided support pursuant to  
10 the order. Whoever willfully refuses to comply with such  
11 visitation order or willfully interferes with its enforcement  
12 may be declared in contempt of court and punished therefor.

13 Except where the local governmental unit has entered into  
14 an agreement with the Illinois Department for the Child and  
15 Spouse Support Unit to act for it, as provided in Section  
16 10-3.1, support orders entered by the court in cases involving  
17 applicants or recipients under Article VI shall provide that  
18 payments thereunder be made directly to the local governmental  
19 unit. Orders for the support of all other applicants or  
20 recipients shall provide that payments thereunder be made  
21 directly to the Illinois Department. In accordance with federal  
22 law and regulations, the Illinois Department may continue to  
23 collect current maintenance payments or child support  
24 payments, or both, after those persons cease to receive public  
25 assistance and until termination of services under Article X.  
26 The Illinois Department shall pay the net amount collected to

1 those persons after deducting any costs incurred in making the  
2 collection or any collection fee from the amount of any  
3 recovery made. In both cases the order shall permit the local  
4 governmental unit or the Illinois Department, as the case may  
5 be, to direct the responsible relative or relatives to make  
6 support payments directly to the needy person, or to some  
7 person or agency in his behalf, upon removal of the person from  
8 the public aid rolls or upon termination of services under  
9 Article X.

10 If the notice of support due issued pursuant to Section  
11 10-7 directs that support payments be made directly to the  
12 needy person, or to some person or agency in his behalf, and  
13 the recipient is removed from the public aid rolls, court  
14 action may be taken against the responsible relative hereunder  
15 if he fails to furnish support in accordance with the terms of  
16 such notice.

17 Actions may also be brought under this Section in behalf of  
18 any person who is in need of support from responsible  
19 relatives, as defined in Section 2-11 of Article II who is not  
20 an applicant for or recipient of financial aid under this Code.  
21 In such instances, the State's Attorney of the county in which  
22 such person resides shall bring action against the responsible  
23 relatives hereunder. If the Illinois Department, as authorized  
24 by Section 10-1, extends the child support enforcement services  
25 provided by this Article to spouses and dependent children who  
26 are not applicants or recipients under this Code, the Child and

1 Spouse Support Unit established by Section 10-3.1 shall bring  
2 action against the responsible relatives hereunder and any  
3 support orders entered by the court in such cases shall provide  
4 that payments thereunder be made directly to the Illinois  
5 Department.

6 Whenever it is determined in a proceeding to establish or  
7 enforce a child support or maintenance obligation that the  
8 person owing a duty of support is unemployed, the court may  
9 order the person to seek employment and report periodically to  
10 the court with a diary, listing or other memorandum of his or  
11 her efforts in accordance with such order. Additionally, the  
12 court may order the unemployed person to report to the  
13 Department of Employment Security for job search services or to  
14 make application with the local Job Training Partnership Act  
15 provider for participation in job search, training or work  
16 programs and where the duty of support is owed to a child  
17 receiving child support enforcement services under this  
18 Article X, the court may order the unemployed person to report  
19 to the Illinois Department for participation in job search,  
20 training or work programs established under Section 9-6 and  
21 Article IXA of this Code.

22 Whenever it is determined that a person owes past-due  
23 support for a child receiving assistance under this Code, the  
24 court shall order at the request of the Illinois Department:

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

1           (2) if the person owing past-due support is unemployed,  
2           is subject to such a plan, and is not incapacitated, that  
3           the person participate in such job search, training, or  
4           work programs established under Section 9-6 and Article IXA  
5           of this Code as the court deems appropriate.

6           A determination under this Section shall not be  
7           administratively reviewable by the procedures specified in  
8           Sections 10-12, and 10-13 to 10-13.10. Any determination under  
9           these Sections, if made the basis of court action under this  
10          Section, shall not affect the de novo judicial determination  
11          required under this Section.

