



Rep. Mary E. Flowers

Filed: 3/19/2013

09800HB0011ham002

LRB098 00182 CEL 43341 a

1 AMENDMENT TO HOUSE BILL 11

2 AMENDMENT NO. _____. Amend House Bill 11 by replacing
3 everything after the enacting clause with the following:

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 about
9 any program the public utility has concerning a customer's
10 difficulty in paying their utility bill. If a customer contacts
11 a public utility concerning the customer's difficulty in paying
12 their utility bill, then the public utility shall offer to
13 connect a qualifying low-income customer to the Low Income
14 Energy Assistance Program managed by the Community and Economic
15 Development Association. The public utility shall inform the
16 qualifying low-income customer that the Low Income Energy

1 Assistance Program is designed to assist income-eligible
2 households with winter energy services in the form of a
3 one-time benefit payment to the public utilities. Each public
4 utility shall post information concerning the Low Income Energy
5 Assistance Program on its websites and the information shall be
6 made available upon a customer's request.

7 Section 10. The Pharmacy Practice Act is amended by adding
8 Section 26.5 as follows:

9 (225 ILCS 85/26.5 new)

10 Sec. 26.5. Unemployed persons. A pharmacy or pharmacist
11 that receives federal or State funds may not refuse to dispense
12 prescription medication to a person who is receiving
13 unemployment benefits. If a person can furnish evidence of the
14 receipt of unemployment benefits, then the pharmacy or
15 pharmacist is required to give that person his or her
16 prescription and provide the person with information about
17 prescription assistance programs, such as Rx for Illinois. Upon
18 learning that a customer is receiving unemployment benefits and
19 providing the customer with information on prescription
20 assistance programs, the pharmacy or pharmacist shall not
21 refuse to dispense prescription medication for 30 days, giving
22 the customer time to sign up for such a program.

23 Section 15. The Code of Civil Procedure is amended by

1 changing Section 15-1508 as follows:

2 (735 ILCS 5/15-1508) (from Ch. 110, par. 15-1508)

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

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

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

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

22 (1) approve the mortgagee's fees and costs arising
23 between the entry of the judgment of foreclosure and the
24 confirmation hearing, those costs and fees to be allowable
25 to the same extent as provided in the note and mortgage and

1 in Section 15-1504;

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

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

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

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

25 (b-10) Notice of confirmation order sent to municipality or
26 county. A copy of the confirmation order required under

1 subsection (b) shall be sent to the municipality in which the
2 foreclosed property is located, or to the county within the
3 boundary of which the foreclosed property is located if the
4 foreclosed property is located in an unincorporated territory.
5 A municipality or county must clearly publish on its website a
6 single address to which such notice shall be sent. If a
7 municipality or county does not maintain a website, then the
8 municipality or county must publicly post in its main office a
9 single address to which such notice shall be sent. In the event
10 that a municipality or county has not complied with the
11 publication requirement in this subsection (b-10), then such
12 notice to the municipality or county shall be provided pursuant
13 to Section 2-211 of the Code of Civil Procedure.

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

1 subsequent sale is subject to the same notice requirement as
2 the original sale.

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

17 (d-5) Making Home Affordable Program. The court that
18 entered the judgment shall set aside a sale held pursuant to
19 Section 15-1507, upon motion of the mortgagor at any time prior
20 to the confirmation of the sale, if the mortgagor proves by a
21 preponderance of the evidence that (i) the mortgagor has
22 applied for assistance under the Making Home Affordable Program
23 established by the United States Department of the Treasury
24 pursuant to the Emergency Economic Stabilization Act of 2008,
25 as amended by the American Recovery and Reinvestment Act of
26 2009, and (ii) the mortgaged real estate was sold in material

1 violation of the program's requirements for proceeding to a
2 judicial sale. The provisions of this subsection (d-5), except
3 for this sentence, shall become inoperative on January 1, 2014
4 for all actions filed under this Article after December 31,
5 2013, in which the mortgagor did not apply for assistance under
6 the Making Home Affordable Program on or before December 31,
7 2013.

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

1 this subsection under the Illinois Hardest Hit Program on or
2 before December 31, 2016.

3 Upon receiving notice of foreclosure, a person receiving
4 unemployment benefits may apply to the court requesting that it
5 enjoin the foreclosure. The court shall grant the injunction if
6 the person can provide evidence that they are receiving such
7 benefits. The court may, in its discretion, issue an order
8 requiring that the mortgagor apply for assistance from the
9 Illinois Hardest Hit Program.

