

1 AN ACT concerning regulation.

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

4 Section 5. The Public Utilities Act is amended by adding
5 Section 8-206.5 as follows:

6 (220 ILCS 5/8-206.5 new)

7 Sec. 8-206.5. Residential hardship programs. All public
8 utilities shall give notice and shall supply information
9 accessible by the internet about any program a public utility
10 is currently offering to residential customers experiencing
11 difficulty in paying utility bills due to financial hardship.
12 If a residential customer contacts a public utility concerning
13 the customer's financial hardship and inability to pay utility
14 bills for winter energy services, then the public utility shall
15 refer the customer to the Low Income Home Energy Assistance
16 Program managed by the Department of Commerce and Economic
17 Opportunity. When making a referral, the public utility shall
18 inform the customer that the Low Income Home Energy Assistance
19 Program is designed to assist income-eligible households with
20 winter energy services through payment in the form of a grant
21 for assistance made on behalf of the customer to the utilities.
22 Each public utility shall post information concerning the Low
23 Income Home Energy Assistance Program on its website and the

1 information shall also be made available upon a customer's
2 request.

3 Section 10. The Pharmacy Practice Act is amended by adding
4 Section 26.5 as follows:

5 (225 ILCS 85/26.5 new)

6 Sec. 26.5. Unemployed persons. If a person is unemployed
7 and requires prescription medication, then upon filing for
8 benefits with the Department of Employment Security or upon
9 applying for Medicaid benefits with the Department of
10 Healthcare and Family Services, the respective Department
11 shall inform the applicant of benefits of acquiring
12 prescription medications via materials developed by the agency
13 and distributed through that respective agency. The services of
14 referral agencies, such as Partnership for Prescription
15 Assistance, can facilitate access to free or discounted
16 medications per the needs of the patients.

17 Section 15. The Code of Civil Procedure is amended by
18 changing Section 15-1508 as follows:

19 (735 ILCS 5/15-1508) (from Ch. 110, par. 15-1508)

20 (Text of Section before amendment by P.A. 97-1164)

21 Sec. 15-1508. Report of Sale and Confirmation of Sale.

22 (a) Report. The person conducting the sale shall promptly

1 make a report to the court, which report shall include a copy
2 of all receipts and, if any, certificate of sale.

3 (b) Hearing. Upon motion and notice in accordance with
4 court rules applicable to motions generally, which motion shall
5 not be made prior to sale, the court shall conduct a hearing to
6 confirm the sale. Unless the court finds that (i) a notice
7 required in accordance with subsection (c) of Section 15-1507
8 was not given, (ii) the terms of sale were unconscionable,
9 (iii) the sale was conducted fraudulently, or (iv) justice was
10 otherwise not done, the court shall then enter an order
11 confirming the sale. The confirmation order shall include a
12 name, address, and telephone number of the holder of the
13 certificate of sale or deed issued pursuant to that certificate
14 or, if no certificate or deed was issued, the purchaser, whom a
15 municipality or county may contact with concerns about the real
16 estate. The confirmation order may also:

17 (1) approve the mortgagee's fees and costs arising
18 between the entry of the judgment of foreclosure and the
19 confirmation hearing, those costs and fees to be allowable
20 to the same extent as provided in the note and mortgage and
21 in Section 15-1504;

22 (2) provide for a personal judgment against any party
23 for a deficiency; and

24 (3) determine the priority of the judgments of parties
25 who deferred proving the priority pursuant to subsection
26 (h) of Section 15-1506, but the court shall not defer

1 confirming the sale pending the determination of such
2 priority.

3 (b-5) Notice with respect to residential real estate. With
4 respect to residential real estate, the notice required under
5 subsection (b) of this Section shall be sent to the mortgagor
6 even if the mortgagor has previously been held in default. In
7 the event the mortgagor has filed an appearance, the notice
8 shall be sent to the address indicated on the appearance. In
9 all other cases, the notice shall be sent to the mortgagor at
10 the common address of the foreclosed property. The notice shall
11 be sent by first class mail. Unless the right to possession has
12 been previously terminated by the court, the notice shall
13 include the following language in 12-point boldface
14 capitalized type:

15 IF YOU ARE THE MORTGAGOR (HOMEOWNER), YOU HAVE THE RIGHT TO
16 REMAIN IN POSSESSION FOR 30 DAYS AFTER ENTRY OF AN ORDER OF
17 POSSESSION, IN ACCORDANCE WITH SECTION 15-1701(c) OF THE
18 ILLINOIS MORTGAGE FORECLOSURE LAW.

