



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB1243

by Rep. Kelly Burke

SYNOPSIS AS INTRODUCED:

See Index

Creates the Illinois Parentage Act of 2013. Provides methods for the establishment of a parent-child relationship. Authorizes genetic testing. Provides for temporary relief and proceedings to adjudicate parentage. Establishes procedures regarding parentage of a child of assisted reproduction. Provides for child support establishment and enforcement. Repeals the Illinois Parentage Act and the Illinois Parentage Act of 1984. Amends numerous Acts to make conforming changes.

LRB098 03015 HEP 33030 b

1 AN ACT concerning civil law.

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

4 ARTICLE 1. GENERAL PROVISIONS

5 Section 101. Short title. This Act may be cited as the
6 Illinois Parentage Act of 2013.

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

14 Section 103. Definitions. In this Act:

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

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

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

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

4 (1) a presumed parent or acknowledged father;

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

7 (3) a male donor.

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

10 (1) intrauterine insemination;

11 (2) donation of eggs;

12 (3) donation of embryos;

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

14 and

15 (5) intracytoplasmic sperm injection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (2) establishment or modification of child support;

10 (3) determination of parentage; or

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

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

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

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

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

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

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

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

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

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

13 ARTICLE 2. PARENT-CHILD RELATIONSHIP

14 Section 201. Establishment of parent-child relationship.

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

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

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

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

21 (4) a determination confirming the woman as a parent of
22 a child born to a gestational mother if a gestational
23 agreement is valid under the Gestational Surrogacy Act or

1 is enforceable under other law; or

2 (5) an unrebutted presumption of the woman's parentage
3 of the child under Section 204 of this Act.

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

6 (1) an unrebutted presumption of the man's parentage of
7 the child under Section 204 of this Act;

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

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

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

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

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

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

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

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

8 Section 204. Presumption of parentage.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 ARTICLE 3. VOLUNTARY ACKNOWLEDGMENT OF PATERNITY

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

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

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

8 (a) A Voluntary Acknowledgment of Paternity must:

9 (1) be in a record;

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

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

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

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

19 (4) be witnessed; and

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

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

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

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

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

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

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

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

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

19 (c) the presumed father has not previously:

20 (1) acknowledged his paternity, unless the previous
21 acknowledgment has been rescinded under Section 307 of this
22 Act or successfully challenged under Section 308 of this
23 Act; or

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

1 Section 304. Rules for acknowledgment and denial of
2 paternity.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 Section 309. Procedure for challenge.

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

22 (b) The verified complaint, which shall be designated a
23 petition, shall be filed in the county where a proceeding
24 relating to the child was brought, such as a support proceeding

1 or, if none exists, in the county where the child resides.
2 Every signatory to the acknowledgment of paternity and any
3 related denial of paternity must be made a party to a
4 proceeding to challenge the acknowledgment or denial. The party
5 challenging the acknowledgment or denial shall have the burden
6 of proof.

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

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

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

25 Section 310. Ratification barred. A court or

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

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

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

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

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

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

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

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

7 ARTICLE 4. GENETIC TESTING

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

17 Section 402. Requirements for genetic testing.

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

1 a hearing to object to the qualifications of the expert or the
2 genetic testing procedures. The expert appointed by the court
3 shall testify at the pre-test hearing at the expense of the
4 party requesting the hearing, except for an indigent party as
5 provided in Section 405 of this Act. An expert not appointed by
6 the court shall testify at the pre-test hearing at the expense
7 of the party retaining the expert. Inquiry into an expert's
8 qualifications at the pre-test hearing shall not affect either
9 party's right to have the expert qualified at trial.

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

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

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

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

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

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

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

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

13 Section 403. Genetic test results.

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

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

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

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

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

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

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

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

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

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

20 or

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

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

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

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

23 Section 407. Independent genetic testing. Nothing in this

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

11 Section 408. Additional persons to be tested.

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

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

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

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

3 ARTICLE 5. TEMPORARY RELIEF

4 Section 501. Temporary order.

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

9 (1) a presumed parent of the child;

10 (2) petitioning to have parentage adjudicated;

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

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

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

17 (6) the mother of the child.

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

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

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

4 Section 502. Injunctive relief.

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

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

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

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

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

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

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

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

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

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

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

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

25 (6) any other evidence that supports the sworn
26 statements, such as a statement from any other individual

1 with knowledge of the circumstances that provides the basis
2 for the claim, or physical evidence of the domestic
3 violence.

4 ARTICLE 6. PROCEEDING TO ADJUDICATE PARENTAGE

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

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

17 (a) the child;

18 (b) the mother of the child;

19 (c) a pregnant woman;

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

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

1 (f) any person or public agency that has custody of, is
2 providing financial support to, or has provided financial
3 support to the child;

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

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

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

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

13 Section 603. Subject matter and personal jurisdiction.

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

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

22 (c) A court of this State having jurisdiction to adjudicate
23 parentage may exercise personal jurisdiction over a
24 nonresident individual, or the guardian or conservator of the
25 individual, if the conditions prescribed in Section 201 of the

1 Uniform Interstate Family Support Act are fulfilled.

2 (d) Lack of jurisdiction over one individual does not
3 preclude the court from making an adjudication of parentage
4 binding on another individual over whom the court has personal
5 jurisdiction.

6 Section 604. Venue.

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

12 (b) A child custody proceeding is commenced in the county
13 where the child resides.

14 Section 605. Notice to presumed father.

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

24 (1) The person requesting notice shall pay to the clerk

1 of the circuit court a mailing fee of \$1.50 and furnish to
2 the clerk of the circuit court an original and one copy of
3 a notice together with an affidavit setting forth the
4 presumed father's last known address. The original notice
5 shall be retained by the clerk of the circuit court.

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

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

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

19 (b) The notice shall read as follows:

20 "IN THE MATTER OF NOTICE TO PRESUMED FATHER.

21 You have been identified as the presumed father of
22 , born on The mother of the child is
23

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

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

2 (1) you and the mother of the child are married to each
3 other and the child is born during the marriage;

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

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

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

22 As the presumed father, you have certain legal rights with
23 respect to the named child, including the right to notice of
24 the filing of proceedings instituted for the establishment of
25 parentage of the named child and, if named as the father in a
26 petition to establish parentage, the right to submit to, along

1 with the mother and child, deoxyribonucleic acid (DNA) tests to
2 determine inherited characteristics. If you wish to assert your
3 rights with respect to the child named in this notice, you must
4 file with the Clerk of this Circuit Court of County,
5 Illinois, whose address is , within 30 days after the
6 date of receipt of this notice, a declaration of parentage
7 stating that you are, in fact, the father of the named child
8 and that you intend to assert your legal rights with respect to
9 the child, or that you request to be notified of any further
10 proceedings with respect to the parentage of the child.

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

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

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

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

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

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

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

17 Section 608. Limitation; child having presumed parent.

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

23 (b) A proceeding seeking to declare the non-existence of
24 the parent-child relationship between a child and the child's

1 presumed father may be maintained at any time if the court
2 determines that the presumed father and the mother of the child
3 neither cohabited nor engaged in sexual intercourse with each
4 other during the probable time of conception.

5 Section 609. Limitation; child having acknowledged or
6 adjudicated parent.

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

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

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

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

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

1 presumed father if the court determines that:

2 (1) the conduct of the mother or the presumed father
3 estops that party from denying parentage; and

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

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

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

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

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

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

20 (5) the age of the child;

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

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

25 (8) the extent to which the passage of time reduces the
26 chances of establishing the paternity of another man and a

1 child-support obligation in favor of the child;

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

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

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

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

14 Section 611. Joinder of proceedings.

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

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

1 Section 612. Proceeding before birth. A proceeding to
2 establish parentage may be commenced before the birth of the
3 child, but may not be concluded until after the birth of the
4 child. The following actions may be taken before the birth of
5 the child:

6 (a) service of process;

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

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

10 Section 613. Child as party; representation.

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

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

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

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

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

24 (2) pursuant to an order of the court under Section 402

1 of this Act.

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

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

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

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

13 Section 615. Consequences of declining genetic testing.

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

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

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

1 child and every man whose paternity is being adjudicated.

2 Section 616. Admission of paternity authorized.

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

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

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

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

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

24 (c) If the court finds under Section 404 of this Act that a

1 man is neither identified nor excluded as the father of a
2 child, the court may not dismiss the proceeding. In that event,
3 the results of the genetic testing and other evidence are
4 admissible to adjudicate the issue of paternity.

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

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

14 Section 619. Jury prohibited. Trial by jury is not
15 available under this Act.

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

19 Section 621. Binding effect of determination of parentage.

20 (a) Except as otherwise provided in subsection (b) of this
21 Section, a determination of parentage is binding on:

22 (1) all signatories to an acknowledgement or denial of

1 paternity as provided in Article 3 of this Act; and

2 (2) all parties to an adjudication by a court acting
3 under circumstances that satisfy the jurisdictional
4 requirements of Section 201 of the Uniform Interstate
5 Family Support Act.

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

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

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

15 (3) the child was a party or was represented in the
16 proceeding determining parentage by a guardian ad litem.

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

24 (1) expressly identifies a child as a "child of the
25 marriage or civil union", "issue of the marriage or civil
26 union", or similar words indicating that the husband is the

1 father of the child or the party to the civil union is the
2 parent of the child; or

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

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

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

13 ARTICLE 7. CHILD OF ASSISTED REPRODUCTION

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

18 Section 702. Parental status of donor. A donor is not a
19 parent of a child conceived by means of assisted reproduction.
20 The donor of sperm provided to a licensed physician for use in
21 artificial insemination of a woman other than the donor's
22 spouse or other party to his civil union shall be treated in
23 law as if he were not a parent of a child conceived by

1 artificial insemination. A woman who contributes an egg or eggs
2 for the purpose of in-vitro fertilization or implantation in a
3 woman other than herself or the other party to her civil union
4 shall be treated in law as if she were not a parent of a child
5 conceived by assisted reproduction.

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

15 Section 704. Consent to assisted reproduction.

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

22 (b) Failure to sign a consent required by subsection (a) of
23 this Section, before or after the birth of the child, does not
24 preclude a finding of parentage, if the married couple or

1 parties to a civil union, for the first 2 years of the child's
2 life, resided in a household with the child and openly held out
3 the child as their own during that time.

4 Section 705. Limitation of dispute of parentage.

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

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

1 permanent medical record held by the physician or not, are
2 subject to inspection only upon an order of the court or for
3 good cause shown.

4 (c) Except as otherwise provided in subsection (b) of this
5 Section, a spouse or party to a civil union whose wife or other
6 party to the civil union gives birth to a child by means of
7 assisted reproduction may not challenge parentage of the child
8 unless:

9 (1) within 2 years after learning of the birth of the
10 child, the spouse or party to the civil union commences a
11 proceeding to adjudicate parentage; and

12 (2) the court finds that the spouse or party to the
13 civil union did not consent to the assisted reproduction,
14 before or after birth of the child.

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

17 (1) the spouse or party to the civil union did not
18 provide sperm for, or before or after birth of the child
19 did not consent to, assisted reproduction by the wife or
20 other party to the civil union;

21 (2) the spouses or parties to the civil union have not
22 cohabitated since the probable time of assisted
23 reproduction; or

24 (3) the spouse or other party to the civil union never
25 openly held out the child as his or her own.

26 (e) The limitation provided in this Section applies to a

1 marriage or civil union declared invalid after assisted
2 reproduction.

3 Section 706. Effect of dissolution of marriage or civil
4 union or withdrawal of consent.

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

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

20 Section 707. Parental status of deceased individual. If an
21 individual does not consent in a record to be a parent by
22 assisted reproduction after death and dies before the
23 implantation of eggs, sperm, embryo, or embryos, the deceased
24 individual is not a parent of the resulting child.

1 ARTICLE 8. SUPPORT AND JUDGMENT

2 Section 801. Temporary child support orders.

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

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

1 parent for each installment of overdue support owed by the
2 noncustodial parent.

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

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

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

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

1 after January 1, 2006 must contain a statement notifying the
2 parties of the requirements of this subsection. Failure to
3 include the statement in the order for support does not affect
4 the validity of the order or the operation of the provisions of
5 this subsection with regard to the order. This subsection shall
6 not be construed to prevent or affect the establishment or
7 modification of an order for the support of a minor child or
8 the establishment or modification of an order for the support
9 of a non-minor child or educational expenses under Section 513
10 of the Illinois Marriage and Dissolution of Marriage Act.

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

1 finds that the physical, mental, or emotional health of a party
2 or that of a minor child, or both, would be seriously
3 endangered by disclosure of the party's address.

4 Section 802. Judgment.

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

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

18 The judgment shall contain or explicitly reserve
19 provisions concerning any duty and amount of child support and
20 may contain provisions concerning the custody and guardianship
21 of the child, parenting time privileges with the child, and the
22 furnishing of bond or other security for the payment of the
23 judgment, which the court shall determine in accordance with
24 the relevant factors set forth in the Illinois Marriage and
25 Dissolution of Marriage Act and any other applicable law of

1 this State, to guide the court in a finding in the best
2 interests of the child. In determining custody, joint custody,
3 removal, parenting time, parenting time interference, support
4 for a non-minor disabled child, educational expenses for a
5 non-minor child, and related post-judgment issues, the court
6 shall apply the relevant standards of the Illinois Marriage and
7 Dissolution of Marriage Act. Specifically, in determining the
8 amount of a child support award, the court shall use the
9 guidelines and standards set forth in subsection (a) of Section
10 505 and in Section 505.2 of the Illinois Marriage and
11 Dissolution of Marriage Act.

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

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

26 (d) The court, if necessary to protect and promote the best

1 interests of the child, may set aside a portion of the
2 separately held estates of the parties in a separate fund or
3 trust for the support, education, physical and mental health,
4 and general welfare of a minor or mentally or physically
5 disabled child of the parties.

6 (e) The court shall order all child support payments,
7 determined in accordance with such guidelines, to commence with
8 the date summons is served. The level of current periodic
9 support payments shall not be reduced because of payments set
10 for the period prior to the date of entry of the support order.
11 The court may order child support payments to be made for a
12 period prior to the commencement of the action. In determining
13 whether and to what extent the payments shall be made for the
14 prior period, the court shall consider all relevant facts,
15 including but not limited to:

16 (1) The factors for determining the amount of support
17 specified in the Illinois Marriage and Dissolution of
18 Marriage Act.

19 (2) The father's prior knowledge of the fact and
20 circumstances of the child's birth.

21 (3) The father's prior willingness or refusal to help
22 raise or support the child.