12          If a person who is found guilty of contempt for failure to  
13          comply with an order to pay support is a person who conducts a  
14          business or who is self-employed, the court in addition to  
15          other penalties provided by law may order that the person do  
16          one or more of the following: (i) provide to the court monthly  
17          financial statements showing income and expenses from the  
18          business or the self-employment; (ii) seek employment and  
19          report periodically to the court with a diary, listing, or  
20          other memorandum of his or her employment search efforts; or  
21          (iii) report to the Department of Employment Security for job  
22          search services to find employment that will be subject to  
23          withholding of child support.

24          A one-time charge of 20% is imposable upon the amount of  
25          past-due child support owed on July 1, 1988 which has accrued  
26          under a support order entered by the court. The charge shall be



1 imposed in accordance with the provisions of Section 10-21 of  
2 this Code and shall be enforced by the court upon petition.

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

22 An order for support shall include a date on which the  
23 current support obligation terminates. The termination date  
24 shall be no earlier than the date on which the child covered by  
25 the order will attain the age of 18. However, if the child will  
26 not graduate from high school until after attaining the age of

1 18, then the termination date shall be no earlier than the  
2 earlier of the date on which the child's high school graduation  
3 will occur or the date on which the child will attain the age  
4 of 19. The order for support shall state that the termination  
5 date does not apply to any arrearage that may remain unpaid on  
6 that date. Nothing in this paragraph shall be construed to  
7 prevent the court from modifying the order or terminating the  
8 order in the event the child is otherwise emancipated.

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

1 entered or modified on or after the effective date of this  
2 amendatory Act of the 93rd General Assembly must contain a  
3 statement notifying the parties of the requirements of this  
4 paragraph. Failure to include the statement in the order for  
5 support does not affect the validity of the order or the  
6 operation of the provisions of this paragraph with regard to  
7 the order. This paragraph shall not be construed to prevent or  
8 affect the establishment or modification of an order for the  
9 support of a minor child or the establishment or modification  
10 of an order for the support of a non-minor child or educational  
11 expenses under Section 513 of the Illinois Marriage and  
12 Dissolution of Marriage Act.

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

22 To the extent the provisions of this Section are  
23 inconsistent with the requirements pertaining to the State  
24 Disbursement Unit under Sections 10-10.4 and 10-26 of this  
25 Code, the requirements pertaining to the State Disbursement  
26 Unit shall apply.

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

2 Section 10. The Illinois Marriage and Dissolution of  
3 Marriage Act is amended by changing Section 505 as follows:

4 (750 ILCS 5/505) (from Ch. 40, par. 505)

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

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

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

24 Number of Children Percent of Supporting Party's

	Net Income
1	
2	1 20%
3	2 28%
4	3 32%
5	4 40%
6	5 45%
7	6 or more 50%

8 (2) The above guidelines shall be applied in each case  
9 unless the court makes a finding that application of the  
10 guidelines would be inappropriate, after considering the  
11 best interests of the child in light of evidence including  
12 but not limited to one or more of the following relevant  
13 factors:

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

15 (b) the financial resources and needs of the  
16 custodial parent;

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

19 (d) the physical and emotional condition of the  
20 child, and his educational needs; and

21 (e) the financial resources and needs of the  
22 non-custodial parent.

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

1 from the guidelines.

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

4 (a) Federal income tax (properly calculated  
5 withholding or estimated payments);

6 (b) State income tax (properly calculated  
7 withholding or estimated payments);

8 (c) Social Security (FICA payments);

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

11 (e) Union dues;

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

20 (g) Prior obligations of support or maintenance  
21 actually paid pursuant to a court order;

22 (h) Expenditures for repayment of debts that  
23 represent reasonable and necessary expenses for the  
24 production of income, medical expenditures necessary  
25 to preserve life or health, reasonable expenditures  
26 for the benefit of the child and the other parent,

1 exclusive of gifts. The court shall reduce net income  
2 in determining the minimum amount of support to be  
3 ordered only for the period that such payments are due  
4 and shall enter an order containing provisions for its  
5 self-executing modification upon termination of such  
6 payment period;

7 (i) Foster care payments paid by the Department of  
8 Children and Family Services for providing licensed  
9 foster care to a foster child.