19 (b-10) Notice of confirmation order sent to municipality or
20 county. A copy of the confirmation order required under
21 subsection (b) shall be sent to the municipality in which the
22 foreclosed property is located, or to the county within the
23 boundary of which the foreclosed property is located if the
24 foreclosed property is located in an unincorporated territory.
25 A municipality or county must clearly publish on its website a
26 single address to which such notice shall be sent. If a

1 municipality or county does not maintain a website, then the
2 municipality or county must publicly post in its main office a
3 single address to which such notice shall be sent. In the event
4 that a municipality or county has not complied with the
5 publication requirement in this subsection (b-10), then such
6 notice to the municipality or county shall be provided pursuant
7 to Section 2-211 of the Code of Civil Procedure.

8 (c) Failure to Give Notice. If any sale is held without
9 compliance with subsection (c) of Section 15-1507 of this
10 Article, any party entitled to the notice provided for in
11 paragraph (3) of that subsection (c) who was not so notified
12 may, by motion supported by affidavit made prior to
13 confirmation of such sale, ask the court which entered the
14 judgment to set aside the sale. Any such party shall guarantee
15 or secure by bond a bid equal to the successful bid at the
16 prior sale, unless the party seeking to set aside the sale is
17 the mortgagor, the real estate sold at the sale is residential
18 real estate, and the mortgagor occupies the residential real
19 estate at the time the motion is filed. In that event, no
20 guarantee or bond shall be required of the mortgagor. Any
21 subsequent sale is subject to the same notice requirement as
22 the original sale.

23 (d) Validity of Sale. Except as provided in subsection (c)
24 of Section 15-1508, no sale under this Article shall be held
25 invalid or be set aside because of any defect in the notice
26 thereof or in the publication of the same, or in the

1 proceedings of the officer conducting the sale, except upon
2 good cause shown in a hearing pursuant to subsection (b) of
3 Section 15-1508. At any time after a sale has occurred, any
4 party entitled to notice under paragraph (3) of subsection (c)
5 of Section 15-1507 may recover from the mortgagee any damages
6 caused by the mortgagee's failure to comply with such paragraph
7 (3). Any party who recovers damages in a judicial proceeding
8 brought under this subsection may also recover from the
9 mortgagee the reasonable expenses of litigation, including
10 reasonable attorney's fees.

11 (d-5) Making Home Affordable Program. The court that
12 entered the judgment shall set aside a sale held pursuant to
13 Section 15-1507, upon motion of the mortgagor at any time prior
14 to the confirmation of the sale, if the mortgagor proves by a
15 preponderance of the evidence that (i) the mortgagor has
16 applied for assistance under the Making Home Affordable Program
17 established by the United States Department of the Treasury
18 pursuant to the Emergency Economic Stabilization Act of 2008,
19 as amended by the American Recovery and Reinvestment Act of
20 2009, and (ii) the mortgaged real estate was sold in material
21 violation of the program's requirements for proceeding to a
22 judicial sale. The provisions of this subsection (d-5), except
23 for this sentence, shall become inoperative on January 1, 2014
24 for all actions filed under this Article after December 31,
25 2013, in which the mortgagor did not apply for assistance under
26 the Making Home Affordable Program on or before December 31,

1 2013.