23 (4) The extent to which the mother or the public agency
24 bringing the action previously informed the father of the
25 child's needs or attempted to seek or require his help in
26 raising or supporting the child.

1 (5) The reasons the mother or the public agency did not
2 file the action earlier.

3 (6) The extent to which the father would be prejudiced
4 by the delay in bringing the action.

5 For purposes of determining the amount of child support to
6 be paid for the period before the date the order for current
7 child support is entered, there is a rebuttable presumption
8 that the father's net income for the prior period was the same
9 as his net income at the time the order for current child
10 support is entered.

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

23 (f) A new or existing support order entered by the court
24 under this Section shall be deemed to be a series of judgments
25 against the person obligated to pay support thereunder, each
26 judgment to be in the amount of each payment or installment of

1 support and each judgment to be deemed entered as of the date
2 the corresponding payment or installment becomes due under the
3 terms of the support order. Each judgment shall have the full
4 force, effect, and attributes of any other judgment of this
5 State, including the ability to be enforced. A judgment under
6 this Section is subject to modification or termination only in
7 accordance with Section 510 of the Illinois Marriage and
8 Dissolution of Marriage Act. Notwithstanding any State or local
9 law to the contrary, a lien arises by operation of law against
10 the real and personal property of the noncustodial parent for
11 each installment of overdue support owed by the noncustodial
12 parent.

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

16 (h) Upon the request of the mother and the father, the
17 court shall order a change in the child's name.

18 (i) After hearing evidence, the court may stay payment of
19 support during the period of the father's minority or period of
20 disability.

21 (j) If, upon a showing of proper service, the father fails
22 to appear in court or otherwise appear as provided by law, the
23 court may proceed to hear the cause upon testimony of the
24 mother or other parties taken in open court and shall enter a
25 judgment by default. The court may reserve any order as to the
26 amount of child support until the father has received notice,

1 by regular mail, of a hearing on the matter.

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

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

1 earlier of the date on which the child's high school graduation
2 will occur or the date on which the child will attain the age
3 of 19. The order for support shall state that the termination
4 date does not apply to any arrearage that may remain unpaid on
5 that date. Nothing in this subsection shall be construed to
6 prevent the court from modifying the order or terminating the
7 order in the event the child is otherwise emancipated.

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

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

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

1 a minor child, or both, would be seriously endangered by
2 disclosure of the party's address.

3 Section 803. Information to State Case Registry.

4 (a) In this Section:

5 "Order for support", "obligor", "obligee", and "business
6 day" are defined as set forth in the Income Withholding for
7 Support Act.

8 "State Case Registry" means the State Case Registry
9 established under Section 10-27 of the Illinois Public Aid
10 Code.

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

23 (c) The obligor shall file the following information: the
24 obligor's name, date of birth, social security number, and
25 mailing address. If either the obligor or the obligee receives

1 child support enforcement services from the Department of
2 Healthcare and Family Services under Article X of the Illinois
3 Public Aid Code, the obligor shall also file the following
4 information: the obligor's telephone number, driver's license
5 number, residential address (if different from the obligor's
6 mailing address), and the name, address, and telephone number
7 of the obligor's employer or employers.

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

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

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

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

15 (4) The obligee's mailing address.

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

25 (1) The obligee's telephone and driver's license
26 numbers.

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

3 (3) The name, address, and telephone number of the
4 obligee's employer or employers.

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

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

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

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

24 (2) any amounts that have been received by the clerk,
25 and the distribution of those amounts by the clerk.

26 (h) Information filed by the obligor and obligee under this

1 Section that is not specifically required to be included in the
2 body of an order for support under other laws is not a public
3 record and shall be treated as confidential and subject to
4 disclosure only in accordance with the provisions of this
5 Section, Section 10-27 of the Illinois Public Aid Code, and
6 Title IV, Part D of the Social Security Act.

7 Section 804. Information to locate putative fathers and
8 noncustodial parents.

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

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

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

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

21 Section 805. Enforcement of judgment or order.

22 (a) If the existence of the parent-child relationship is
23 declared, or if parentage or a duty of support has been
24 established under this Act or under prior law or under the law
25 of any other jurisdiction, the judgment rendered thereunder may

1 be enforced in the same or in other proceedings by any party or
2 any person or agency that has furnished or may furnish
3 financial assistance or services to the child. The Income
4 Withholding for Support Act and Sections 802 and 808 of this
5 Act shall also be applicable with respect to the entry,
6 modification, and enforcement of a support judgment entered
7 under the Paternity Act, approved July 5, 1957 and repealed
8 July 1, 1985.

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

15 (1) Order that the party be placed on probation with
16 such conditions of probation as the court deems advisable.

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

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

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

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

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

1 of the order is placed of record in the office of the
2 recorder of deeds for the county in which the real
3 property is located.

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

25 In addition to the penalties or punishment that may be
26 imposed under this Section, a person whose conduct constitutes

1 a violation of Section 15 of the Non-Support Punishment Act may
2 be prosecuted under that Act, and a person convicted under that
3 Act may be sentenced in accordance with that Act. The sentence
4 may include, but need not be limited to, a requirement that the
5 person perform community service under Section 50 of that Act
6 or participate in a work alternative program under Section 50
7 of that Act. A person may not be required to participate in a
8 work alternative program under Section 50 of the Non-Support
9 Punishment Act if the person is currently participating in a
10 work program under Section 806 of this Act.

11 (c) In a post-judgment proceeding to enforce or modify the
12 judgment, the parties shall continue to be designated as in the
13 original proceeding.

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

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

1 Code, the court may order the unemployed person to report to
2 the Department of Healthcare and Family Services for
3 participation in job search, training, or work programs
4 established under Section 9-6 and Article IXA of that Code.

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

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

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

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

1 Section 808. Modification of judgment. The court has
2 continuing jurisdiction to modify an order for support,
3 custody, parenting time, or removal included in a judgment
4 entered under this Act. Any custody, parenting time, or removal
5 judgment modification shall be in accordance with the relevant
6 factors specified in the Illinois Marriage and Dissolution of
7 Marriage Act. Any support judgment is subject to modification
8 or termination only in accordance with Section 510 of the
9 Illinois Marriage and Dissolution of Marriage Act.

10 Section 809. Right to counsel.

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

23 (b) In any proceedings involving the support, custody,
24 parenting time, education, parentage, property interest, or
25 general welfare of a minor or dependent child, the court may,

1 on its own motion or that of any party, appoint an attorney to
2 serve in one of the capacities specified in Section 506 of the
3 Illinois Marriage and Dissolution of Marriage Act.

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

7 Section 811. Information concerning obligors.

8 (a) In this Section:

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

12 "Consumer reporting agency" has the meaning attributed to
13 that term in Section 603(f) of the Fair Credit Reporting Act,
14 15 U.S.C. 1681a(f).

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

22 (c) Whenever a court of competent jurisdiction finds that
23 an obligor either owes an arrearage of more than \$10,000 or is
24 delinquent in payment of an amount equal to at least 3 months'

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

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

1 support does not affect the validity of the order or the
2 accrual of interest as provided in this Section.

3 Section 813. Support payments; receiving and disbursing
4 agents.

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

19 (b) In an action filed in a county of 3,000,000 or more
20 inhabitants in which an order for child support is entered, and
21 in supplementary proceedings to enforce or vary the terms of
22 the order arising out of an action filed in such a county, the
23 court, except in actions or supplementary proceedings in which
24 the pregnancy and delivery expenses of the mother or the child
25 support payments are for a recipient of aid under the Illinois

1 Public Aid Code, shall direct that child support payments be
2 made either to the clerk of the circuit court or to the Court
3 Service Division of the Department of Human Services local
4 office or offices or its successor or to the Department of
5 Healthcare and Family Services, unless in the discretion of the
6 court exceptional circumstances warrant otherwise. In cases
7 where payment is to be made to persons other than the clerk of
8 the circuit court, the Court Service Division of the Department
9 of Human Services local office or offices or its successor, or
10 the Department of Healthcare and Family Services, the judgment
11 or order of support shall set forth the facts of the
12 exceptional circumstances.

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

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

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

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

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

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

22 (g) To the extent the provisions of this Section are
23 inconsistent with the requirements pertaining to the State
24 Disbursement Unit under Section 815 of this Act and Section
25 10-26 of the Illinois Public Aid Code, the requirements
26 pertaining to the State Disbursement Unit shall apply.

1 Section 814. Notice of child support enforcement services.
2 The Department of Healthcare and Family Services may provide
3 notice at any time to the parties to an action filed under this
4 Act that child support enforcement services are being provided
5 by the Department under Article X of the Illinois Public Aid
6 Code. After notice is provided, the Department of Healthcare
7 and Family Services shall be entitled, as if it were a party,
8 to notice of any further proceedings brought in the case. The
9 Department of Healthcare and Family Services shall provide the
10 clerk of the circuit court with copies of the notices sent to
11 the parties. The clerk of the circuit court shall file the
12 copies in the court file.

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

14 (a) As used in this Section, "order for support",
15 "obligor", "obligee", and "payor" have the meanings ascribed to
16 them in the Income Withholding for Support Act, except that
17 "order for support" does not mean an order for spousal
18 maintenance under which there is no child support obligation.

19 (b) Notwithstanding any other provision of this Act to the
20 contrary, each order for support entered or modified on or
21 after October 1, 1999 shall require that support payments be
22 made to the State Disbursement Unit established under Section
23 10-26 of the Illinois Public Aid Code if:

24 (1) a party to the order is receiving child support

1 enforcement services under Article X of the Illinois Public
2 Aid Code; or

3 (2) no party to the order is receiving child support
4 enforcement services, but the support payments are made
5 through income withholding.

6 (c) Support payments shall be made to the State
7 Disbursement Unit if:

8 (1) the order for support was entered before October 1,
9 1999, and a party to the order is receiving child support
10 enforcement services under Article X of the Illinois Public
11 Aid Code; or

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

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

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

24 (1) to make support payments to the State Disbursement
25 Unit if:

26 (A) a party to the order for support is receiving

1 child support enforcement services under Article X of
2 the Illinois Public Aid Code; or

3 (B) no party to the order for support is receiving
4 child support enforcement services under Article X of
5 the Illinois Public Aid Code, but the support payments
6 are made through income withholding; or

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

12 The Department of Healthcare and Family Services shall
13 provide a copy of the notice sent under this subsection to the
14 obligee and to the clerk of the circuit court.

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

24 (g) If the State Disbursement Unit receives a support
25 payment that was not appropriately made to the Unit under this
26 Section, the Unit shall immediately return the payment to the

1 sender, including, if possible, instructions detailing where
2 to send the support payments.

3 (h) The notices under subsections (e) and (f) may be sent
4 by ordinary mail, certified mail with return receipt requested,
5 facsimile transmission, other electronic process, or any
6 method provided by law for service of a summons.

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

23 Section 817. Notice to the clerk of circuit court of
24 payment received by Department of Healthcare and Family

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

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

18 ARTICLE 9. MISCELLANEOUS PROVISIONS

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

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

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

6 Section 903. Transitional provision. A proceeding to
7 adjudicate parentage which was commenced before the effective
8 date of this Act is governed by the law in effect at the time
9 the proceeding was commenced.

10 Section 904. Savings provision. The repeal of the Illinois
11 Parentage Act of 1984 and the Illinois Parentage Act shall not
12 affect rights or liabilities under those Act which have been
13 determined, settled, or adjudicated prior to the effective date
14 of this Act or which are the subject of proceedings pending on
15 the effective date of this Act. This Act shall not be construed
16 to bar an action which would have been barred because the
17 action had not been filed within a time limitation under the
18 Illinois Parentage Act of 1984 and the Illinois Parentage Act,
19 or which could not have been maintained under those Acts, as
20 long as the action is not barred by a limitations period set
21 forth in this Act.

22 Section 905. Other states' establishments of parentage.
23 Establishments of parentage made under the laws of other states

1 shall be given full faith and credit in this State regardless
2 of whether parentage was established through voluntary
3 acknowledgment, tests to determine inherited characteristics,
4 or judicial or administrative processes.

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

8 (20 ILCS 1005/1005-130) (was 20 ILCS 1005/43a.14)

9 Sec. 1005-130. Exchange of information for child support
10 enforcement.

11 (a) The Department has the power to exchange with the
12 Department of Healthcare and Family Services information that
13 may be necessary for the enforcement of child support orders
14 entered pursuant to the Illinois Public Aid Code, the Illinois
15 Marriage and Dissolution of Marriage Act, the Non-Support of
16 Spouse and Children Act, the Non-Support Punishment Act, the
17 Revised Uniform Reciprocal Enforcement of Support Act, the
18 Uniform Interstate Family Support Act, ~~or~~ the Illinois
19 Parentage Act of 1984, or the Illinois Parentage Act of 2013.

20 (b) Notwithstanding any provisions in the Civil
21 Administrative Code of Illinois to the contrary, the Department
22 of Employment Security shall not be liable to any person for
23 any disclosure of information to the Department of Healthcare
24 and Family Services (formerly Illinois Department of Public

1 Aid) under subsection (a) or for any other action taken in good
2 faith to comply with the requirements of subsection (a).

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

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

7 (20 ILCS 2105/2105-15)

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

9 (a) The Department has, subject to the provisions of the
10 Civil Administrative Code of Illinois, the following powers and
11 duties:

12 (1) To authorize examinations in English to ascertain
13 the qualifications and fitness of applicants to exercise
14 the profession, trade, or occupation for which the
15 examination is held.

16 (2) To prescribe rules and regulations for a fair and
17 wholly impartial method of examination of candidates to
18 exercise the respective professions, trades, or
19 occupations.

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

23 (4) To prescribe rules and regulations defining, for
24 the respective professions, trades, and occupations, what

1 shall constitute a school, college, or university, or
2 department of a university, or other institution,
3 reputable and in good standing, and to determine the
4 reputability and good standing of a school, college, or
5 university, or department of a university, or other
6 institution, reputable and in good standing, by reference
7 to a compliance with those rules and regulations; provided,
8 that no school, college, or university, or department of a
9 university, or other institution that refuses admittance
10 to applicants solely on account of race, color, creed, sex,
11 or national origin shall be considered reputable and in
12 good standing.