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

19 (4.5) In a proceeding for child support following  
20 dissolution of the marriage by a court that lacked personal  
21 jurisdiction over the absent spouse, and in which the court  
22 is requiring payment of support for the period before the  
23 date an order for current support is entered, there is a  
24 rebuttable presumption that the supporting party's net  
25 income for the prior period was the same as his or her net  
26 income at the time the order for current support is

1 entered.

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

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



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

10 (b) Failure of either parent to comply with an order to pay  
11 support shall be punishable as in other cases of contempt. In  
12 addition to other penalties provided by law the Court may,  
13 after finding the parent guilty of contempt, order that the  
14 parent be:

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

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

21 (A) work; or

22 (B) conduct a business or other self-employed  
23 occupation.

24 The Court may further order any part or all of the earnings  
25 of a parent during a sentence of periodic imprisonment paid to  
26 the Clerk of the Circuit Court or to the parent having custody

1 or to the guardian having custody of the children of the  
2 sentenced parent for the support of said children until further  
3 order of the Court.

4 If a parent who is found guilty of contempt for failure to  
5 comply with an order to pay support is a person who conducts a  
6 business or who is self-employed, the court in addition to  
7 other penalties provided by law may order that the parent do  
8 one or more of the following: (i) provide to the court monthly  
9 financial statements showing income and expenses from the  
10 business or the self-employment; (ii) seek employment and  
11 report periodically to the court with a diary, listing, or  
12 other memorandum of his or her employment search efforts; or  
13 (iii) report to the Department of Employment Security for job  
14 search services to find employment that will be subject to  
15 withholding for child support.

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

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

3           (2) the non-custodial parent and the person, persons,  
4           or business entity fail to maintain an arms length  
5           relationship between themselves with regard to any assets.

6           (3) the non-custodial parent transfers assets to the  
7           person, persons, or business entity with the intent to  
8           perpetrate a fraud on the custodial parent.

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

17          The court may also order in cases where the parent is 90  
18          days or more delinquent in payment of support or has been  
19          adjudicated in arrears in an amount equal to 90 days obligation  
20          or more, that the parent's Illinois driving privileges be  
21          suspended until the court determines that the parent is in  
22          compliance with the order of support. The court may also order  
23          that the parent be issued a family financial responsibility  
24          driving permit that would allow limited driving privileges for  
25          employment and medical purposes in accordance with Section  
26          7-702.1 of the Illinois Vehicle Code. The clerk of the circuit

1 court shall certify the order suspending the driving privileges  
2 of the parent or granting the issuance of a family financial  
3 responsibility driving permit to the Secretary of State on  
4 forms prescribed by the Secretary. Upon receipt of the  
5 authenticated documents, the Secretary of State shall suspend  
6 the parent's driving privileges until further order of the  
7 court and shall, if ordered by the court, subject to the  
8 provisions of Section 7-702.1 of the Illinois Vehicle Code,  
9 issue a family financial responsibility driving permit to the  
10 parent.

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

23 A support obligation, or any portion of a support  
24 obligation, which becomes due and remains unpaid as of the end  
25 of each month, excluding the child support that was due for  
26 that month to the extent that it was not paid in that month,

1 shall accrue simple interest as set forth in Section 12-109 of  
2 the Code of Civil Procedure. An order for support entered or  
3 modified on or after January 1, 2006 shall contain a statement  
4 that a support obligation required under the order, or any  
5 portion of a support obligation required under the order, that  
6 becomes due and remains unpaid as of the end of each month,  
7 excluding the child support that was due for that month to the  
8 extent that it was not paid in that month, shall accrue simple  
9 interest as set forth in Section 12-109 of the Code of Civil  
10 Procedure. Failure to include the statement in the order for  
11 support does not affect the validity of the order or the  
12 accrual of interest as provided in this Section.

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

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

1 any other judgment of this State, including the ability to be  
2 enforced. Notwithstanding any other State or local law to the  
3 contrary, a lien arises by operation of law against the real  
4 and personal property of the noncustodial parent for each  
5 installment of overdue support owed by the noncustodial parent.