2 (d-10) Illinois Hardest Hit Program. The court that entered
3 the judgment shall set aside a sale held pursuant to Section
4 15-1507 of this Act, upon motion of the mortgagor at any time
5 prior to the confirmation of the sale, if the mortgagor proves
6 by a preponderance of the evidence that (i) the mortgagor is
7 receiving assistance under the Illinois Hardest Hit Program as
8 created by 12 U.S.C. 5211 and 12 U.S.C. 5219, and administered
9 by the Illinois Housing Development Authority pursuant to the
10 Illinois Housing Development Act and (ii) the assistance
11 received under part (i) of this subsection has enabled the
12 mortgagor to reinstate the mortgage pursuant to Section 15-1602
13 of this Act and make continuing mortgage payments as available
14 under the Illinois Hardest Hit Program to avoid default.
15 Nothing in this subsection shall prohibit the mortgagee from
16 proceeding in the foreclosure action upon a subsequent default
17 of the mortgagor. Except for this sentence, this subsection is
18 inoperative on and after January 1, 2017 for all actions filed
19 under this Article after December 31, 2016 in which the
20 mortgagor did not begin receiving the assistance described in
21 this subsection under the Illinois Hardest Hit Program on or
22 before December 31, 2016.

23 (e) Deficiency Judgment. In any order confirming a sale
24 pursuant to the judgment of foreclosure, the court shall also
25 enter a personal judgment for deficiency against any party (i)
26 if otherwise authorized and (ii) to the extent requested in the

1 complaint and proven upon presentation of the report of sale in
2 accordance with Section 15-1508. Except as otherwise provided
3 in this Article, a judgment may be entered for any balance of
4 money that may be found due to the plaintiff, over and above
5 the proceeds of the sale or sales, and enforcement may be had
6 for the collection of such balance, the same as when the
7 judgment is solely for the payment of money. Such judgment may
8 be entered, or enforcement had, only in cases where personal
9 service has been had upon the persons personally liable for the
10 mortgage indebtedness, unless they have entered their
11 appearance in the foreclosure action.

12 (f) Satisfaction. Upon confirmation of the sale, the
13 judgment stands satisfied to the extent of the sale price less
14 expenses and costs. If the order confirming the sale includes a
15 deficiency judgment, the judgment shall become a lien in the
16 manner of any other judgment for the payment of money.

17 (g) The order confirming the sale shall include,
18 notwithstanding any previous orders awarding possession during
19 the pendency of the foreclosure, an award to the purchaser of
20 possession of the mortgaged real estate, as of the date 30 days
21 after the entry of the order, against the parties to the
22 foreclosure whose interests have been terminated.

23 An order of possession authorizing the removal of a person
24 from possession of the mortgaged real estate shall be entered
25 and enforced only against those persons personally named as
26 individuals in the complaint or the petition under subsection

1 (h) of Section 15-1701 and in the order of possession and shall
2 not be entered and enforced against any person who is only
3 generically described as an unknown owner or nonrecord claimant
4 or by another generic designation in the complaint.

5 Notwithstanding the preceding paragraph, the failure to
6 personally name, include, or seek an award of possession of the
7 mortgaged real estate against a person in the confirmation
8 order shall not abrogate any right that the purchaser may have
9 to possession of the mortgaged real estate and to maintain a
10 proceeding against that person for possession under Article 9
11 of this Code or subsection (h) of Section 15-1701; and
12 possession against a person who (1) has not been personally
13 named as a party to the foreclosure and (2) has not been
14 provided an opportunity to be heard in the foreclosure
15 proceeding may be sought only by maintaining a proceeding under
16 Article 9 of this Code or subsection (h) of Section 15-1701.

17 (h) With respect to mortgaged real estate containing 5 or
18 more dwelling units, the order confirming the sale shall also
19 provide that (i) the mortgagor shall transfer to the purchaser
20 the security deposits, if any, that the mortgagor received to
21 secure payment of rent or to compensate for damage to the
22 mortgaged real estate from any current occupant of a dwelling
23 unit of the mortgaged real estate, as well as any statutory
24 interest that has not been paid to the occupant, and (ii) the
25 mortgagor shall provide an accounting of the security deposits
26 that are transferred, including the name and address of each

1 occupant for whom the mortgagor holds the deposit and the
2 amount of the deposit and any statutory interest.

3 (Source: P.A. 96-265, eff. 8-11-09; 96-856, eff. 3-1-10;
4 96-1245, eff. 7-23-10; 97-333, eff. 8-12-11; 97-575, eff.
5 8-26-11; 97-1159, eff. 1-29-13.)