13 (5) To conduct hearings on proceedings to revoke,
14 suspend, refuse to renew, place on probationary status, or
15 take other disciplinary action as authorized in any
16 licensing Act administered by the Department with regard to
17 licenses, certificates, or authorities of persons
18 exercising the respective professions, trades, or
19 occupations and to revoke, suspend, refuse to renew, place
20 on probationary status, or take other disciplinary action
21 as authorized in any licensing Act administered by the
22 Department with regard to those licenses, certificates, or
23 authorities. The Department shall issue a monthly
24 disciplinary report. The Department shall deny any license
25 or renewal authorized by the Civil Administrative Code of
26 Illinois to any person who has defaulted on an educational

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

22 The Department, without further process or hearings,
23 shall revoke, suspend, or deny any license or renewal
24 authorized by the Civil Administrative Code of Illinois to
25 a person who is certified by the Department of Healthcare
26 and Family Services (formerly Illinois Department of

1 Public Aid) as being more than 30 days delinquent in
2 complying with a child support order or who is certified by
3 a court as being in violation of the Non-Support Punishment
4 Act for more than 60 days. The Department may, however,
5 issue a license or renewal if the person has established a
6 satisfactory repayment record as determined by the
7 Department of Healthcare and Family Services (formerly
8 Illinois Department of Public Aid) or if the person is
9 determined by the court to be in compliance with the
10 Non-Support Punishment Act. The Department may implement
11 this paragraph as added by Public Act 89-6 through the use
12 of emergency rules in accordance with Section 5-45 of the
13 Illinois Administrative Procedure Act. For purposes of the
14 Illinois Administrative Procedure Act, the adoption of
15 rules to implement this paragraph shall be considered an
16 emergency and necessary for the public interest, safety,
17 and welfare.

18 (6) To transfer jurisdiction of any realty under the
19 control of the Department to any other department of the
20 State Government or to acquire or accept federal lands when
21 the transfer, acquisition, or acceptance is advantageous
22 to the State and is approved in writing by the Governor.

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

25 (8) To exchange with the Department of Healthcare and
26 Family Services information that may be necessary for the

1 enforcement of child support orders entered pursuant to the
2 Illinois Public Aid Code, the Illinois Marriage and
3 Dissolution of Marriage Act, the Non-Support of Spouse and
4 Children Act, the Non-Support Punishment Act, the Revised
5 Uniform Reciprocal Enforcement of Support Act, the Uniform
6 Interstate Family Support Act, ~~or~~ the Illinois Parentage
7 Act of 1984, or the Illinois Parentage Act of 2013.
8 Notwithstanding any provisions in this Code to the
9 contrary, the Department of Professional Regulation shall
10 not be liable under any federal or State law to any person
11 for any disclosure of information to the Department of
12 Healthcare and Family Services (formerly Illinois
13 Department of Public Aid) under this paragraph (8) or for
14 any other action taken in good faith to comply with the
15 requirements of this paragraph (8).

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

17 (a-5) Except in cases involving default on an educational
18 loan or scholarship provided by or guaranteed by the Illinois
19 Student Assistance Commission or any governmental agency of
20 this State or in cases involving delinquency in complying with
21 a child support order or violation of the Non-Support
22 Punishment Act, no person or entity whose license, certificate,
23 or authority has been revoked as authorized in any licensing
24 Act administered by the Department may apply for restoration of
25 that license, certification, or authority until 3 years after
26 the effective date of the revocation.

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

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

1 maintain one or more commercial checking accounts with any
2 State banking corporation or corporations organized under or
3 subject to the Illinois Banking Act for the deposit and
4 withdrawal of moneys to be used for the purposes set forth in
5 this Section; provided, that no check may be written nor any
6 withdrawal made from any such account except upon the written
7 signatures of 2 persons designated by the Director to write
8 those checks and make those withdrawals. Vouchers for those
9 expenditures must be signed by the Director. All such
10 expenditures shall be audited by the Director, and the audit
11 shall be submitted to the Department of Central Management
12 Services for approval.

13 (d) Whenever the Department is authorized or required by
14 law to consider some aspect of criminal history record
15 information for the purpose of carrying out its statutory
16 powers and responsibilities, then, upon request and payment of
17 fees in conformance with the requirements of Section 2605-400
18 of the Department of State Police Law (20 ILCS 2605/2605-400),
19 the Department of State Police is authorized to furnish,
20 pursuant to positive identification, the information contained
21 in State files that is necessary to fulfill the request.

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

25 (f) Beginning July 1, 1995, this Section does not apply to
26 those professions, trades, and occupations licensed under the

1 Real Estate License Act of 2000, nor does it apply to any
2 permits, certificates, or other authorizations to do business
3 provided for in the Land Sales Registration Act of 1989 or the
4 Illinois Real Estate Time-Share Act.

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

19 In addition, a complaint filed with the Department by the
20 Illinois Department of Revenue that includes a certification,
21 signed by its Director or designee, attesting to the amount of
22 the unpaid tax liability or the years for which a return was
23 not filed, or both, is prima facia evidence of the licensee's
24 failure to comply with the tax laws administered by the
25 Illinois Department of Revenue. Upon receipt of that
26 certification, the Department shall, without a hearing,

1 immediately suspend all licenses held by the licensee.
2 Enforcement of the Department's order shall be stayed for 60
3 days. The Department shall provide notice of the suspension to
4 the licensee by mailing a copy of the Department's order by
5 certified and regular mail to the licensee's last known address
6 as registered with the Department. The notice shall advise the
7 licensee that the suspension shall be effective 60 days after
8 the issuance of the Department's order unless the Department
9 receives, from the licensee, a request for a hearing before the
10 Department to dispute the matters contained in the order.

11 Any suspension imposed under this subsection (g) shall be
12 terminated by the Department upon notification from the
13 Illinois Department of Revenue that the licensee is in
14 compliance with all tax laws administered by the Illinois
15 Department of Revenue.

16 The Department shall promulgate rules for the
17 administration of this subsection (g).

18 (h) The Department may grant the title "Retired", to be
19 used immediately adjacent to the title of a profession
20 regulated by the Department, to eligible retirees. The use of
21 the title "Retired" shall not constitute representation of
22 current licensure, registration, or certification. Any person
23 without an active license, registration, or certificate in a
24 profession that requires licensure, registration, or
25 certification shall not be permitted to practice that
26 profession.

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

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

15 Section 953. The Department of Revenue Law of the Civil
16 Administrative Code of Illinois is amended by changing Section
17 2505-65 as follows:

18 (20 ILCS 2505/2505-65) (was 20 ILCS 2505/39b12)

19 Sec. 2505-65. Exchange of information.

20 (a) The Department has the power to exchange with any
21 state, with any local subdivisions of any state, or with the
22 federal government, except when specifically prohibited by
23 law, any information that may be necessary to efficient tax
24 administration and that may be acquired as a result of the

1 administration of the laws set forth in the Sections following
2 Section 95-10 and preceding Section 2505-60.

3 (b) The Department has the power to exchange with the
4 Department of Healthcare and Family Services information that
5 may be necessary for the enforcement of child support orders
6 entered pursuant to the Illinois Public Aid Code, the Illinois
7 Marriage and Dissolution of Marriage Act, the Non-Support of
8 Spouse and Children Act, the Non-Support Punishment Act, the
9 Revised Uniform Reciprocal Enforcement of Support Act, the
10 Uniform Interstate Family Support Act, ~~or~~ the Illinois
11 Parentage Act of 1984, or the Illinois Parentage Act of 2013.
12 Notwithstanding any provisions in this Code to the contrary,
13 the Department of Revenue shall not be liable to any person for
14 any disclosure of information to the Department of Healthcare
15 and Family Services (formerly Illinois Department of Public
16 Aid) under this subsection (b) or for any other action taken in
17 good faith to comply with the requirements of this subsection
18 (b).

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

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

22 (55 ILCS 5/3-5036.5)

23 Sec. 3-5036.5. Exchange of information for child support
24 enforcement.

1 (a) The Recorder shall exchange with the Department of
2 Healthcare and Family Services information that may be
3 necessary for the enforcement of child support orders entered
4 pursuant to the Illinois Public Aid Code, the Illinois Marriage
5 and Dissolution of Marriage Act, the Non-Support of Spouse and
6 Children Act, the Non-Support Punishment Act, the Revised
7 Uniform Reciprocal Enforcement of Support Act, the Uniform
8 Interstate Family Support Act, ~~or~~ the Illinois Parentage Act of
9 1984, or the Illinois Parentage Act of 2013.

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

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

17 Section 955. The Collection Agency Act is amended by
18 changing Section 2.04 as follows:

19 (225 ILCS 425/2.04) (from Ch. 111, par. 2005.1)

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

21 Sec. 2.04. Child support indebtedness.

22 (a) Persons, associations, partnerships, corporations, or
23 other legal entities engaged in the business of collecting
24 child support indebtedness owing under a court order as

1 provided under the Illinois Public Aid Code, the Illinois
2 Marriage and Dissolution of Marriage Act, the Non-Support of
3 Spouse and Children Act, the Non-Support Punishment Act, the
4 Illinois Parentage Act of 1984, the Illinois Parentage Act of
5 2013, or similar laws of other states are not restricted (i) in
6 the frequency of contact with an obligor who is in arrears,
7 whether by phone, mail, or other means, (ii) from contacting
8 the employer of an obligor who is in arrears, (iii) from
9 publishing or threatening to publish a list of obligors in
10 arrears, (iv) from disclosing or threatening to disclose an
11 arrearage that the obligor disputes, but for which a verified
12 notice of delinquency has been served under the Income
13 Withholding for Support Act (or any of its predecessors,
14 Section 10-16.2 of the Illinois Public Aid Code, Section 706.1
15 of the Illinois Marriage and Dissolution of Marriage Act,
16 Section 4.1 of the Non-Support of Spouse and Children Act,
17 Section 26.1 of the Revised Uniform Reciprocal Enforcement of
18 Support Act, or Section 20 of the Illinois Parentage Act of
19 1984), or (v) from engaging in conduct that would not cause a
20 reasonable person mental or physical illness. For purposes of
21 this subsection, "obligor" means an individual who owes a duty
22 to make periodic payments, under a court order, for the support
23 of a child. "Arrearage" means the total amount of an obligor's
24 unpaid child support obligations.

25 (a-5) A collection agency may not impose a fee or charge,
26 including costs, for any child support payments collected

1 through the efforts of a federal, State, or local government
2 agency, including but not limited to child support collected
3 from federal or State tax refunds, unemployment benefits, or
4 Social Security benefits.

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

15 As to any fees or charges, including costs, retained by the
16 collection agency, that agency shall provide documentation to
17 the obligee demonstrating that the child support payments
18 resulted from the actions of the agency.

19 After collection of the total amount or arrearage,
20 including statutory interest, due as of the date of execution
21 of the collection contract, no further fees may be charged.

22 (a-10) The Department of Professional Regulation shall
23 determine a fee rate of not less than 25% but not greater than
24 35%, based upon presentation by the licensees as to costs to
25 provide the service and a fair rate of return. This rate shall
26 be established by administrative rule.

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

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

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

12 Section 956. The Illinois Public Aid Code is amended by
13 changing Sections 10-3.1, 10-16.7, 10-17, 10-17.7, 10-19,
14 10-25, 10-25.5, 10-27, and 12-4.7c as follows:

15 (305 ILCS 5/10-3.1) (from Ch. 23, par. 10-3.1)

16 Sec. 10-3.1. Child and Spouse Support Unit. The Illinois
17 Department shall establish within its administrative staff a
18 Child and Spouse Support Unit to search for and locate absent
19 parents and spouses liable for the support of persons resident
20 in this State and to exercise the support enforcement powers
21 and responsibilities assigned the Department by this Article.
22 The unit shall cooperate with all law enforcement officials in
23 this State and with the authorities of other States in locating
24 persons responsible for the support of persons resident in

1 other States and shall invite the cooperation of these
2 authorities in the performance of its duties.

3 In addition to other duties assigned the Child and Spouse
4 Support Unit by this Article, the Unit may refer to the
5 Attorney General or units of local government with the approval
6 of the Attorney General, any actions under Sections 10-10 and
7 10-15 for judicial enforcement of the support liability. The
8 Child and Spouse Support Unit shall act for the Department in
9 referring to the Attorney General support matters requiring
10 judicial enforcement under other laws. If requested by the
11 Attorney General to so act, as provided in Section 12-16,
12 attorneys of the Unit may assist the Attorney General or
13 themselves institute actions on ~~in~~ behalf of the Illinois
14 Department under the Revised Uniform Reciprocal Enforcement of
15 Support Act; under the Illinois Parentage Act of 1984 or under
16 the Illinois Parentage Act of 2013; under the Non-Support of
17 Spouse and Children Act; under the Non-Support Punishment Act;
18 or under any other law, State or Federal, providing for support
19 of a spouse or dependent child.

20 The Illinois Department shall also have the authority to
21 enter into agreements with local governmental units or
22 individuals, with the approval of the Attorney General, for the
23 collection of moneys owing because of the failure of a parent
24 to make child support payments for any child receiving services
25 under this Article. Such agreements may be on a contingent fee
26 basis, but such contingent fee shall not exceed 25% of the

1 total amount collected.

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

14 The Illinois Department may also enter into agreements with
15 local governmental units for the Child and Spouse Support Unit
16 to exercise the investigative and enforcement powers
17 designated in this Article, including the issuance of
18 administrative orders under Section 10-11, in locating
19 responsible relatives and obtaining support for persons
20 applying for or receiving aid under Article VI. Payments for
21 defrayment of administrative costs and support payments
22 obtained shall be deposited into the DHS Recoveries Trust Fund.
23 Support payments shall be paid over to the General Assistance
24 Fund of the local governmental unit at such time or times as
25 the agreement may specify.

26 With respect to those cases in which it has support

1 enforcement powers and responsibilities under this Article,
2 the Illinois Department may provide by rule for periodic or
3 other review of each administrative and court order for support
4 to determine whether a modification of the order should be
5 sought. The Illinois Department shall provide for and conduct
6 such review in accordance with any applicable federal law and
7 regulation.

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

19 The Illinois Department may send a written request for the
20 same information to the relative's employer. The employer shall
21 respond to the request for information within 15 days after the
22 date the employer receives the request. If the employer
23 willfully fails to fully respond within the 15-day period, the
24 employer shall pay a penalty of \$100 for each day that the
25 response is not provided to the Illinois Department after the
26 15-day period has expired. The penalty may be collected in a

1 civil action which may be brought against the employer in favor
2 of the Illinois Department.

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

22 In a case receiving child support enforcement services, the
23 Illinois Department may request and obtain information from a
24 particular employer under this Section no more than once in any
25 12-month period, unless the information is necessary to conduct
26 a review of a court or administrative order for support at the

1 request of the person receiving child support enforcement
2 services.