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

15 (f) All orders for support, when entered or modified, shall  
16 include a provision requiring the obligor to notify the court  
17 and, in cases in which a party is receiving child and spouse  
18 services under Article X of the Illinois Public Aid Code, the  
19 Department of Healthcare and Family Services, within 7 days,  
20 (i) of the name and address of any new employer of the obligor,  
21 (ii) whether the obligor has access to health insurance  
22 coverage through the employer or other group coverage and, if  
23 so, the policy name and number and the names of persons covered  
24 under the policy, and (iii) of any new residential or mailing  
25 address or telephone number of the non-custodial parent. In any  
26 subsequent action to enforce a support order, upon a sufficient

1 showing that a diligent effort has been made to ascertain the  
2 location of the non-custodial parent, service of process or  
3 provision of notice necessary in the case may be made at the  
4 last known address of the non-custodial parent in any manner  
5 expressly provided by the Code of Civil Procedure or this Act,  
6 which service shall be sufficient for purposes of due process.

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

20 (g-5) If there is an unpaid arrearage or delinquency (as  
21 those terms are defined in the Income Withholding for Support  
22 Act) equal to at least one month's support obligation on the  
23 termination date stated in the order for support or, if there  
24 is no termination date stated in the order, on the date the  
25 child attains the age of majority or is otherwise emancipated,  
26 the periodic amount required to be paid for current support of

1 that child immediately prior to that date shall automatically  
2 continue to be an obligation, not as current support but as  
3 periodic payment toward satisfaction of the unpaid arrearage or  
4 delinquency. That periodic payment shall be in addition to any  
5 periodic payment previously required for satisfaction of the  
6 arrearage or delinquency. The total periodic amount to be paid  
7 toward satisfaction of the arrearage or delinquency may be  
8 enforced and collected by any method provided by law for  
9 enforcement and collection of child support, including but not  
10 limited to income withholding under the Income Withholding for  
11 Support Act. Each order for support entered or modified on or  
12 after the effective date of this amendatory Act of the 93rd  
13 General Assembly must contain a statement notifying the parties  
14 of the requirements of this subsection. Failure to include the  
15 statement in the order for support does not affect the validity  
16 of the order or the operation of the provisions of this  
17 subsection with regard to the order. This subsection shall not  
18 be construed to prevent or affect the establishment or  
19 modification of an order for support of a minor child or the  
20 establishment or modification of an order for support of a  
21 non-minor child or educational expenses under Section 513 of  
22 this Act.

23 (h) An order entered under this Section shall include a  
24 provision requiring the obligor to report to the obligee and to  
25 the clerk of court within 10 days each time the obligor obtains  
26 new employment, and each time the obligor's employment is



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

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

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

23 Section 15. The Non-Support Punishment Act is amended by  
24 changing Section 20 as follows:

1 (750 ILCS 16/20)

2 Sec. 20. Entry of order for support; income withholding.

3 (a) In a case in which no court or administrative order for  
4 support is in effect against the defendant:

5 (1) at any time before the trial, upon motion of the  
6 State's Attorney, or of the Attorney General if the action  
7 has been instituted by his office, and upon notice to the  
8 defendant, or at the time of arraignment or as a condition  
9 of postponement of arraignment, the court may enter such  
10 temporary order for support as may seem just, providing for  
11 the support or maintenance of the spouse or child or  
12 children of the defendant, or both, pendente lite; or

13 (2) before trial with the consent of the defendant, or  
14 at the trial on entry of a plea of guilty, or after  
15 conviction, instead of imposing the penalty provided in  
16 this Act, or in addition thereto, the court may enter an  
17 order for support, subject to modification by the court  
18 from time to time as circumstances may require, directing  
19 the defendant to pay a certain sum for maintenance of the  
20 spouse, or for support of the child or children, or both.

21 (b) The court shall determine the amount of child support  
22 by using the guidelines and standards set forth in subsection  
23 (a) of Section 505 and in Section 505.2 of the Illinois  
24 Marriage and Dissolution of Marriage Act.