6 (Text of Section after amendment by P.A. 97-1164)

7 Sec. 15-1508. Report of Sale and Confirmation of Sale.

8 (a) Report. The person conducting the sale shall promptly
9 make a report to the court, which report shall include a copy
10 of all receipts and, if any, certificate of sale.

11 (b) Hearing. Upon motion and notice in accordance with
12 court rules applicable to motions generally, which motion shall
13 not be made prior to sale, the court shall conduct a hearing to
14 confirm the sale. Unless the court finds that (i) a notice
15 required in accordance with subsection (c) of Section 15-1507
16 was not given, (ii) the terms of sale were unconscionable,
17 (iii) the sale was conducted fraudulently, or (iv) justice was
18 otherwise not done, the court shall then enter an order
19 confirming the sale. The confirmation order shall include a
20 name, address, and telephone number of the holder of the
21 certificate of sale or deed issued pursuant to that certificate
22 or, if no certificate or deed was issued, the purchaser, whom a
23 municipality or county may contact with concerns about the real
24 estate. The confirmation order may also:

25 (1) approve the mortgagee's fees and costs arising

1 between the entry of the judgment of foreclosure and the
2 confirmation hearing, those costs and fees to be allowable
3 to the same extent as provided in the note and mortgage and
4 in Section 15-1504;

5 (2) provide for a personal judgment against any party
6 for a deficiency; and

7 (3) determine the priority of the judgments of parties
8 who deferred proving the priority pursuant to subsection
9 (h) of Section 15-1506, but the court shall not defer
10 confirming the sale pending the determination of such
11 priority.

12 (b-3) Hearing to confirm sale of abandoned residential
13 property. Upon motion and notice by first-class mail to the
14 last known address of the mortgagor, which motion shall be made
15 prior to the sale and heard by the court at the earliest
16 practicable time after conclusion of the sale, and upon the
17 posting at the property address of the notice required by
18 paragraph (2) of subsection (1) of Section 15-1505.8, the court
19 shall enter an order confirming the sale of the abandoned
20 residential property, unless the court finds that a reason set
21 forth in items (i) through (iv) of subsection (b) of this
22 Section exists for not approving the sale, or an order is
23 entered pursuant to subsection (h) of Section 15-1505.8. The
24 confirmation order also may address the matters identified in
25 items (1) through (3) of subsection (b) of this Section. The
26 notice required under subsection (b-5) of this Section shall

1 not be required.

2 (b-5) Notice with respect to residential real estate. With
3 respect to residential real estate, the notice required under
4 subsection (b) of this Section shall be sent to the mortgagor
5 even if the mortgagor has previously been held in default. In
6 the event the mortgagor has filed an appearance, the notice
7 shall be sent to the address indicated on the appearance. In
8 all other cases, the notice shall be sent to the mortgagor at
9 the common address of the foreclosed property. The notice shall
10 be sent by first class mail. Unless the right to possession has
11 been previously terminated by the court, the notice shall
12 include the following language in 12-point boldface
13 capitalized type:

14 IF YOU ARE THE MORTGAGOR (HOMEOWNER), YOU HAVE THE RIGHT TO
15 REMAIN IN POSSESSION FOR 30 DAYS AFTER ENTRY OF AN ORDER OF
16 POSSESSION, IN ACCORDANCE WITH SECTION 15-1701(c) OF THE
17 ILLINOIS MORTGAGE FORECLOSURE LAW.

18 (b-10) Notice of confirmation order sent to municipality or
19 county. A copy of the confirmation order required under
20 subsection (b) shall be sent to the municipality in which the
21 foreclosed property is located, or to the county within the
22 boundary of which the foreclosed property is located if the
23 foreclosed property is located in an unincorporated territory.
24 A municipality or county must clearly publish on its website a
25 single address to which a copy of the order shall be sent. If a
26 municipality or county does not maintain a website, then the

1 municipality or county must publicly post in its main office a
2 single address to which a copy of the order shall be sent. In
3 the event that a municipality or county has not complied with
4 the publication requirement in this subsection (b-10), then a
5 copy of the order shall be sent by first class mail, postage
6 prepaid, to the chairperson of the county board or county clerk
7 in the case of a county, to the mayor or city clerk in the case
8 of a city, to the president of the board of trustees or village
9 clerk in the case of a village, or to the president or town
10 clerk in the case of a town.