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

25 (f) Satisfaction. Upon confirmation of the sale, the
26 judgment stands satisfied to the extent of the sale price less

1 expenses and costs. If the order confirming the sale includes a
2 deficiency judgment, the judgment shall become a lien in the
3 manner of any other judgment for the payment of money.

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

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

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

1 provided an opportunity to be heard in the foreclosure
2 proceeding may be sought only by maintaining a proceeding under
3 Article 9 of this Code or subsection (h) of Section 15-1701.

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

16 (Source: P.A. 96-265, eff. 8-11-09; 96-856, eff. 3-1-10;
17 96-1245, eff. 7-23-10; 97-333, eff. 8-12-11; 97-575, eff.
18 8-26-11; 97-1159, eff. 1-29-13.)

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

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

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

24 (b) Hearing. Upon motion and notice in accordance with
25 court rules applicable to motions generally, which motion shall

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

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

18 (2) provide for a personal judgment against any party
19 for a deficiency; and

20 (3) determine the priority of the judgments of parties
21 who deferred proving the priority pursuant to subsection
22 (h) of Section 15-1506, but the court shall not defer
23 confirming the sale pending the determination of such
24 priority.

25 (b-3) Hearing to confirm sale of abandoned residential
26 property. Upon motion and notice by first-class mail to the

1 last known address of the mortgagor, which motion shall be made
2 prior to the sale and heard by the court at the earliest
3 practicable time after conclusion of the sale, and upon the
4 posting at the property address of the notice required by
5 paragraph (2) of subsection (1) of Section 15-1505.8, the court
6 shall enter an order confirming the sale of the abandoned
7 residential property, unless the court finds that a reason set
8 forth in items (i) through (iv) of subsection (b) of this
9 Section exists for not approving the sale, or an order is
10 entered pursuant to subsection (h) of Section 15-1505.8. The
11 confirmation order also may address the matters identified in
12 items (1) through (3) of subsection (b) of this Section. The
13 notice required under subsection (b-5) of this Section shall
14 not be required.

15 (b-5) Notice with respect to residential real estate. With
16 respect to residential real estate, the notice required under
17 subsection (b) of this Section shall be sent to the mortgagor
18 even if the mortgagor has previously been held in default. In
19 the event the mortgagor has filed an appearance, the notice
20 shall be sent to the address indicated on the appearance. In
21 all other cases, the notice shall be sent to the mortgagor at
22 the common address of the foreclosed property. The notice shall
23 be sent by first class mail. Unless the right to possession has
24 been previously terminated by the court, the notice shall
25 include the following language in 12-point boldface
26 capitalized type:

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

5 (b-10) Notice of confirmation order sent to municipality or
6 county. A copy of the confirmation order required under
7 subsection (b) shall be sent to the municipality in which the
8 foreclosed property is located, or to the county within the
9 boundary of which the foreclosed property is located if the
10 foreclosed property is located in an unincorporated territory.
11 A municipality or county must clearly publish on its website a
12 single address to which a copy of the order shall be sent. If a
13 municipality or county does not maintain a website, then the
14 municipality or county must publicly post in its main office a
15 single address to which a copy of the order shall be sent. In
16 the event that a municipality or county has not complied with
17 the publication requirement in this subsection (b-10), then a
18 copy of the order shall be sent by first class mail, postage
19 prepaid, to the chairperson of the county board or county clerk
20 in the case of a county, to the mayor or city clerk in the case
21 of a city, to the president of the board of trustees or village
22 clerk in the case of a village, or to the president or town
23 clerk in the case of a town.

24 (b-15) Notice of confirmation order sent to known insurers.
25 With respect to residential real estate, the party filing the
26 complaint shall send a copy of the confirmation order required

1 under subsection (b) by first class mail, postage prepaid, to
2 the last known property insurer of the foreclosed property.
3 Failure to send or receive a copy of the order shall not impair
4 or abrogate in any way the rights of the mortgagee or purchaser
5 or affect the status of the foreclosure proceedings.

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

21 (d) Validity of Sale. Except as provided in subsection (c)
22 of Section 15-1508, no sale under this Article shall be held
23 invalid or be set aside because of any defect in the notice
24 thereof or in the publication of the same, or in the
25 proceedings of the officer conducting the sale, except upon
26 good cause shown in a hearing pursuant to subsection (b) of

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

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

26 (d-10) Illinois Hardest Hit Program. The court that entered

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

21 Upon receiving notice of foreclosure, a person receiving
22 unemployment benefits may apply to the court requesting that it
23 enjoin the foreclosure. The court shall grant the injunction if
24 the person can provide evidence that they are receiving such
25 benefits. The court may, in its discretion, issue an order
26 requiring that the mortgagor apply for assistance from the

1 Illinois Hardest Hit Program.

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

17 (f) Satisfaction. Upon confirmation of the sale, the
18 judgment stands satisfied to the extent of the sale price less
19 expenses and costs. If the order confirming the sale includes a
20 deficiency judgment, the judgment shall become a lien in the
21 manner of any other judgment for the payment of money.