3 The Illinois Department shall establish and maintain an
4 administrative unit to receive and transmit to the Child and
5 Spouse Support Unit information supplied by persons applying
6 for or receiving child support enforcement services under
7 Section 10-1. In addition, the Illinois Department shall
8 address and respond to any alleged deficiencies that persons
9 receiving or applying for services from the Child and Spouse
10 Support Unit may identify concerning the Child and Spouse
11 Support Unit's provision of child support enforcement
12 services. Within 60 days after an action or failure to act by
13 the Child and Spouse Support Unit that affects his or her case,
14 a recipient of or applicant for child support enforcement
15 services under Article X of this Code may request an
16 explanation of the Unit's handling of the case. At the
17 requestor's option, the explanation may be provided either
18 orally in an interview, in writing, or both. If the Illinois
19 Department fails to respond to the request for an explanation
20 or fails to respond in a manner satisfactory to the applicant
21 or recipient within 30 days from the date of the request for an
22 explanation, the applicant or recipient may request a
23 conference for further review of the matter by the Office of
24 the Administrator of the Child and Spouse Support Unit. A
25 request for a conference may be submitted at any time within 60
26 days after the explanation has been provided by the Child and

1 Spouse Support Unit or within 60 days after the time for
2 providing the explanation has expired.

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

12 Upon receipt of a timely request for a conference, the
13 Office of the Administrator shall review the case. The
14 applicant or recipient requesting the conference shall be
15 entitled, at his or her option, to appear in person or to
16 participate in the conference by telephone. The applicant or
17 recipient requesting the conference shall be entitled to be
18 represented and to be afforded a reasonable opportunity to
19 review the Illinois Department's file before or at the
20 conference. At the conference, the applicant or recipient
21 requesting the conference shall be afforded an opportunity to
22 present all relevant matters in support of his or her claim.
23 Conferences shall be without cost to the applicant or recipient
24 requesting the conference and shall be conducted by a
25 representative of the Child or Spouse Support Unit who did not
26 participate in the action or inaction being reviewed.

1 The Office of the Administrator shall conduct a conference
2 and inform all interested parties, in writing, of the results
3 of the conference within 60 days from the date of filing of the
4 request for a conference.

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

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

12 (305 ILCS 5/10-16.7)

13 Sec. 10-16.7. Child support enforcement debit
14 authorization.

15 (a) For purposes of this Section:

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

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

20 "Order for support" means any order for periodic payment of
21 funds to the State Disbursement Unit for the support of a child
22 or, where applicable, for support of a child and a parent with
23 whom the child resides, that is entered or modified under this
24 Code or under the Illinois Marriage and Dissolution of Marriage
25 Act, the Non-Support of Spouse and Children Act, the

1 Non-Support Punishment Act, ~~or~~ the Illinois Parentage Act of
2 1984, or the Illinois Parentage Act of 2013, or that is entered
3 or registered for modification or enforcement under the Uniform
4 Interstate Family Support Act.

5 "Obligor" means an individual who owes a duty to make
6 payments under an order for support in a case in which child
7 support enforcement services are being provided under this
8 Article X.

9 (b) The Department of Public Aid (now Healthcare and Family
10 Services) shall adopt a child support enforcement debit
11 authorization form that, upon being signed by an obligor,
12 authorizes a financial institution holding an account on the
13 obligor's behalf to debit the obligor's account periodically in
14 an amount equal to the amount of child support that the obligor
15 is required to pay periodically and transfer that amount to the
16 State Disbursement Unit. The form shall include instructions to
17 the financial institution concerning the debiting of accounts
18 held on behalf of obligors and the transfer of the debited
19 amounts to the State Disbursement Unit. In adopting the form,
20 the Department may consult with the Office of Banks and Real
21 Estate and the Department of Financial Institutions. The
22 Department must adopt the form within 6 months after the
23 effective date of this amendatory Act of the 93rd General
24 Assembly. Promptly after adopting the form, the Department must
25 notify each financial institution conducting business in this
26 State that the form has been adopted and is ready for use.

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

15 (d) The signing and issuance of a child support debit
16 authorization form under this Section does not relieve the
17 obligor from responsibility for compliance with any
18 requirement under the order for support.

19 (e) A financial institution is obligated to debit the
20 account of an obligor pursuant to this Section only if or to
21 the extent:

22 (1) the financial institution reasonably believes the
23 debit authorization form is a true and authentic original
24 document;

25 (2) there are finally collected funds in the account;
26 and

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

5 To the extent the account of the obligor is pledged or held
6 by the financial institution as security for a loan or other
7 obligation, or that the financial institution has any other
8 claim or lien against the account, the financial institution is
9 entitled to retain the account.

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

11 (305 ILCS 5/10-17) (from Ch. 23, par. 10-17)

12 Sec. 10-17. Other Actions and Remedies for Support. The
13 procedures, actions and remedies provided in this Article shall
14 in no way be exclusive, but shall be available in addition to
15 other actions and remedies of support, including, but not by
16 way of limitation, the remedies provided in (a) the Illinois
17 Parentage Act of 2013 ~~"Paternity Act", approved July 5, 1957,~~
18 ~~as amended;~~ (b) the "Non-Support of Spouse and Children Act",
19 approved June 24, 1915, as amended; (b-5) the Non-Support
20 Punishment Act; and (c) the "Revised Uniform Reciprocal
21 Enforcement of Support Act", approved August 28, 1969, as
22 amended.

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

24 (305 ILCS 5/10-17.7)

1 Sec. 10-17.7. Administrative determination of paternity.
2 The Illinois Department may provide by rule for the
3 administrative determination of paternity by the Child and
4 Spouse Support Unit in cases involving applicants for or
5 recipients of financial aid under Article IV of this Act and
6 other persons who are given access to the child support
7 enforcement services of this Article as provided in Section
8 10-1, including persons similarly situated and receiving
9 similar services in other states. The rules shall extend to
10 cases in which the mother and alleged father voluntarily
11 acknowledge paternity in the form required by the Illinois
12 Department or agree to be bound by the results of genetic
13 testing or in which the alleged father has failed to respond to
14 a notification of support obligation issued under Section 10-4
15 and to cases of contested paternity. The Illinois Department's
16 form for voluntary acknowledgement of paternity shall be the
17 same form prepared by the Illinois Department for use under the
18 requirements of Section 12 of the Vital Records Act. Any
19 presumption provided for under the Illinois Parentage Act of
20 1984 or under the Illinois Parentage Act of 2013 on and after
21 the effective date of that Act shall apply to cases in which
22 paternity is determined under the rules of the Illinois
23 Department. The rules shall provide for notice and an
24 opportunity to be heard by the responsible relative and the
25 person receiving child support enforcement services under this
26 Article if paternity is not voluntarily acknowledged, and any

1 final administrative decision rendered by the Illinois
2 Department shall be reviewed only under and in accordance with
3 the Administrative Review Law. Determinations of paternity
4 made by the Illinois Department under the rules authorized by
5 this Section shall have the full force and effect of a court
6 judgment of paternity entered under the Illinois Parentage Act
7 of 1984 or under the Illinois Parentage Act of 2013.

8 In determining paternity in contested cases, the Illinois
9 Department shall conduct the evidentiary hearing in accordance
10 with Article 4 of the Illinois Parentage Act of 2013 ~~Section 11~~
11 ~~of the Parentage Act of 1984~~, except that references in that
12 Article ~~Section~~ to "the court" shall be deemed to mean the
13 Illinois Department's hearing officer in cases in which
14 paternity is determined administratively by the Illinois
15 Department.

16 Notwithstanding any other provision of this Article, a
17 default determination of paternity may be made if service of
18 the notice under Section 10-4 was made by publication under the
19 rules for administrative paternity determination authorized by
20 this Section. The rules as they pertain to service by
21 publication shall (i) be based on the provisions of Section
22 2-206 and 2-207 of the Code of Civil Procedure, (ii) provide
23 for service by publication in cases in which the whereabouts of
24 the alleged father are unknown after diligent location efforts
25 by the Child and Spouse Support Unit, and (iii) provide for
26 publication of a notice of default paternity determination in

1 the same manner that the notice under Section 10-4 was
2 published.

3 The Illinois Department may implement this Section through
4 the use of emergency rules in accordance with Section 5-45 of
5 the Illinois Administrative Procedure Act. For purposes of the
6 Illinois Administrative Procedure Act, the adoption of rules to
7 implement this Section shall be considered an emergency and
8 necessary for the public interest, safety, and welfare.

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

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

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

16 1. "Non-Support of Spouse and Children Act", approved June
17 24, 1915, as amended,

18 1.5. The Non-Support Punishment Act,

19 2. "Illinois Marriage and Dissolution of Marriage Act", as
20 now or hereafter amended,

21 3. The Illinois Parentage Act, as amended,

22 3.5. The Illinois Parentage Act of 2013,

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

25 5. The Juvenile Court Act or the Juvenile Court Act of

1 1987, as amended,

2 6. The "Unified Code of Corrections", approved July 26,
3 1972, as amended,

4 7. Part 7 of Article XII of the Code of Civil Procedure, as
5 amended,

6 8. Part 8 of Article XII of the Code of Civil Procedure, as
7 amended, and

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

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

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

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

1 (305 ILCS 5/10-25)

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

4 (a) Notwithstanding any other State or local law to the
5 contrary, the State shall have a lien on all legal and
6 equitable interests of responsible relatives in their real
7 property in the amount of past-due child support owing pursuant
8 to an order for child support entered under Sections 10-10 and
9 10-11 of this Code, or under the Illinois Marriage and
10 Dissolution of Marriage Act, the Non-Support of Spouse and
11 Children Act, the Non-Support Punishment Act, the Uniform
12 Interstate Family Support Act, ~~or~~ the Illinois Parentage Act of
13 1984, or the Illinois Parentage Act of 2013.

14 (b) The Illinois Department shall provide by rule for
15 notice to and an opportunity to be heard by each responsible
16 relative affected, and any final administrative decision
17 rendered by the Illinois Department shall be reviewed only
18 under and in accordance with the Administrative Review Law.

19 (c) When enforcing a lien under subsection (a) of this
20 Section, the Illinois Department shall have the authority to
21 execute notices of administrative liens and levies, which shall
22 contain the name and address of the responsible relative, a
23 legal description of the real property to be levied, the fact
24 that a lien is being claimed for past-due child support, and
25 such other information as the Illinois Department may by rule
26 prescribe. The Illinois Department shall record the notice of

1 lien with the recorder or registrar of titles of the county or
2 counties in which the real estate is located.

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

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

21 (e) The recorder or registrar of titles of each county
22 shall procure a file labeled "Child Support Lien Notices" and
23 an index book labeled "Child Support Lien Notices". When notice
24 of any lien is presented to the recorder or registrar of titles
25 for filing, the recorder or registrar of titles shall file it
26 in numerical order in the file and shall enter it

1 alphabetically in the index. The entry shall show the name and
2 last known address of the person named in the notice, the
3 serial number of the notice, the date and hour of filing, and
4 the amount of child support due at the time when the lien is
5 filed.

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

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

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

20 (i) The Illinois Department, acting in behalf of the State,
21 may foreclose the lien in a judicial proceeding to the same
22 extent and in the same manner as in the enforcement of other
23 liens. The process, practice, and procedure for the foreclosure
24 shall be the same as provided in the Code of Civil Procedure.

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

1 (305 ILCS 5/10-25.5)

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

4 (a) Notwithstanding any other State or local law to the
5 contrary, the State shall have a lien on all legal and
6 equitable interests of responsible relatives in their personal
7 property, including any account in a financial institution as
8 defined in Section 10-24, or in the case of an insurance
9 company or benefit association only in accounts as defined in
10 Section 10-24, in the amount of past-due child support owing
11 pursuant to an order for child support entered under Sections
12 10-10 and 10-11 of this Code, or under the Illinois Marriage
13 and Dissolution of Marriage Act, the Non-Support of Spouse and
14 Children Act, the Non-Support Punishment Act, the Uniform
15 Interstate Family Support Act, ~~or~~ the Illinois Parentage Act of
16 1984, or the Illinois Parentage Act of 2013.

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

22 (c) When enforcing a lien under subsection (a) of this
23 Section, the Illinois Department shall have the authority to
24 execute notices of administrative liens and levies, which shall
25 contain the name and address of the responsible relative, a
26 description of the property to be levied, the fact that a lien

1 is being claimed for past-due child support, and such other
2 information as the Illinois Department may by rule prescribe.
3 The Illinois Department may serve the notice of lien or levy
4 upon any financial institution where the accounts as defined in
5 Section 10-24 of the responsible relative may be held, for
6 encumbrance or surrender of the accounts as defined in Section
7 10-24 by the financial institution.

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

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

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

24 (g) A lien on personal property under this Section shall be
25 released in the manner provided under Article XII of the Code
26 of Civil Procedure. Notwithstanding the foregoing, a lien under

1 this Section on accounts as defined in Section 10-24 shall
2 expire upon the passage of 120 days from the date of issuance
3 of the Notice of Lien or Levy by the Illinois Department.
4 However, the lien shall remain in effect during the pendency of
5 any appeal or protest.

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

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

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

20 (305 ILCS 5/10-27)

21 Sec. 10-27. State Case Registry.

22 (a) The Illinois Department shall establish an automated
23 State Case Registry to contain records concerning child support
24 orders for parties receiving child support enforcement
25 services under this Article X, and for all child support orders

1 entered or modified on or after October 1, 1998. The State Case
2 Registry shall include (i) the information filed with the
3 Illinois Department, or filed with the clerk of the circuit
4 court and provided to the Illinois Department, under the
5 provisions of Sections 10-10.5 and 10-11.2 of this Code,
6 Section 505.3 of the Illinois Marriage and Dissolution of
7 Marriage Act, Section 30 of the Non-Support Punishment Act, ~~and~~
8 Section 803 of the Illinois Parentage Act of 2013, and Section
9 14.1 of the Illinois Parentage Act of 1984, and (ii) any other
10 information required under Title IV, Part D of the Social
11 Security Act or by the federal Department of Health and Human
12 Services.

13 (b) (Blank).

14 (c) The Illinois Department shall maintain the following
15 payment information on child support orders for parties
16 receiving child support enforcement services under this
17 Article X:

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

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

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

25 (4) the amount of any lien imposed with respect to the
26 order pursuant to Section 10-25 or Section 10-25.5 of this

1 Code.

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

6 (1) information on administrative actions and
7 administrative and judicial proceedings and orders
8 relating to paternity and support;

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

11 (3) information on support collections and
12 distribution; and

13 (4) any other relevant information.