11 (b-15) Notice of confirmation order sent to known insurers.
12 With respect to residential real estate, the party filing the
13 complaint shall send a copy of the confirmation order required
14 under subsection (b) by first class mail, postage prepaid, to
15 the last known property insurer of the foreclosed property.
16 Failure to send or receive a copy of the order shall not impair
17 or abrogate in any way the rights of the mortgagee or purchaser
18 or affect the status of the foreclosure proceedings.

19 (c) Failure to Give Notice. If any sale is held without
20 compliance with subsection (c) of Section 15-1507 of this
21 Article, any party entitled to the notice provided for in
22 paragraph (3) of that subsection (c) who was not so notified
23 may, by motion supported by affidavit made prior to
24 confirmation of such sale, ask the court which entered the
25 judgment to set aside the sale. Any such party shall guarantee
26 or secure by bond a bid equal to the successful bid at the

1 prior sale, unless the party seeking to set aside the sale is
2 the mortgagor, the real estate sold at the sale is residential
3 real estate, and the mortgagor occupies the residential real
4 estate at the time the motion is filed. In that event, no
5 guarantee or bond shall be required of the mortgagor. Any
6 subsequent sale is subject to the same notice requirement as
7 the original sale.

8 (d) Validity of Sale. Except as provided in subsection (c)
9 of Section 15-1508, no sale under this Article shall be held
10 invalid or be set aside because of any defect in the notice
11 thereof or in the publication of the same, or in the
12 proceedings of the officer conducting the sale, except upon
13 good cause shown in a hearing pursuant to subsection (b) of
14 Section 15-1508. At any time after a sale has occurred, any
15 party entitled to notice under paragraph (3) of subsection (c)
16 of Section 15-1507 may recover from the mortgagee any damages
17 caused by the mortgagee's failure to comply with such paragraph
18 (3). Any party who recovers damages in a judicial proceeding
19 brought under this subsection may also recover from the
20 mortgagee the reasonable expenses of litigation, including
21 reasonable attorney's fees.

22 (d-5) Making Home Affordable Program. The court that
23 entered the judgment shall set aside a sale held pursuant to
24 Section 15-1507, upon motion of the mortgagor at any time prior
25 to the confirmation of the sale, if the mortgagor proves by a
26 preponderance of the evidence that (i) the mortgagor has

1 applied for assistance under the Making Home Affordable Program
2 established by the United States Department of the Treasury
3 pursuant to the Emergency Economic Stabilization Act of 2008,
4 as amended by the American Recovery and Reinvestment Act of
5 2009, and (ii) the mortgaged real estate was sold in material
6 violation of the program's requirements for proceeding to a
7 judicial sale. The provisions of this subsection (d-5), except
8 for this sentence, shall become inoperative on January 1, 2014
9 for all actions filed under this Article after December 31,
10 2013, in which the mortgagor did not apply for assistance under
11 the Making Home Affordable Program on or before December 31,
12 2013.

13 (d-10) Illinois Hardest Hit Program. The court that entered
14 the judgment shall set aside a sale held pursuant to Section
15 15-1507 of this Act, upon motion of the mortgagor at any time
16 prior to the confirmation of the sale, if the mortgagor proves
17 by a preponderance of the evidence that (i) the mortgagor is
18 receiving assistance under the Illinois Hardest Hit Program as
19 created by 12 U.S.C. 5211 and 12 U.S.C. 5219, and administered
20 by the Illinois Housing Development Authority pursuant to the
21 Illinois Housing Development Act and (ii) the assistance
22 received under part (i) of this subsection has enabled the
23 mortgagor to reinstate the mortgage pursuant to Section 15-1602
24 of this Act and make continuing mortgage payments as available
25 under the Illinois Hardest Hit Program to avoid default.
26 Nothing in this subsection shall prohibit the mortgagee from

1 proceeding in the foreclosure action upon a subsequent default
2 of the mortgagor. Except for this sentence, this subsection is
3 inoperative on and after January 1, 2017 for all actions filed
4 under this Article after December 31, 2016 in which the
5 mortgagor did not begin receiving the assistance described in
6 this subsection under the Illinois Hardest Hit Program on or
7 before December 31, 2016.