25 If (i) the non-custodial parent was properly served with a  
26 request for discovery of financial information relating to the

1 non-custodial parent's ability to provide child support, (ii)  
2 the non-custodial parent failed to comply with the request,  
3 despite having been ordered to do so by the court, and (iii)  
4 the non-custodial parent is not present at the hearing to  
5 determine support despite having received proper notice, then  
6 any relevant financial information concerning the  
7 non-custodial parent's ability to provide support that was  
8 obtained pursuant to subpoena and proper notice shall be  
9 admitted into evidence without the need to establish any  
10 further foundation for its admission.

11 (c) The court shall determine the amount of maintenance  
12 using the standards set forth in Section 504 of the Illinois  
13 Marriage and Dissolution of Marriage Act.

14 (d) The court may, for violation of any order under this  
15 Section, punish the offender as for a contempt of court, but no  
16 pendente lite order shall remain in effect longer than 4  
17 months, or after the discharge of any panel of jurors summoned  
18 for service thereafter in such court, whichever is sooner.

19 (d-5) If a person who is found guilty of contempt for  
20 failure to comply with an order to pay support is a person who  
21 conducts a business or who is self-employed, the court may  
22 order in addition to other penalties provided by law that the  
23 person do one or more of the following: (i) provide to the  
24 court monthly financial statements showing income and expenses  
25 from the business or the self-employment; (ii) seek employment  
26 and report periodically to the court with a diary, listing, or

1 other memorandum of his or her employment search efforts; or  
2 (iii) report to the Department of Employment Security for job  
3 search services to find employment that will be subject to  
4 withholding of child support.

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

20 (f) An order for support entered under this Section shall  
21 include a provision requiring the obligor to report to the  
22 obligee and to the clerk of the court within 10 days each time  
23 the obligor obtains new employment, and each time the obligor's  
24 employment is terminated for any reason. The report shall be in  
25 writing and shall, in the case of new employment, include the  
26 name and address of the new employer.

1 Failure to report new employment or the termination of  
2 current employment, if coupled with nonpayment of support for a  
3 period in excess of 60 days, is indirect criminal contempt. For  
4 any obligor arrested for failure to report new employment, bond  
5 shall be set in the amount of the child support that should  
6 have been paid during the period of unreported employment.

7 An order for support entered under this Section shall also  
8 include a provision requiring the obligor and obligee parents  
9 to advise each other of a change in residence within 5 days of  
10 the change except when the court finds that the physical,  
11 mental, or emotional health of a party or of a minor child, or  
12 both, would be seriously endangered by disclosure of the  
13 party's address.

14 (g) An order for support entered or modified in a case in  
15 which a party is receiving child support enforcement services  
16 under Article X of the Illinois Public Aid Code shall include a  
17 provision requiring the noncustodial parent to notify the  
18 Department of Healthcare and Family Services, within 7 days, of  
19 the name and address of any new employer of the noncustodial  
20 parent, whether the noncustodial parent has access to health  
21 insurance coverage through the employer or other group coverage  
22 and, if so, the policy name and number and the names of persons  
23 covered under the policy.

24 (h) In any subsequent action to enforce an order for  
25 support entered under this Act, upon sufficient showing that  
26 diligent effort has been made to ascertain the location of the

1 noncustodial parent, service of process or provision of notice  
2 necessary in that action may be made at the last known address  
3 of the noncustodial parent, in any manner expressly provided by  
4 the Code of Civil Procedure or in this Act, which service shall  
5 be sufficient for purposes of due process.

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

19 (i-5) If there is an unpaid arrearage or delinquency (as  
20 those terms are defined in the Income Withholding for Support  
21 Act) equal to at least one month's support obligation on the  
22 termination date stated in the order for support or, if there  
23 is no termination date stated in the order, on the date the  
24 child attains the age of majority or is otherwise emancipated,  
25 the periodic amount required to be paid for current support of  
26 that child immediately prior to that date shall automatically

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

22 (j) A support obligation, or any portion of a support  
23 obligation, which becomes due and remains unpaid as of the end  
24 of each month, excluding the child support that was due for  
25 that month to the extent that it was not paid in that month,  
26 shall accrue simple interest as set forth in Section 12-109 of

1 the Code of Civil Procedure. An order for support entered or  
2 modified on or after January 1, 2006 shall contain a statement  
3 that a support obligation required under the order, or any  
4 portion of a support obligation required under the order, that  
5 becomes due and remains unpaid as of the end of each month,  
6 excluding the child support that was due for that month to the  
7 extent that it was not paid in that month, shall accrue simple  
8 interest as set forth in Section 12-109 of the Code of Civil  
9 Procedure. Failure to include the statement in the order for  
10 support does not affect the validity of the order or the  
11 accrual of interest as provided in this Section.