14 (e) The Illinois Department shall use the automated State
15 Case Registry to share and compare information with, and
16 receive information from, other data bases and information
17 comparison services in order to obtain (or provide) information
18 necessary to enable the Illinois Department (or the federal
19 Department of Health and Human Services or other State or
20 federal agencies) to carry out the requirements of the child
21 support enforcement program established under Title IV, Part D
22 of the Social Security Act. Such information comparison
23 activities shall include the following:

24 (1) Furnishing to the Federal Case Registry of Child
25 Support Orders (and updating as necessary, with
26 information including notice of expiration of orders) the

1 information specified by the federal Department of Health
2 and Human Services in regulations.

3 (2) Exchanging information with the Federal Parent
4 Locator Service for the purposes specified in Section 453
5 of the Social Security Act.

6 (3) Exchanging information with State agencies (of
7 this State and of other states) administering programs
8 funded under Title IV, Part A and Title XIX of the Social
9 Security Act and other programs designated by the federal
10 Department of Health and Human Services, as necessary to
11 perform responsibilities under Title IV, Part D of the
12 Social Security Act and under such other programs.

13 (4) Exchanging information with other agencies of this
14 State, agencies of other states, and interstate
15 information networks, as necessary and appropriate to
16 carry out (or assist other states to carry out) the
17 purposes of Title IV, Part D of the Social Security Act.

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

20 (f) The Illinois Department shall adopt rules establishing
21 safeguards, applicable to all confidential information
22 included in the State Case Registry, that are designed to
23 protect the privacy rights of persons concerning whom
24 information is on record in the State Case Registry. Such
25 safeguards shall include, but not be limited to the following:

26 (1) Prohibitions against the release of information on

1 the whereabouts of one party or the child to another party
2 against whom a protective order with respect to the former
3 party or the child has been entered.

4 (2) Prohibitions against the release of information on
5 the whereabouts of one party or the child to another party
6 if the Illinois Department has reasonable evidence of
7 domestic violence or child abuse (that is, allegations of
8 domestic violence or child abuse, unless the Illinois
9 Department has an independent, reasonable basis to find the
10 person making the allegation not credible) to the former
11 party or child by the party requesting information.

12 (3) Prohibitions against the release of information on
13 the whereabouts of one party or the child to another person
14 if the Illinois Department has reason to believe the
15 release of information to that person may result in
16 physical or emotional harm to the party or child.

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

18 (305 ILCS 5/12-4.7c)

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

20 (a) The Department of Human Services shall exchange with
21 the Department of Healthcare and Family Services information
22 that may be necessary for the enforcement of child support
23 orders entered pursuant to Sections 10-10 and 10-11 of this
24 Code or pursuant to the Illinois Marriage and Dissolution of
25 Marriage Act, the Non-Support of Spouse and Children Act, the

1 Non-Support Punishment Act, the Revised Uniform Reciprocal
2 Enforcement of Support Act, the Uniform Interstate Family
3 Support Act, ~~or~~ the Illinois Parentage Act of 1984, or the
4 Illinois Parentage Act of 2013.

5 (b) Notwithstanding any provisions in this Code to the
6 contrary, the Department of Human Services shall not be liable
7 to any person for any disclosure of information to the
8 Department of Healthcare and Family Services (formerly
9 Illinois Department of Public Aid) under subsection (a) or for
10 any other action taken in good faith to comply with the
11 requirements of subsection (a).

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

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

15 (410 ILCS 513/22)

16 Sec. 22. Tests to determine inherited characteristics in
17 paternity proceedings. Nothing in this Act shall be construed
18 to affect or restrict in any way the ordering of or use of
19 results from deoxyribonucleic acid (DNA) testing or other tests
20 to determine inherited characteristics by the court in a
21 judicial proceeding under the Illinois Parentage Act of 1984 or
22 under the Illinois Parentage Act of 2013 on and after the
23 effective date of that Act or by the Department of Healthcare
24 and Family Services in an administrative paternity proceeding

1 under Article X of the Illinois Public Aid Code and rules
2 promulgated under that Article.

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

4 (410 ILCS 513/30)

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

6 (a) No person may disclose or be compelled to disclose the
7 identity of any person upon whom a genetic test is performed or
8 the results of a genetic test in a manner that permits
9 identification of the subject of the test, except to the
10 following persons:

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

22 (2) Any person designated in a specific written legally
23 effective release of the test results executed by the
24 subject of the test or the subject's legally authorized
25 representative.

1 (3) An authorized agent or employee of a health
2 facility or health care provider if the health facility or
3 health care provider itself is authorized to obtain the
4 test results, the agent or employee provides patient care,
5 and the agent or employee has a need to know the
6 information in order to conduct the tests or provide care
7 or treatment.

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

10 (A) a human body part from a deceased person with
11 respect to medical information regarding that person;
12 or

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

15 (5) Health facility staff committees for the purposes
16 of conducting program monitoring, program evaluation, or
17 service reviews.

18 (6) In the case of a minor under 18 years of age, the
19 health care provider who ordered the test shall make a
20 reasonable effort to notify the minor's parent or legal
21 guardian if, in the professional judgment of the health
22 care provider, notification would be in the best interest
23 of the minor and the health care provider has first sought
24 unsuccessfully to persuade the minor to notify the parent
25 or legal guardian or after a reasonable time after the
26 minor has agreed to notify the parent or legal guardian,

1 the health care provider has reason to believe that the
2 minor has not made the notification. This paragraph shall
3 not create a duty or obligation under which a health care
4 provider must notify the minor's parent or legal guardian
5 of the test results, nor shall a duty or obligation be
6 implied. No civil liability or criminal sanction under this
7 Act shall be imposed for any notification or
8 non-notification of a minor's test result by a health care
9 provider acting in good faith under this paragraph. For the
10 purpose of any proceeding, civil or criminal, the good
11 faith of any health care provider acting under this
12 paragraph shall be presumed.

13 (7) All information and records held by a State agency
14 or local health authority pertaining to genetic
15 information shall be strictly confidential and exempt from
16 copying and inspection under the Freedom of Information
17 Act. The information and records shall not be released or
18 made public by the State agency or local health authority
19 and shall not be admissible as evidence nor discoverable in
20 any action of any kind in any court or before any tribunal,
21 board, agency, or person and shall be treated in the same
22 manner as the information and those records subject to the
23 provisions of Part 21 of Article VIII of the Code of Civil
24 Procedure except under the following circumstances:

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

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

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

5 (D) when made under the authorization of the
6 Illinois Parentage Act of 2013 ~~1984~~.

7 Disclosure shall be limited to those who have a need to
8 know the information, and no additional disclosures may be
9 made.

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

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

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

16 (410 ILCS 535/12)

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

18 (1) Each live birth which occurs in this State shall be
19 registered with the local or subregistrar of the district in
20 which the birth occurred as provided in this Section, within 7
21 days after the birth. When a birth occurs on a moving
22 conveyance, the city, village, township, or road district in
23 which the child is first removed from the conveyance shall be
24 considered the place of birth and a birth certificate shall be

1 filed in the registration district in which the place is
2 located.

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

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

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

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

23 (c) The father, the mother, or in the absence of the
24 father and the inability of the mother, the person in
25 charge of the premises where the birth occurred.

26 (4) Unless otherwise provided in this Act, if the mother

1 was not married to the father of the child at either the time
2 of conception or the time of birth, the name of the father
3 shall be entered on the child's birth certificate only if the
4 mother and the person to be named as the father have signed an
5 acknowledgment of parentage in accordance with subsection (5).

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

15 (5) Upon the birth of a child to an unmarried woman, or
16 upon the birth of a child to a woman who was married at the time
17 of conception or birth and whose husband is not the biological
18 father of the child, the institution at the time of birth and
19 the local registrar or county clerk after the birth shall do
20 the following:

21 (a) Provide (i) an opportunity for the child's mother
22 and father to sign an acknowledgment of parentage and (ii)
23 if the presumed father is not the biological father, an
24 opportunity for the mother and presumed father to sign a
25 denial of paternity. The signing and witnessing of the
26 acknowledgment of parentage or, if the presumed father of

1 the child is not the biological father, the acknowledgment
2 of parentage and denial of paternity conclusively
3 establishes a parent and child relationship in accordance
4 with Sections 5 and 6 of the Illinois Parentage Act of 1984
5 and with the Illinois Parentage Act of 2013 on and after
6 the effective date of that Act.

7 The Department of Healthcare and Family Services shall
8 furnish the acknowledgment of parentage and denial of
9 paternity form to institutions, county clerks, and State
10 and local registrars' offices. The form shall include
11 instructions to send the original signed and witnessed
12 acknowledgment of parentage and denial of paternity to the
13 Department of Healthcare and Family Services. The
14 acknowledgement of paternity and denial of paternity form
15 shall also include a statement informing the mother, the
16 alleged father, and the presumed father, if any, that they
17 have the right to request deoxyribonucleic acid (DNA) tests
18 regarding the issue of the child's paternity and that by
19 signing the form, they expressly waive such tests. The
20 statement shall be set forth in bold-face capital letters
21 not less than 0.25 inches in height.

22 (b) Provide the following documents, furnished by the
23 Department of Healthcare and Family Services, to the
24 child's mother, biological father, and (if the person
25 presumed to be the child's father is not the biological
26 father) presumed father for their review at the time the

1 opportunity is provided to establish a parent and child
2 relationship:

3 (i) An explanation of the implications of,
4 alternatives to, legal consequences of, and the rights
5 and responsibilities that arise from signing an
6 acknowledgment of parentage and, if necessary, a
7 denial of paternity, including an explanation of the
8 parental rights and responsibilities of child support,
9 visitation, custody, retroactive support, health
10 insurance coverage, and payment of birth expenses.

11 (ii) An explanation of the benefits of having a
12 child's parentage established and the availability of
13 parentage establishment and child support enforcement
14 services.

15 (iii) A request for an application for child
16 support enforcement services from the Department of
17 Healthcare and Family Services.

18 (iv) Instructions concerning the opportunity to
19 speak, either by telephone or in person, with staff of
20 the Department of Healthcare and Family Services who
21 are trained to clarify information and answer
22 questions about paternity establishment.

23 (v) Instructions for completing and signing the
24 acknowledgment of parentage and denial of paternity.

25 (c) Provide an oral explanation of the documents and
26 instructions set forth in subdivision (5) (b), including an

1 explanation of the implications of, alternatives to, legal
2 consequences of, and the rights and responsibilities that
3 arise from signing an acknowledgment of parentage and, if
4 necessary, a denial of paternity. The oral explanation may
5 be given in person or through the use of video or audio
6 equipment.

7 (6) The institution, State or local registrar, or county
8 clerk shall provide an opportunity for the child's father or
9 mother to sign a rescission of parentage. The signing and
10 witnessing of the rescission of parentage voids the
11 acknowledgment of parentage and nullifies the presumption of
12 paternity if executed and filed with the Department of
13 Healthcare and Family Services (formerly Illinois Department
14 of Public Aid) within the time frame contained in Section 5 of
15 the Illinois Parentage Act of 1984 or Section 307 of the
16 Illinois Parentage Act of 2013 on and after the effective date
17 of that Act. The Department of Healthcare and Family Services
18 shall furnish the rescission of parentage form to institutions,
19 county clerks, and State and local registrars' offices. The
20 form shall include instructions to send the original signed and
21 witnessed rescission of parentage to the Department of
22 Healthcare and Family Services.

23 (7) An acknowledgment of paternity signed pursuant to
24 Section 6 of the Illinois Parentage Act of 1984 or Section 302
25 of the Illinois Parentage Act of 2013 on and after the
26 effective date of that Act may be challenged in court only on

1 the basis of fraud, duress, or material mistake of fact, with
2 the burden of proof upon the challenging party. Pending outcome
3 of a challenge to the acknowledgment of paternity, the legal
4 responsibilities of the signatories shall remain in full force
5 and effect, except upon order of the court upon a showing of
6 good cause.

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

15 (9) In the event the parent-child relationship has been
16 established in accordance with subdivision (a)(1) of Section 6
17 of the Parentage Act of 1984, the names of the biological
18 mother and biological father so established shall be entered on
19 the child's birth certificate, and the names of the surrogate
20 mother and surrogate mother's husband, if any, shall not be on
21 the birth certificate.

22 (Source: P.A. 95-331, eff. 8-21-07; 96-333, eff. 8-11-09;
23 96-474, eff. 8-14-09; 96-1000, eff. 7-2-10.)

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

25 Sec. 24. (1) To protect the integrity of vital records, to

1 insure their proper use, and to insure the efficient and proper
2 administration of the vital records system, access to vital
3 records, and indexes thereof, including vital records in the
4 custody of local registrars and county clerks originating prior
5 to January 1, 1916, is limited to the custodian and his
6 employees, and then only for administrative purposes, except
7 that the indexes of those records in the custody of local
8 registrars and county clerks, originating prior to January 1,
9 1916, shall be made available to persons for the purpose of
10 genealogical research. Original, photographic or
11 microphotographic reproductions of original records of births
12 100 years old and older and deaths 50 years old and older, and
13 marriage records 75 years old and older on file in the State
14 Office of Vital Records and in the custody of the county clerks
15 may be made available for inspection in the Illinois State
16 Archives reference area, Illinois Regional Archives
17 Depositories, and other libraries approved by the Illinois
18 State Registrar and the Director of the Illinois State
19 Archives, provided that the photographic or microphotographic
20 copies are made at no cost to the county or to the State of
21 Illinois. It is unlawful for any custodian to permit inspection
22 of, or to disclose information contained in, vital records, or
23 to copy or permit to be copied, all or part of any such record
24 except as authorized by this Act or regulations adopted
25 pursuant thereto.

26 (2) The State Registrar of Vital Records, or his agent, and

1 any municipal, county, multi-county, public health district,
2 or regional health officer recognized by the Department may
3 examine vital records for the purpose only of carrying out the
4 public health programs and responsibilities under his
5 jurisdiction.