8 (e) Deficiency Judgment. In any order confirming a sale
9 pursuant to the judgment of foreclosure, the court shall also
10 enter a personal judgment for deficiency against any party (i)
11 if otherwise authorized and (ii) to the extent requested in the
12 complaint and proven upon presentation of the report of sale in
13 accordance with Section 15-1508. Except as otherwise provided
14 in this Article, a judgment may be entered for any balance of
15 money that may be found due to the plaintiff, over and above
16 the proceeds of the sale or sales, and enforcement may be had
17 for the collection of such balance, the same as when the
18 judgment is solely for the payment of money. Such judgment may
19 be entered, or enforcement had, only in cases where personal
20 service has been had upon the persons personally liable for the
21 mortgage indebtedness, unless they have entered their
22 appearance in the foreclosure action.

23 (f) Satisfaction. Upon confirmation of the sale, the
24 judgment stands satisfied to the extent of the sale price less
25 expenses and costs. If the order confirming the sale includes a
26 deficiency judgment, the judgment shall become a lien in the

1 manner of any other judgment for the payment of money.

2 (g) The order confirming the sale shall include,
3 notwithstanding any previous orders awarding possession during
4 the pendency of the foreclosure, an award to the purchaser of
5 possession of the mortgaged real estate, as of the date 30 days
6 after the entry of the order, against the parties to the
7 foreclosure whose interests have been terminated.

8 An order of possession authorizing the removal of a person
9 from possession of the mortgaged real estate shall be entered
10 and enforced only against those persons personally named as
11 individuals in the complaint or the petition under subsection
12 (h) of Section 15-1701 and in the order of possession and shall
13 not be entered and enforced against any person who is only
14 generically described as an unknown owner or nonrecord claimant
15 or by another generic designation in the complaint.

16 Notwithstanding the preceding paragraph, the failure to
17 personally name, include, or seek an award of possession of the
18 mortgaged real estate against a person in the confirmation
19 order shall not abrogate any right that the purchaser may have
20 to possession of the mortgaged real estate and to maintain a
21 proceeding against that person for possession under Article 9
22 of this Code or subsection (h) of Section 15-1701; and
23 possession against a person who (1) has not been personally
24 named as a party to the foreclosure and (2) has not been
25 provided an opportunity to be heard in the foreclosure
26 proceeding may be sought only by maintaining a proceeding under

1 Article 9 of this Code or subsection (h) of Section 15-1701.

2 (h) With respect to mortgaged real estate containing 5 or
3 more dwelling units, the order confirming the sale shall also
4 provide that (i) the mortgagor shall transfer to the purchaser
5 the security deposits, if any, that the mortgagor received to
6 secure payment of rent or to compensate for damage to the
7 mortgaged real estate from any current occupant of a dwelling
8 unit of the mortgaged real estate, as well as any statutory
9 interest that has not been paid to the occupant, and (ii) the
10 mortgagor shall provide an accounting of the security deposits
11 that are transferred, including the name and address of each
12 occupant for whom the mortgagor holds the deposit and the
13 amount of the deposit and any statutory interest.

14 (Source: P.A. 96-265, eff. 8-11-09; 96-856, eff. 3-1-10;
15 96-1245, eff. 7-23-10; 97-333, eff. 8-12-11; 97-575, eff.
16 8-26-11; 97-1159, eff. 1-29-13; 97-1164, eff. 6-1-13; revised
17 2-22-13.)

18 Section 20. The Illinois Marriage and Dissolution of
19 Marriage Act is amended by changing Section 505 as follows:

20 (750 ILCS 5/505) (from Ch. 40, par. 505)

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

22 (a) In a proceeding for dissolution of marriage, legal
23 separation, declaration of invalidity of marriage, a
24 proceeding for child support following dissolution of the

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

14 (1) The Court shall determine the minimum amount of
 15 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%

24 (2) The above guidelines shall be applied in each case
 25 unless the court finds that a deviation from the guidelines
 26 is appropriate after considering the best interest of the

1 child in light of the evidence, including, but not limited
2 to, one or more of the following relevant factors:

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

4 (b) the financial resources and needs of the
5 custodial parent;

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

8 (d) the physical, mental, and emotional needs of
9 the child;

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

11 (e) the financial resources and needs of the
12 non-custodial parent.