22 (g) The order confirming the sale shall include,
23 notwithstanding any previous orders awarding possession during
24 the pendency of the foreclosure, an award to the purchaser of
25 possession of the mortgaged real estate, as of the date 30 days
26 after the entry of the order, against the parties to the

1 foreclosure whose interests have been terminated.

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

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

22 (h) With respect to mortgaged real estate containing 5 or
23 more dwelling units, the order confirming the sale shall also
24 provide that (i) the mortgagor shall transfer to the purchaser
25 the security deposits, if any, that the mortgagor received to
26 secure payment of rent or to compensate for damage to the

1 mortgaged real estate from any current occupant of a dwelling
2 unit of the mortgaged real estate, as well as any statutory
3 interest that has not been paid to the occupant, and (ii) the
4 mortgagor shall provide an accounting of the security deposits
5 that are transferred, including the name and address of each
6 occupant for whom the mortgagor holds the deposit and the
7 amount of the deposit and any statutory interest.

8 (Source: P.A. 96-265, eff. 8-11-09; 96-856, eff. 3-1-10;
9 96-1245, eff. 7-23-10; 97-333, eff. 8-12-11; 97-575, eff.
10 8-26-11; 97-1159, eff. 1-29-13; 97-1164, eff. 6-1-13; revised
11 2-22-13.)

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

14 (750 ILCS 5/505) (from Ch. 40, par. 505)

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

16 (a) In a proceeding for dissolution of marriage, legal
17 separation, declaration of invalidity of marriage, a
18 proceeding for child support following dissolution of the
19 marriage by a court that lacked personal jurisdiction over the
20 absent spouse, a proceeding for modification of a previous
21 order for child support under Section 510 of this Act, or any
22 proceeding authorized under Section 501 or 601 of this Act, the
23 court may order either or both parents owing a duty of support
24 to a child of the marriage to pay an amount reasonable and

1 necessary for the support of the child, without regard to
 2 marital misconduct. The duty of support owed to a child
 3 includes the obligation to provide for the reasonable and
 4 necessary educational, physical, mental and emotional health
 5 needs of the child. For purposes of this Section, the term
 6 "child" shall include any child under age 18 and any child
 7 under age 19 who is still attending high school.

8 (1) The Court shall determine the minimum amount of
 9 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%

18 (2) The above guidelines shall be applied in each case
 19 unless the court finds that a deviation from the guidelines
 20 is appropriate after considering the best interest of the
 21 child in light of the evidence, including, but not limited
 22 to, one or more of the following relevant factors:

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

24 (b) the financial resources and needs of the
 25 custodial parent;

26 (c) the standard of living the child would have

1 enjoyed had the marriage not been dissolved;

2 (d) the physical, mental, and emotional needs of
3 the child;

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

5 (e) the financial resources and needs of the
6 non-custodial parent.

7 If the court deviates from the guidelines, the court's
8 finding shall state the amount of support that would have
9 been required under the guidelines, if determinable. The
10 court shall include the reason or reasons for the variance
11 from the guidelines.

12 (2.5) The court, in its discretion, in addition to
13 setting child support pursuant to the guidelines and
14 factors, may order either or both parents owing a duty of
15 support to a child of the marriage to contribute to the
16 following expenses, if determined by the court to be
17 reasonable:

18 (a) health needs not covered by insurance;

19 (b) child care;

20 (c) education; and

21 (d) extracurricular activities.

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

24 (a) Federal income tax (properly calculated
25 withholding or estimated payments);

26 (b) State income tax (properly calculated

1 withholding or estimated payments);

2 (c) Social Security (FICA payments);

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

5 (e) Union dues;

6 (f) Dependent and individual
7 health/hospitalization insurance premiums and premiums
8 for life insurance ordered by the court to reasonably
9 secure payment of ordered child support;

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

12 (h) Expenditures for repayment of debts that
13 represent reasonable and necessary expenses for the
14 production of income, medical expenditures necessary
15 to preserve life or health, reasonable expenditures
16 for the benefit of the child and the other parent,
17 exclusive of gifts. The court shall reduce net income
18 in determining the minimum amount of support to be
19 ordered only for the period that such payments are due
20 and shall enter an order containing provisions for its
21 self-executing modification upon termination of such
22 payment period;

23 (i) Foster care payments paid by the Department of
24 Children and Family Services for providing licensed
25 foster care to a foster child.