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

10 This amendatory Act of 1973 does not apply to any home rule
11 unit.

12 (4) The State Registrar shall exchange with the Department
13 of Healthcare and Family Services information that may be
14 necessary for the establishment of paternity and the
15 establishment, modification, and enforcement of child support
16 orders entered pursuant to the Illinois Public Aid Code, the
17 Illinois Marriage and Dissolution of Marriage Act, the
18 Non-Support of Spouse and Children Act, the Non-Support
19 Punishment Act, the Revised Uniform Reciprocal Enforcement of
20 Support Act, the Uniform Interstate Family Support Act, ~~or~~ the
21 Illinois Parentage Act of 1984, or the Illinois Parentage Act
22 of 2013. Notwithstanding any provisions in this Act to the
23 contrary, the State Registrar shall not be liable to any person
24 for any disclosure of information to the Department of
25 Healthcare and Family Services (formerly Illinois Department
26 of Public Aid) under this subsection or for any other action

1 taken in good faith to comply with the requirements of this
2 subsection.

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

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

6 (625 ILCS 5/2-109.1)

7 Sec. 2-109.1. Exchange of information.

8 (a) The Secretary of State shall exchange information with
9 the Department of Healthcare and Family Services which may be
10 necessary for the establishment of paternity and the
11 establishment, modification, and enforcement of child support
12 orders pursuant to the Illinois Public Aid Code, the Illinois
13 Marriage and Dissolution of Marriage Act, the Non-Support of
14 Spouse and Children Act, the Non-Support Punishment Act, the
15 Revised Uniform Reciprocal Enforcement of Support Act, the
16 Uniform Interstate Family Support Act, ~~or~~ the Illinois
17 Parentage Act of 1984, or the Illinois Parentage Act of 2013.

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

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

2 (625 ILCS 5/7-703)

3 Sec. 7-703. Courts to report non-payment of court ordered
4 support or orders concerning driving privileges.

5 (a) The clerk of the circuit court, as provided in
6 subsection (b) of Section 505 of the Illinois Marriage and
7 Dissolution of Marriage Act or as provided in Section 15 of the
8 Illinois Parentage Act of 2013 ~~1984~~, shall forward to the
9 Secretary of State, on a form prescribed by the Secretary, an
10 authenticated document certifying the court's order suspending
11 the driving privileges of the obligor. For any such
12 certification, the clerk of the court shall charge the obligor
13 a fee of \$5 as provided in the Clerks of Courts Act.

14 (b) If an obligor has been adjudicated in arrears in court
15 ordered child support payments in an amount equal to 90 days
16 obligation or more but has not been held in contempt of court,
17 the circuit court may order that the obligor's driving
18 privileges be suspended. If the circuit court orders that the
19 obligor's driving privileges be suspended, it shall forward to
20 the Secretary of State, on a form prescribed by the Secretary,
21 an authenticated document certifying the court's order
22 suspending the driving privileges of the obligor. The
23 authenticated document shall be forwarded to the Secretary of
24 State by the court no later than 45 days after entry of the
25 order suspending the obligor's driving privileges.

1 (c) The clerk of the circuit court, as provided in
2 subsection (c-1) of Section 607.1 of the Illinois Marriage and
3 Dissolution of Marriage Act, shall forward to the Secretary of
4 State, on a form prescribed by the Secretary, an authenticated
5 document certifying the court's order suspending the driving
6 privileges of the party. For any such certification, the clerk
7 of the court shall charge the party a fee of \$5 as provided in
8 the Clerks of Courts Act.

9 (d) If a party has been adjudicated to have engaged in
10 visitation abuse, the circuit court may order that the party's
11 driving privileges be suspended. If the circuit court orders
12 that the party's driving privileges be suspended, it shall
13 forward to the Secretary of State, on a form prescribed by the
14 Secretary, an authenticated document certifying the court's
15 order suspending the driving privileges of the party. The
16 authenticated document shall be forwarded to the Secretary of
17 State by the court no later than 45 days after entry of the
18 order suspending the party's driving privileges.

19 (Source: P.A. 97-1047, eff. 8-21-12.)

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

22 (705 ILCS 105/27.1a) (from Ch. 25, par. 27.1a)

23 Sec. 27.1a. The fees of the clerks of the circuit court in
24 all counties having a population of not more than 500,000

1 inhabitants in the instances described in this Section shall be
2 as provided in this Section. In those instances where a minimum
3 and maximum fee is stated, the clerk of the circuit court must
4 charge the minimum fee listed and may charge up to the maximum
5 fee if the county board has by resolution increased the fee.
6 The fees shall be paid in advance and shall be as follows:

7 (a) Civil Cases.

8 The fee for filing a complaint, petition, or other
9 pleading initiating a civil action, with the following
10 exceptions, shall be a minimum of \$40 and a maximum of
11 \$160.

12 (A) When the amount of money or damages or the
13 value of personal property claimed does not exceed
14 \$250, \$10.

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

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

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

21 (E) For the exercise of eminent domain, a minimum
22 of \$45 and a maximum of \$150. For each additional lot
23 or tract of land or right or interest therein subject
24 to be condemned, the damages in respect to which shall
25 require separate assessment by a jury, a minimum of \$45
26 and a maximum of \$150.

1 (a-1) Family.

2 For filing a petition under the Juvenile Court Act of
3 1987, \$25.

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

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

6 For filing a petition under the Illinois Parentage Act
7 of 2013 ~~1984~~, \$40.

8 (b) Forcible Entry and Detainer.

9 In each forcible entry and detainer case when the
10 plaintiff seeks possession only or unites with his or her
11 claim for possession of the property a claim for rent or
12 damages or both in the amount of \$15,000 or less, a minimum
13 of \$10 and a maximum of \$50. When the plaintiff unites his
14 or her claim for possession with a claim for rent or
15 damages or both exceeding \$15,000, a minimum of \$40 and a
16 maximum of \$160.

17 (c) Counterclaim or Joining Third Party Defendant.

18 When any defendant files a counterclaim as part of his
19 or her answer or otherwise or joins another party as a
20 third party defendant, or both, the defendant shall pay a
21 fee for each counterclaim or third party action in an
22 amount equal to the fee he or she would have had to pay had
23 he or she brought a separate action for the relief sought
24 in the counterclaim or against the third party defendant,
25 less the amount of the appearance fee, if that has been
26 paid.

1 (d) Confession of Judgment.

2 In a confession of judgment when the amount does not
3 exceed \$1500, a minimum of \$20 and a maximum of \$50. When
4 the amount exceeds \$1500, but does not exceed \$15,000, a
5 minimum of \$40 and a maximum of \$115. When the amount
6 exceeds \$15,000, a minimum of \$40 and a maximum of \$200.

7 (e) Appearance.

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

11 (A) When the plaintiff in a forcible entry and
12 detainer case seeks possession only, a minimum of \$10
13 and a maximum of \$50.

14 (B) When the amount in the case does not exceed
15 \$1500, a minimum of \$10 and a maximum of \$30.

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

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

19 In garnishment affidavit, wage deduction affidavit,
20 and citation petition when the amount does not exceed
21 \$1,000, a minimum of \$5 and a maximum of \$15; when the
22 amount exceeds \$1,000 but does not exceed \$5,000, a minimum
23 of \$5 and a maximum of \$30; and when the amount exceeds
24 \$5,000, a minimum of \$5 and a maximum of \$50.

25 (g) Petition to Vacate or Modify.

26 (1) Petition to vacate or modify any final judgment or

1 order of court, except in forcible entry and detainer cases
2 and small claims cases or a petition to reopen an estate,
3 to modify, terminate, or enforce a judgment or order for
4 child or spousal support, or to modify, suspend, or
5 terminate an order for withholding, if filed before 30 days
6 after the entry of the judgment or order, a minimum of \$20
7 and a maximum of \$50.

8 (2) Petition to vacate or modify any final judgment or
9 order of court, except a petition to modify, terminate, or
10 enforce a judgment or order for child or spousal support or
11 to modify, suspend, or terminate an order for withholding,
12 if filed later than 30 days after the entry of the judgment
13 or order, a minimum of \$20 and a maximum of \$75.

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

16 (h) Mailing.

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

20 (i) Certified Copies.

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

24 (j) Habeas Corpus.

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

1 (k) Certification, Authentication, and Reproduction.

2 (1) Each certification or authentication for taking
3 the acknowledgment of a deed or other instrument in writing
4 with the seal of office, a minimum of \$2 and a maximum of
5 \$6.

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

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

12 (4) Court appeals when original documents are
13 forwarded, over 200 pages, an additional fee of a minimum
14 of 20 cents and a maximum of 25 cents per page.

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

17 (A) First page, a minimum of \$1 and a maximum of
18 \$2.

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

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

21 (l) Remands.

22 In any cases remanded to the Circuit Court from the
23 Supreme Court or the Appellate Court for a new trial, the
24 clerk shall file the remanding order and reinstate the case
25 with either its original number or a new number. The Clerk
26 shall not charge any new or additional fee for the

1 reinstatement. Upon reinstatement the Clerk shall advise
2 the parties of the reinstatement. A party shall have the
3 same right to a jury trial on remand and reinstatement as
4 he or she had before the appeal, and no additional or new
5 fee or charge shall be made for a jury trial after remand.

6 (m) Record Search.

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

10 (n) Hard Copy.

11 For each page of hard copy print output, when case
12 records are maintained on an automated medium, the clerk
13 shall be entitled to a fee of a minimum of \$4 and a maximum
14 of \$6.

15 (o) Index Inquiry and Other Records.

16 No fee shall be charged for a single
17 plaintiff/defendant index inquiry or single case record
18 inquiry when this request is made in person and the records
19 are maintained in a current automated medium, and when no
20 hard copy print output is requested. The fees to be charged
21 for management records, multiple case records, and
22 multiple journal records may be specified by the Chief
23 Judge pursuant to the guidelines for access and
24 dissemination of information approved by the Supreme
25 Court.

26 (p) (Blank).

1 (q) Alias Summons.

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

4 (r) Other Fees.

5 Any fees not covered in this Section shall be set by
6 rule or administrative order of the Circuit Court with the
7 approval of the Administrative Office of the Illinois
8 Courts.

9 The clerk of the circuit court may provide additional
10 services for which there is no fee specified by statute in
11 connection with the operation of the clerk's office as may
12 be requested by the public and agreed to by the clerk and
13 approved by the chief judge of the circuit court. Any
14 charges for additional services shall be as agreed to
15 between the clerk and the party making the request and
16 approved by the chief judge of the circuit court. Nothing
17 in this subsection shall be construed to require any clerk
18 to provide any service not otherwise required by law.

19 (s) Jury Services.

20 The clerk shall be entitled to receive, in addition to
21 other fees allowed by law, the sum of a minimum of \$62.50
22 and a maximum of \$212.50, as a fee for the services of a
23 jury in every civil action not quasi-criminal in its nature
24 and not a proceeding for the exercise of the right of
25 eminent domain and in every other action wherein the right
26 of trial by jury is or may be given by law. The jury fee

1 shall be paid by the party demanding a jury at the time of
2 filing the jury demand. If the fee is not paid by either
3 party, no jury shall be called in the action or proceeding,
4 and the same shall be tried by the court without a jury.

5 (t) Voluntary Assignment.

6 For filing each deed of voluntary assignment, a minimum
7 of \$10 and a maximum of \$20; for recording the same, a
8 minimum of 25 cents and a maximum of 50 cents for each 100
9 words. Exceptions filed to claims presented to an assignee
10 of a debtor who has made a voluntary assignment for the
11 benefit of creditors shall be considered and treated, for
12 the purpose of taxing costs therein, as actions in which
13 the party or parties filing the exceptions shall be
14 considered as party or parties plaintiff, and the claimant
15 or claimants as party or parties defendant, and those
16 parties respectively shall pay to the clerk the same fees
17 as provided by this Section to be paid in other actions.

18 (u) Expungement Petition.

19 The clerk shall be entitled to receive a fee of a
20 minimum of \$15 and a maximum of \$60 for each expungement
21 petition filed and an additional fee of a minimum of \$2 and
22 a maximum of \$4 for each certified copy of an order to
23 expunge arrest records.

24 (v) Probate.

25 The clerk is entitled to receive the fees specified in
26 this subsection (v), which shall be paid in advance, except

1 that, for good cause shown, the court may suspend, reduce,
2 or release the costs payable under this subsection:

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

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

10 (B) When (i) proof of heirship alone is made, (ii)
11 a domestic or foreign will is admitted to probate
12 without administration (including proof of heirship),
13 or (iii) letters of office are issued for a particular
14 purpose without administration of the estate, the fee
15 shall be a minimum of \$10 and a maximum of \$40.

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

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

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

23 (B) When (i) letters of office are issued to a
24 guardian of the person or persons, but not of the
25 estate or (ii) letters of office are issued in the
26 estate of a ward without administration of the estate,

1 including filing or joining in the filing of a tax
2 return or releasing a mortgage or consenting to the
3 marriage of the ward, the fee shall be a minimum of \$10
4 and a maximum of \$20.

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

6 (3) In addition to the fees payable under subsection
7 (v) (1) or (v) (2) of this Section, the following fees are
8 payable:

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

12 (B) For filing a claim in an estate when the amount
13 claimed is \$150 or more but less than \$500, a minimum
14 of \$10 and a maximum of \$25; when the amount claimed is
15 \$500 or more but less than \$10,000, a minimum of \$10
16 and a maximum of \$40; when the amount claimed is
17 \$10,000 or more, a minimum of \$10 and a maximum of \$60;
18 provided that the court in allowing a claim may add to
19 the amount allowed the filing fee paid by the claimant.

20 (C) For filing in an estate a claim, petition, or
21 supplemental proceeding based upon an action seeking
22 equitable relief including the construction or contest
23 of a will, enforcement of a contract to make a will,
24 and proceedings involving testamentary trusts or the
25 appointment of testamentary trustees, a minimum of \$40
26 and a maximum of \$60.

1 (D) For filing in an estate (i) the appearance of
2 any person for the purpose of consent or (ii) the
3 appearance of an executor, administrator,
4 administrator to collect, guardian, guardian ad litem,
5 or special administrator, no fee.

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

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

11 (G) For disposition of the collection of a judgment
12 or settlement of an action or claim for wrongful death
13 of a decedent or of any cause of action of a ward, when
14 there is no other administration of the estate, a
15 minimum of \$30 and a maximum of \$50, less any amount
16 paid under subsection (v) (1) (B) or (v) (2) (B) except
17 that if the amount involved does not exceed \$5,000, the
18 fee, including any amount paid under subsection
19 (v) (1) (B) or (v) (2) (B), shall be a minimum of \$10 and a
20 maximum of \$20.

21 (H) For each certified copy of letters of office,
22 of court order or other certification, a minimum of \$1
23 and a maximum of \$2, plus a minimum of 50 cents and a
24 maximum of \$1 per page in excess of 3 pages for the
25 document certified.

26 (I) For each exemplification, a minimum of \$1 and a

1 maximum of \$2, plus the fee for certification.