13 If the court deviates from the guidelines, the court's
14 finding shall state the amount of support that would have
15 been required under the guidelines, if determinable. The
16 court shall include the reason or reasons for the variance
17 from the guidelines.

18 (2.5) The court, in its discretion, in addition to
19 setting child support pursuant to the guidelines and
20 factors, may order either or both parents owing a duty of
21 support to a child of the marriage to contribute to the
22 following expenses, if determined by the court to be
23 reasonable:

24 (a) health needs not covered by insurance;

25 (b) child care;

26 (c) education; and

1 (d) extracurricular activities.

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 premiums
14 for life insurance ordered by the court to reasonably
15 secure payment of ordered child support;

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

18 (h) Expenditures for repayment of debts that
19 represent reasonable and necessary expenses for the
20 production of income, medical expenditures necessary
21 to preserve life or health, reasonable expenditures
22 for the benefit of the child and the other parent,
23 exclusive of gifts. The court shall reduce net income
24 in determining the minimum amount of support to be
25 ordered only for the period that such payments are due
26 and shall enter an order containing provisions for its

1 self-executing modification upon termination of such
2 payment period;

3 (i) Foster care payments paid by the Department of
4 Children and Family Services for providing licensed
5 foster care to a foster child.

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

15 (4.5) In a proceeding for child support following
16 dissolution of the marriage by a court that lacked personal
17 jurisdiction over the absent spouse, and in which the court
18 is requiring payment of support for the period before the
19 date an order for current support is entered, there is a
20 rebuttable presumption that the supporting party's net
21 income for the prior period was the same as his or her net
22 income at the time the order for current support is
23 entered.

24 (5) If the net income cannot be determined because of
25 default or any other reason, the court shall order support
26 in an amount considered reasonable in the particular case.

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

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

23 (a-5) In an action to enforce an order for support based on
24 the respondent's failure to make support payments as required
25 by the order, notice of proceedings to hold the respondent in
26 contempt for that failure may be served on the respondent by

1 personal service or by regular mail addressed to the
2 respondent's last known address. The respondent's last known
3 address may be determined from records of the clerk of the
4 court, from the Federal Case Registry of Child Support Orders,
5 or by any other reasonable means.

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

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

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

17 (A) work; or

18 (B) conduct a business or other self-employed
19 occupation.

20 The Court may further order any part or all of the earnings
21 of a parent during a sentence of periodic imprisonment paid to
22 the Clerk of the Circuit Court or to the parent having custody
23 or to the guardian having custody of the children of the
24 sentenced parent for the support of said children until further
25 order of the Court.

26 If either parent fails to pay support due to unemployment,

1 then the court may not fine or sentence the parent to periodic
2 imprisonment.

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

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

26 (1) the non-custodial parent and the person, persons,

1 or business entity maintain records together.

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

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

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

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

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

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

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

18 (d) 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 such judgment to be in the amount of each payment or
22 installment of support and each such judgment to be deemed
23 entered as of the date the corresponding payment or installment
24 becomes due under the terms of the support order. Each such
25 judgment shall have the full force, effect and attributes of
26 any other judgment of this State, including the ability to be

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

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

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

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

6 (g) 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 (g-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 this Act.

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

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

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

20 (Source: P.A. 96-1134, eff. 7-21-10; 97-186, eff. 7-22-11;
21 97-608, eff. 1-1-12; 97-813, eff. 7-13-12; 97-878, eff. 8-2-12;
22 97-941, eff. 1-1-13; 97-1029, eff. 1-1-13; revised 8-23-12.)

23 Section 95. No acceleration or delay. Where this Act makes
24 changes in a statute that is represented in this Act by text
25 that is not yet or no longer in effect (for example, a Section

1 represented by multiple versions), the use of that text does
2 not accelerate or delay the taking effect of (i) the changes
3 made by this Act or (ii) provisions derived from any other
4 Public Act.

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.