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

13 Section 20. The Illinois Parentage Act of 1984 is amended  
14 by changing Section 15 as follows:

15 (750 ILCS 45/15) (from Ch. 40, par. 2515)

16 Sec. 15. Enforcement of Judgment or Order.

17 (a) If existence of the parent and child relationship is  
18 declared, or paternity or duty of support has been established  
19 under this Act or under prior law or under the law of any other  
20 jurisdiction, the judgment rendered thereunder may be enforced  
21 in the same or other proceedings by any party or any person or  
22 agency that has furnished or may furnish financial assistance  
23 or services to the child. The Income Withholding for Support  
24 Act and Sections 14 and 16 of this Act shall also be applicable



1 with respect to entry, modification and enforcement of any  
2 support judgment entered under provisions of the "Paternity  
3 Act", approved July 5, 1957, as amended, repealed July 1, 1985.

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

10 (1) Placed on probation with such conditions of  
11 probation as the court deems advisable;

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

22 (2.5) The court may also pierce the ownership veil of a  
23 person, persons, or business entity to discover assets of a  
24 non-custodial parent held in the name of that person, those  
25 persons, or that business entity if there is a unity of  
26 interest and ownership sufficient to render no financial

1 separation between the non-custodial parent and that  
2 person, those persons, or the business entity. The  
3 following circumstances are sufficient for a court to order  
4 discovery of the assets of a person, persons, or business  
5 entity and to compel the application of any discovered  
6 assets toward payment on the judgment for support:

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

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

13 (C) the non-custodial parent transfers assets to  
14 the person, persons, or business entity with the intent  
15 to perpetrate a fraud on the custodial parent.

16 With respect to assets which are real property, no  
17 order entered under this subdivision (2.5) shall affect the  
18 rights of bona fide purchasers, mortgagees, judgment  
19 creditors, or other lien holders who acquire their  
20 interests in the property prior to the time a notice of lis  
21 pendens pursuant to the Code of Civil Procedure or a copy  
22 of the order is placed of record in the office of the  
23 recorder of deeds for the county in which the real property  
24 is located.

25 (3) The court may also order that in cases where the  
26 party is 90 days or more delinquent in payment of support

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

20 In addition to the penalties or punishment that may be  
21 imposed under this Section, any person whose conduct  
22 constitutes a violation of Section 15 of the Non-Support  
23 Punishment Act may be prosecuted under that Act, and a person  
24 convicted under that Act may be sentenced in accordance with  
25 that Act. The sentence may include but need not be limited to a  
26 requirement that the person perform community service under

1 Section 50 of that Act or participate in a work alternative  
2 program under Section 50 of that Act. A person may not be  
3 required to participate in a work alternative program under  
4 Section 50 of that Act if the person is currently participating  
5 in a work program pursuant to Section 15.1 of this Act.

6 (b-5) If a party who is found guilty of contempt for a  
7 failure to comply with an order to pay support is a person who  
8 conducts a business or who is self-employed, the court may in  
9 addition to other penalties provided by law order that the  
10 party do one or more of the following: (i) provide to the court  
11 monthly financial statements showing income and expenses from  
12 the business or the self-employment; (ii) seek employment and  
13 report periodically to the court with a diary, listing, or  
14 other memorandum of his or her employment search efforts; or  
15 (iii) report to the Department of Employment Security for job  
16 search services to find employment that will be subject to  
17 withholding of child support.

18 (c) In any post-judgment proceeding to enforce or modify  
19 the judgment the parties shall continue to be designated as in  
20 the original proceeding.

21 (Source: P.A. 91-357, eff. 7-29-99; 92-16, eff. 6-28-01.)

22 Section 99. Effective date. This Act takes effect January  
23 1, 2013.