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

6 (5) The person on whose behalf a charge is incurred for
7 witness, court reporter, appraiser, or other miscellaneous
8 fee shall pay the same directly to the person entitled
9 thereto.

10 (6) The executor, administrator, guardian, petitioner,
11 or other interested person or his or her attorney shall pay
12 to the clerk all postage charges incurred by the clerk in
13 mailing petitions, orders, notices, or other documents
14 pursuant to the provisions of the Probate Act of 1975.

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

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

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

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

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

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

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

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

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

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

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

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

11 (K) Motions to vacate "failure to appear" or
12 "failure to comply" notices sent to the Secretary of
13 State, a minimum of \$20 and a maximum of \$40.

14 (2) In counties having a population of not more than
15 500,000 inhabitants, when the violation complaint is
16 issued by a municipal police department, the clerk shall be
17 entitled to costs from each person convicted therein as
18 follows:

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

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

21 (3) In ordinance violation cases punishable by fine
22 only, the clerk of the circuit court shall be entitled to
23 receive, unless the fee is excused upon a finding by the
24 court that the defendant is indigent, in addition to other
25 fees or costs allowed or imposed by law, the sum of a
26 minimum of \$62.50 and a maximum of \$137.50 as a fee for the

1 services of a jury. The jury fee shall be paid by the
2 defendant at the time of filing his or her jury demand. If
3 the fee is not so paid by the defendant, no jury shall be
4 called, and the case shall be tried by the court without a
5 jury.

6 (x) Transcripts of Judgment.

7 For the filing of a transcript of judgment, the clerk
8 shall be entitled to the same fee as if it were the
9 commencement of a new suit.

10 (y) Change of Venue.

11 (1) For the filing of a change of case on a change of
12 venue, the clerk shall be entitled to the same fee as if it
13 were the commencement of a new suit.

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

18 (z) Tax objection complaints.

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

23 (aa) Tax Deeds.

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

26 (2) For each additional parcel, add a fee of a minimum

1 of \$10 and a maximum of \$60.

2 (bb) Collections.

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

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

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

13 (4) In child support and maintenance cases, the clerk,
14 if authorized by an ordinance of the county board, may
15 collect an annual fee of up to \$36 from the person making
16 payment for maintaining child support records and the
17 processing of support orders to the State of Illinois KIDS
18 system and the recording of payments issued by the State
19 Disbursement Unit for the official record of the Court.
20 This fee shall be in addition to and separate from amounts
21 ordered to be paid as maintenance or child support and
22 shall be deposited into a Separate Maintenance and Child
23 Support Collection Fund, of which the clerk shall be the
24 custodian, ex-officio, to be used by the clerk to maintain
25 child support orders and record all payments issued by the
26 State Disbursement Unit for the official record of the

1 Court. The clerk may recover from the person making the
2 maintenance or child support payment any additional cost
3 incurred in the collection of this annual fee.

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

9 (cc) Corrections of Numbers.

10 For correction of the case number, case title, or
11 attorney computer identification number, if required by
12 rule of court, on any document filed in the clerk's office,
13 to be charged against the party that filed the document, a
14 minimum of \$10 and a maximum of \$25.

15 (dd) Exceptions.

16 (1) The fee requirements of this Section shall not
17 apply to police departments or other law enforcement
18 agencies. In this Section, "law enforcement agency" means
19 an agency of the State or a unit of local government which
20 is vested by law or ordinance with the duty to maintain
21 public order and to enforce criminal laws or ordinances.
22 "Law enforcement agency" also means the Attorney General or
23 any state's attorney.

24 (2) No fee provided herein shall be charged to any unit
25 of local government or school district.

26 (3) The fee requirements of this Section shall not

1 apply to any action instituted under subsection (b) of
2 Section 11-31-1 of the Illinois Municipal Code by a private
3 owner or tenant of real property within 1200 feet of a
4 dangerous or unsafe building seeking an order compelling
5 the owner or owners of the building to take any of the
6 actions authorized under that subsection.

7 (4) The fee requirements of this Section shall not
8 apply to the filing of any commitment petition or petition
9 for an order authorizing the administration of
10 psychotropic medication or electroconvulsive therapy under
11 the Mental Health and Developmental Disabilities Code.

12 (ee) Adoptions.

13 (1) For an adoption \$65

14 (2) Upon good cause shown, the court may waive the
15 adoption filing fee in a special needs adoption. The term
16 "special needs adoption" shall have the meaning ascribed to
17 it by the Illinois Department of Children and Family
18 Services.

19 (ff) Adoption exemptions.

20 No fee other than that set forth in subsection (ee)
21 shall be charged to any person in connection with an
22 adoption proceeding nor may any fee be charged for
23 proceedings for the appointment of a confidential
24 intermediary under the Adoption Act.

25 (Source: P.A. 95-172, eff. 8-14-07; 95-331, eff. 8-21-07.)

1 Section 961. The Juvenile Court Act of 1987 is amended by
2 changing Sections 1-3 and 6-9 as follows:

3 (705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

4 Sec. 1-3. Definitions. Terms used in this Act, unless the
5 context otherwise requires, have the following meanings
6 ascribed to them:

7 (1) "Adjudicatory hearing" means a hearing to determine
8 whether the allegations of a petition under Section 2-13, 3-15
9 or 4-12 that a minor under 18 years of age is abused, neglected
10 or dependent, or requires authoritative intervention, or
11 addicted, respectively, are supported by a preponderance of the
12 evidence or whether the allegations of a petition under Section
13 5-520 that a minor is delinquent are proved beyond a reasonable
14 doubt.

15 (2) "Adult" means a person 21 years of age or older.

16 (3) "Agency" means a public or private child care facility
17 legally authorized or licensed by this State for placement or
18 institutional care or for both placement and institutional
19 care.

20 (4) "Association" means any organization, public or
21 private, engaged in welfare functions which include services to
22 or on behalf of children but does not include "agency" as
23 herein defined.

24 (4.05) Whenever a "best interest" determination is
25 required, the following factors shall be considered in the

1 context of the child's age and developmental needs:

2 (a) the physical safety and welfare of the child,
3 including food, shelter, health, and clothing;

4 (b) the development of the child's identity;

5 (c) the child's background and ties, including
6 familial, cultural, and religious;

7 (d) the child's sense of attachments, including:

8 (i) where the child actually feels love,
9 attachment, and a sense of being valued (as opposed to
10 where adults believe the child should feel such love,
11 attachment, and a sense of being valued);

12 (ii) the child's sense of security;

13 (iii) the child's sense of familiarity;

14 (iv) continuity of affection for the child;

15 (v) the least disruptive placement alternative for
16 the child;

17 (e) the child's wishes and long-term goals;

18 (f) the child's community ties, including church,
19 school, and friends;

20 (g) the child's need for permanence which includes the
21 child's need for stability and continuity of relationships
22 with parent figures and with siblings and other relatives;

23 (h) the uniqueness of every family and child;

24 (i) the risks attendant to entering and being in
25 substitute care; and

26 (j) the preferences of the persons available to care

1 for the child.

2 (4.1) "Chronic truant" shall have the definition ascribed
3 to it in Section 26-2a of the School Code.

4 (5) "Court" means the circuit court in a session or
5 division assigned to hear proceedings under this Act.

6 (6) "Dispositional hearing" means a hearing to determine
7 whether a minor should be adjudged to be a ward of the court,
8 and to determine what order of disposition should be made in
9 respect to a minor adjudged to be a ward of the court.

10 (7) "Emancipated minor" means any minor 16 years of age or
11 over who has been completely or partially emancipated under the
12 Emancipation of Minors Act or under this Act.

13 (8) "Guardianship of the person" of a minor means the duty
14 and authority to act in the best interests of the minor,
15 subject to residual parental rights and responsibilities, to
16 make important decisions in matters having a permanent effect
17 on the life and development of the minor and to be concerned
18 with his or her general welfare. It includes but is not
19 necessarily limited to:

20 (a) the authority to consent to marriage, to enlistment
21 in the armed forces of the United States, or to a major
22 medical, psychiatric, and surgical treatment; to represent
23 the minor in legal actions; and to make other decisions of
24 substantial legal significance concerning the minor;

25 (b) the authority and duty of reasonable visitation,
26 except to the extent that these have been limited in the

1 best interests of the minor by court order;

2 (c) the rights and responsibilities of legal custody
3 except where legal custody has been vested in another
4 person or agency; and

5 (d) the power to consent to the adoption of the minor,
6 but only if expressly conferred on the guardian in
7 accordance with Section 2-29, 3-30, or 4-27.

8 (9) "Legal custody" means the relationship created by an
9 order of court in the best interests of the minor which imposes
10 on the custodian the responsibility of physical possession of a
11 minor and the duty to protect, train and discipline him and to
12 provide him with food, shelter, education and ordinary medical
13 care, except as these are limited by residual parental rights
14 and responsibilities and the rights and responsibilities of the
15 guardian of the person, if any.

16 (9.1) "Mentally capable adult relative" means a person 21
17 years of age or older who is not suffering from a mental
18 illness that prevents him or her from providing the care
19 necessary to safeguard the physical safety and welfare of a
20 minor who is left in that person's care by the parent or
21 parents or other person responsible for the minor's welfare.

22 (10) "Minor" means a person under the age of 21 years
23 subject to this Act.

24 (11) "Parent" means the father or mother of a child and
25 includes any adoptive parent. It also includes a man (i) whose
26 paternity is presumed or has been established under the law of

1 this or another jurisdiction or (ii) who has registered with
2 the Putative Father Registry in accordance with Section 12.1 of
3 the Adoption Act and whose paternity has not been ruled out
4 under the law of this or another jurisdiction. It does not
5 include a parent whose rights in respect to the minor have been
6 terminated in any manner provided by law. It does not include a
7 person who has been or could be determined to be a parent under
8 the Illinois Parentage Act of 1984 or the Illinois Parentage
9 Act of 2013, or similar parentage law in any other state, if
10 that person has been convicted of or pled nolo contendere to a
11 crime that resulted in the conception of the child under
12 Section 11-1.20, 11-1.30, 11-1.40, 11-11, 12-13, 12-14,
13 12-14.1, subsection (a) or (b) (but not subsection (c)) of
14 Section 11-1.50 or 12-15, or subsection (a), (b), (c), (e), or
15 (f) (but not subsection (d)) of Section 11-1.60 or 12-16 of the
16 Criminal Code of 1961 or similar statute in another
17 jurisdiction unless upon motion of any party, other than the
18 offender, to the juvenile court proceedings the court finds it
19 is in the child's best interest to deem the offender a parent
20 for purposes of the juvenile court proceedings.

21 (11.1) "Permanency goal" means a goal set by the court as
22 defined in subdivision (2) of Section 2-28.

23 (11.2) "Permanency hearing" means a hearing to set the
24 permanency goal and to review and determine (i) the
25 appropriateness of the services contained in the plan and
26 whether those services have been provided, (ii) whether

1 reasonable efforts have been made by all the parties to the
2 service plan to achieve the goal, and (iii) whether the plan
3 and goal have been achieved.

4 (12) "Petition" means the petition provided for in Section
5 2-13, 3-15, 4-12 or 5-520, including any supplemental petitions
6 thereunder in Section 3-15, 4-12 or 5-520.

7 (12.1) "Physically capable adult relative" means a person
8 21 years of age or older who does not have a severe physical
9 disability or medical condition, or is not suffering from
10 alcoholism or drug addiction, that prevents him or her from
11 providing the care necessary to safeguard the physical safety
12 and welfare of a minor who is left in that person's care by the
13 parent or parents or other person responsible for the minor's
14 welfare.

15 (12.2) "Post Permanency Sibling Contact Agreement" has the
16 meaning ascribed to the term in Section 7.4 of the Children and
17 Family Services Act.

18 (13) "Residual parental rights and responsibilities" means
19 those rights and responsibilities remaining with the parent
20 after the transfer of legal custody or guardianship of the
21 person, including, but not necessarily limited to, the right to
22 reasonable visitation (which may be limited by the court in the
23 best interests of the minor as provided in subsection (8) (b) of
24 this Section), the right to consent to adoption, the right to
25 determine the minor's religious affiliation, and the
26 responsibility for his support.

1 (14) "Shelter" means the temporary care of a minor in
2 physically unrestricting facilities pending court disposition
3 or execution of court order for placement.

4 (14.1) "Sibling Contact Support Plan" has the meaning
5 ascribed to the term in Section 7.4 of the Children and Family
6 Services Act.

7 (15) "Station adjustment" means the informal handling of an
8 alleged offender by a juvenile police officer.

9 (16) "Ward of the court" means a minor who is so adjudged
10 under Section 2-22, 3-23, 4-20 or 5-705, after a finding of the
11 requisite jurisdictional facts, and thus is subject to the
12 dispositional powers of the court under this Act.

13 (17) "Juvenile police officer" means a sworn police officer
14 who has completed a Basic Recruit Training Course, has been
15 assigned to the position of juvenile police officer by his or
16 her chief law enforcement officer and has completed the
17 necessary juvenile officers training as prescribed by the
18 Illinois Law Enforcement Training Standards Board, or in the
19 case of a State police officer, juvenile officer training
20 approved by the Director of the Department of State Police.

21 (18) "Secure child care facility" means any child care
22 facility licensed by the Department of Children and Family
23 Services to provide secure living arrangements for children
24 under 18 years of age who are subject to placement in
25 facilities under the Children and Family Services Act and who
26 are not subject to placement in facilities for whom standards

1 are established by the Department of Corrections under Section
2 3-15-2 of the Unified Code of Corrections. "Secure child care
3 facility" also means a facility that is designed and operated
4 to ensure that all entrances and exits from the facility, a
5 building, or a distinct part of the building are under the
6 exclusive control of the staff of the facility, whether or not
7 the child has the freedom of movement within the perimeter of
8 the facility, building, or distinct part of the building.

9 (Source: P.A. 96-168, eff. 8-10-09; 97-568, eff. 8-25-11;
10 97-1076, eff. 8-24-12.)