26 (4) In cases where the court order provides for

1 health/hospitalization insurance coverage pursuant to
2 Section 505.2 of this Act, the premiums for that insurance,
3 or that portion of the premiums for which the supporting
4 party is responsible in the case of insurance provided
5 through an employer's health insurance plan where the
6 employer pays a portion of the premiums, shall be
7 subtracted from net income in determining the minimum
8 amount of support to be ordered.

9 (4.5) In a proceeding for child support following
10 dissolution of the marriage by a court that lacked personal
11 jurisdiction over the absent spouse, and in which the court
12 is requiring payment of support for the period before the
13 date an order for current support is entered, there is a
14 rebuttable presumption that the supporting party's net
15 income for the prior period was the same as his or her net
16 income at the time the order for current support is
17 entered.

18 (5) If the net income cannot be determined because of
19 default or any other reason, the court shall order support
20 in an amount considered reasonable in the particular case.
21 The final order in all cases shall state the support level
22 in dollar amounts. However, if the court finds that the
23 child support amount cannot be expressed exclusively as a
24 dollar amount because all or a portion of the payor's net
25 income is uncertain as to source, time of payment, or
26 amount, the court may order a percentage amount of support

1 in addition to a specific dollar amount and enter such
2 other orders as may be necessary to determine and enforce,
3 on a timely basis, the applicable support ordered.

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

17 (a-5) In an action to enforce an order for support based on
18 the respondent's failure to make support payments as required
19 by the order, notice of proceedings to hold the respondent in
20 contempt for that failure may be served on the respondent by
21 personal service or by regular mail addressed to the
22 respondent's last known address. The respondent's last known
23 address may be determined from records of the clerk of the
24 court, from the Federal Case Registry of Child Support Orders,
25 or by any other reasonable means.

26 (b) Failure of either parent to comply with an order to pay

1 support shall be punishable as in other cases of contempt. In
2 addition to other penalties provided by law the Court may,
3 after finding the parent guilty of contempt, order that the
4 parent be:

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

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

11 (A) work; or

12 (B) conduct a business or other self-employed
13 occupation.

14 The Court may further order any part or all of the earnings
15 of a parent during a sentence of periodic imprisonment paid to
16 the Clerk of the Circuit Court or to the parent having custody
17 or to the guardian having custody of the children of the
18 sentenced parent for the support of said children until further
19 order of the Court.

20 If either parent fails to pay support due to unemployment,
21 then the court may not fine or sentence the parent to periodic
22 imprisonment.

23 If a parent who is found guilty of contempt for failure to
24 comply with an order to pay support is a person who conducts a
25 business or who is self-employed, the court in addition to
26 other penalties provided by law may order that the parent do

1 one or more of the following: (i) provide to the court monthly
2 financial statements showing income and expenses from the
3 business or the self-employment; (ii) seek employment and
4 report periodically to the court with a diary, listing, or
5 other memorandum of his or her employment search efforts; or
6 (iii) report to the Department of Employment Security for job
7 search services to find employment that will be subject to
8 withholding for child support.

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

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

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

25 (3) the non-custodial parent transfers assets to the
26 person, persons, or business entity with the intent to

1 perpetrate a fraud on the custodial parent.

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

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

1 provisions of Section 7-702.1 of the Illinois Vehicle Code,
2 issue a family financial responsibility driving permit to the
3 parent.

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

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

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

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

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

25 (e) When child support is to be paid through the clerk of
26 the court in a county of 1,000,000 inhabitants or less, the

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

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

26 (g) An order for support shall include a date on which the

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

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

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

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

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

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

14 (Source: P.A. 96-1134, eff. 7-21-10; 97-186, eff. 7-22-11;
15 97-608, eff. 1-1-12; 97-813, eff. 7-13-12; 97-878, eff. 8-2-12;
16 97-941, eff. 1-1-13; 97-1029, eff. 1-1-13; revised 8-23-12.)

17 Section 95. No acceleration or delay. Where this Act makes
18 changes in a statute that is represented in this Act by text
19 that is not yet or no longer in effect (for example, a Section
20 represented by multiple versions), the use of that text does
21 not accelerate or delay the taking effect of (i) the changes
22 made by this Act or (ii) provisions derived from any other
23 Public Act.

24 Section 99. Effective date. This Act takes effect upon

1 becoming law.".