11 (705 ILCS 405/6-9) (from Ch. 37, par. 806-9)

12 Sec. 6-9. Enforcement of liability of parents and others.

13 (1) If parentage is at issue in any proceeding under this
14 Act, other than cases involving those exceptions to the
15 definition of parent set out in item (11) in Section 1-3, then
16 the Illinois Parentage Act of 2013 ~~1984~~ shall apply and the
17 court shall enter orders consistent with that Act. If it
18 appears at any hearing that a parent or any other person named
19 in the petition, liable under the law for the support of the
20 minor, is able to contribute to his or her support, the court
21 shall enter an order requiring that parent or other person to
22 pay the clerk of the court, or to the guardian or custodian
23 appointed under Sections 2-27, 3-28, 4-25 or 5-740, a
24 reasonable sum from time to time for the care, support and
25 necessary special care or treatment, of the minor. If the court

1 determines at any hearing that a parent or any other person
2 named in the petition, liable under the law for the support of
3 the minor, is able to contribute to help defray the costs
4 associated with the minor's detention in a county or regional
5 detention center, the court shall enter an order requiring that
6 parent or other person to pay the clerk of the court a
7 reasonable sum for the care and support of the minor. The court
8 may require reasonable security for the payments. Upon failure
9 to pay, the court may enforce obedience to the order by a
10 proceeding as for contempt of court.

11 If it appears that the person liable for the support of the
12 minor is able to contribute to legal fees for representation of
13 the minor, the court shall enter an order requiring that person
14 to pay a reasonable sum for the representation, to the attorney
15 providing the representation or to the clerk of the court for
16 deposit in the appropriate account or fund. The sum may be paid
17 as the court directs, and the payment thereof secured and
18 enforced as provided in this Section for support.

19 If it appears at the detention or shelter care hearing of a
20 minor before the court under Section 5-501 that a parent or any
21 other person liable for support of the minor is able to
22 contribute to his or her support, that parent or other person
23 shall be required to pay a fee for room and board at a rate not
24 to exceed \$10 per day established, with the concurrence of the
25 chief judge of the judicial circuit, by the county board of the
26 county in which the minor is detained unless the court

1 determines that it is in the best interest and welfare of the
2 minor to waive the fee. The concurrence of the chief judge
3 shall be in the form of an administrative order. Each week, on
4 a day designated by the clerk of the circuit court, that parent
5 or other person shall pay the clerk for the minor's room and
6 board. All fees for room and board collected by the circuit
7 court clerk shall be disbursed into the separate county fund
8 under Section 6-7.

9 Upon application, the court shall waive liability for
10 support or legal fees under this Section if the parent or other
11 person establishes that he or she is indigent and unable to pay
12 the incurred liability, and the court may reduce or waive
13 liability if the parent or other person establishes
14 circumstances showing that full payment of support or legal
15 fees would result in financial hardship to the person or his or
16 her family.

17 (2) When a person so ordered to pay for the care and
18 support of a minor is employed for wages, salary or commission,
19 the court may order him to make the support payments for which
20 he is liable under this Act out of his wages, salary or
21 commission and to assign so much thereof as will pay the
22 support. The court may also order him to make discovery to the
23 court as to his place of employment and the amounts earned by
24 him. Upon his failure to obey the orders of court he may be
25 punished as for contempt of court.

26 (3) If the minor is a recipient of public aid under the

1 Illinois Public Aid Code, the court shall order that payments
2 made by a parent or through assignment of his wages, salary or
3 commission be made directly to (a) the Department of Healthcare
4 and Family Services if the minor is a recipient of aid under
5 Article V of the Code, (b) the Department of Human Services if
6 the minor is a recipient of aid under Article IV of the Code,
7 or (c) the local governmental unit responsible for the support
8 of the minor if he is a recipient under Articles VI or VII of
9 the Code. The order shall permit the Department of Healthcare
10 and Family Services, the Department of Human Services, or the
11 local governmental unit, as the case may be, to direct that
12 subsequent payments be made directly to the guardian or
13 custodian of the minor, or to some other person or agency in
14 the minor's behalf, upon removal of the minor from the public
15 aid rolls; and upon such direction and removal of the minor
16 from the public aid rolls, the Department of Healthcare and
17 Family Services, Department of Human Services, or local
18 governmental unit, as the case requires, shall give written
19 notice of such action to the court. Payments received by the
20 Department of Healthcare and Family Services, Department of
21 Human Services, or local governmental unit are to be covered,
22 respectively, into the General Revenue Fund of the State
23 Treasury or General Assistance Fund of the governmental unit,
24 as provided in Section 10-19 of the Illinois Public Aid Code.

25 (Source: P.A. 97-568, eff. 8-25-11.)

1 Section 962. The Code of Criminal Procedure of 1963 is
2 amended by changing Section 112A-14 as follows:

3 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

4 Sec. 112A-14. Order of protection; remedies.

5 (a) Issuance of order. If the court finds that petitioner
6 has been abused by a family or household member, as defined in
7 this Article, an order of protection prohibiting such abuse
8 shall issue; provided that petitioner must also satisfy the
9 requirements of one of the following Sections, as appropriate:
10 Section 112A-17 on emergency orders, Section 112A-18 on interim
11 orders, or Section 112A-19 on plenary orders. Petitioner shall
12 not be denied an order of protection because petitioner or
13 respondent is a minor. The court, when determining whether or
14 not to issue an order of protection, shall not require physical
15 manifestations of abuse on the person of the victim.
16 Modification and extension of prior orders of protection shall
17 be in accordance with this Article.

18 (b) Remedies and standards. The remedies to be included in
19 an order of protection shall be determined in accordance with
20 this Section and one of the following Sections, as appropriate:
21 Section 112A-17 on emergency orders, Section 112A-18 on interim
22 orders, and Section 112A-19 on plenary orders. The remedies
23 listed in this subsection shall be in addition to other civil
24 or criminal remedies available to petitioner.

25 (1) Prohibition of abuse. Prohibit respondent's

1 harassment, interference with personal liberty,
2 intimidation of a dependent, physical abuse or willful
3 deprivation, as defined in this Article, if such abuse has
4 occurred or otherwise appears likely to occur if not
5 prohibited.

6 (2) Grant of exclusive possession of residence.
7 Prohibit respondent from entering or remaining in any
8 residence, household, or premises of the petitioner,
9 including one owned or leased by respondent, if petitioner
10 has a right to occupancy thereof. The grant of exclusive
11 possession of the residence, household, or premises shall
12 not affect title to real property, nor shall the court be
13 limited by the standard set forth in Section 701 of the
14 Illinois Marriage and Dissolution of Marriage Act.

15 (A) Right to occupancy. A party has a right to
16 occupancy of a residence or household if it is solely
17 or jointly owned or leased by that party, that party's
18 spouse, a person with a legal duty to support that
19 party or a minor child in that party's care, or by any
20 person or entity other than the opposing party that
21 authorizes that party's occupancy (e.g., a domestic
22 violence shelter). Standards set forth in subparagraph
23 (B) shall not preclude equitable relief.

24 (B) Presumption of hardships. If petitioner and
25 respondent each has the right to occupancy of a
26 residence or household, the court shall balance (i) the

1 hardships to respondent and any minor child or
2 dependent adult in respondent's care resulting from
3 entry of this remedy with (ii) the hardships to
4 petitioner and any minor child or dependent adult in
5 petitioner's care resulting from continued exposure to
6 the risk of abuse (should petitioner remain at the
7 residence or household) or from loss of possession of
8 the residence or household (should petitioner leave to
9 avoid the risk of abuse). When determining the balance
10 of hardships, the court shall also take into account
11 the accessibility of the residence or household.
12 Hardships need not be balanced if respondent does not
13 have a right to occupancy.

14 The balance of hardships is presumed to favor
15 possession by petitioner unless the presumption is
16 rebutted by a preponderance of the evidence, showing
17 that the hardships to respondent substantially
18 outweigh the hardships to petitioner and any minor
19 child or dependent adult in petitioner's care. The
20 court, on the request of petitioner or on its own
21 motion, may order respondent to provide suitable,
22 accessible, alternate housing for petitioner instead
23 of excluding respondent from a mutual residence or
24 household.

25 (3) Stay away order and additional prohibitions. Order
26 respondent to stay away from petitioner or any other person

1 protected by the order of protection, or prohibit
2 respondent from entering or remaining present at
3 petitioner's school, place of employment, or other
4 specified places at times when petitioner is present, or
5 both, if reasonable, given the balance of hardships.
6 Hardships need not be balanced for the court to enter a
7 stay away order or prohibit entry if respondent has no
8 right to enter the premises.

9 If an order of protection grants petitioner exclusive
10 possession of the residence, or prohibits respondent from
11 entering the residence, or orders respondent to stay away
12 from petitioner or other protected persons, then the court
13 may allow respondent access to the residence to remove
14 items of clothing and personal adornment used exclusively
15 by respondent, medications, and other items as the court
16 directs. The right to access shall be exercised on only one
17 occasion as the court directs and in the presence of an
18 agreed-upon adult third party or law enforcement officer.

19 (4) Counseling. Require or recommend the respondent to
20 undergo counseling for a specified duration with a social
21 worker, psychologist, clinical psychologist, psychiatrist,
22 family service agency, alcohol or substance abuse program,
23 mental health center guidance counselor, agency providing
24 services to elders, program designed for domestic violence
25 abusers or any other guidance service the court deems
26 appropriate. The court may order the respondent in any

1 intimate partner relationship to report to an Illinois
2 Department of Human Services protocol approved partner
3 abuse intervention program for an assessment and to follow
4 all recommended treatment.

5 (5) Physical care and possession of the minor child. In
6 order to protect the minor child from abuse, neglect, or
7 unwarranted separation from the person who has been the
8 minor child's primary caretaker, or to otherwise protect
9 the well-being of the minor child, the court may do either
10 or both of the following: (i) grant petitioner physical
11 care or possession of the minor child, or both, or (ii)
12 order respondent to return a minor child to, or not remove
13 a minor child from, the physical care of a parent or person
14 in loco parentis.

15 If a court finds, after a hearing, that respondent has
16 committed abuse (as defined in Section 112A-3) of a minor
17 child, there shall be a rebuttable presumption that
18 awarding physical care to respondent would not be in the
19 minor child's best interest.

20 (6) Temporary legal custody. Award temporary legal
21 custody to petitioner in accordance with this Section, the
22 Illinois Marriage and Dissolution of Marriage Act, the
23 Illinois Parentage Act of 2013 ~~1984~~, and this State's
24 Uniform Child-Custody Jurisdiction and Enforcement Act.

25 If a court finds, after a hearing, that respondent has
26 committed abuse (as defined in Section 112A-3) of a minor

1 child, there shall be a rebuttable presumption that
2 awarding temporary legal custody to respondent would not be
3 in the child's best interest.

4 (7) Visitation. Determine the visitation rights, if
5 any, of respondent in any case in which the court awards
6 physical care or temporary legal custody of a minor child
7 to petitioner. The court shall restrict or deny
8 respondent's visitation with a minor child if the court
9 finds that respondent has done or is likely to do any of
10 the following: (i) abuse or endanger the minor child during
11 visitation; (ii) use the visitation as an opportunity to
12 abuse or harass petitioner or petitioner's family or
13 household members; (iii) improperly conceal or detain the
14 minor child; or (iv) otherwise act in a manner that is not
15 in the best interests of the minor child. The court shall
16 not be limited by the standards set forth in Section 607.1
17 of the Illinois Marriage and Dissolution of Marriage Act.
18 If the court grants visitation, the order shall specify
19 dates and times for the visitation to take place or other
20 specific parameters or conditions that are appropriate. No
21 order for visitation shall refer merely to the term
22 "reasonable visitation".

23 Petitioner may deny respondent access to the minor
24 child if, when respondent arrives for visitation,
25 respondent is under the influence of drugs or alcohol and
26 constitutes a threat to the safety and well-being of

1 petitioner or petitioner's minor children or is behaving in
2 a violent or abusive manner.

3 If necessary to protect any member of petitioner's
4 family or household from future abuse, respondent shall be
5 prohibited from coming to petitioner's residence to meet
6 the minor child for visitation, and the parties shall
7 submit to the court their recommendations for reasonable
8 alternative arrangements for visitation. A person may be
9 approved to supervise visitation only after filing an
10 affidavit accepting that responsibility and acknowledging
11 accountability to the court.

12 (8) Removal or concealment of minor child. Prohibit
13 respondent from removing a minor child from the State or
14 concealing the child within the State.

15 (9) Order to appear. Order the respondent to appear in
16 court, alone or with a minor child, to prevent abuse,
17 neglect, removal or concealment of the child, to return the
18 child to the custody or care of the petitioner or to permit
19 any court-ordered interview or examination of the child or
20 the respondent.

21 (10) Possession of personal property. Grant petitioner
22 exclusive possession of personal property and, if
23 respondent has possession or control, direct respondent to
24 promptly make it available to petitioner, if:

25 (i) petitioner, but not respondent, owns the
26 property; or

1 (ii) the parties own the property jointly; sharing
2 it would risk abuse of petitioner by respondent or is
3 impracticable; and the balance of hardships favors
4 temporary possession by petitioner.

5 If petitioner's sole claim to ownership of the property
6 is that it is marital property, the court may award
7 petitioner temporary possession thereof under the
8 standards of subparagraph (ii) of this paragraph only if a
9 proper proceeding has been filed under the Illinois
10 Marriage and Dissolution of Marriage Act, as now or
11 hereafter amended.

12 No order under this provision shall affect title to
13 property.

14 (11) Protection of property. Forbid the respondent
15 from taking, transferring, encumbering, concealing,
16 damaging or otherwise disposing of any real or personal
17 property, except as explicitly authorized by the court, if:

18 (i) petitioner, but not respondent, owns the
19 property; or

20 (ii) the parties own the property jointly, and the
21 balance of hardships favors granting this remedy.

22 If petitioner's sole claim to ownership of the property
23 is that it is marital property, the court may grant
24 petitioner relief under subparagraph (ii) of this
25 paragraph only if a proper proceeding has been filed under
26 the Illinois Marriage and Dissolution of Marriage Act, as

1 now or hereafter amended.

2 The court may further prohibit respondent from
3 improperly using the financial or other resources of an
4 aged member of the family or household for the profit or
5 advantage of respondent or of any other person.

6 (11.5) Protection of animals. Grant the petitioner the
7 exclusive care, custody, or control of any animal owned,
8 possessed, leased, kept, or held by either the petitioner
9 or the respondent or a minor child residing in the
10 residence or household of either the petitioner or the
11 respondent and order the respondent to stay away from the
12 animal and forbid the respondent from taking,
13 transferring, encumbering, concealing, harming, or
14 otherwise disposing of the animal.

15 (12) Order for payment of support. Order respondent to
16 pay temporary support for the petitioner or any child in
17 the petitioner's care or custody, when the respondent has a
18 legal obligation to support that person, in accordance with
19 the Illinois Marriage and Dissolution of Marriage Act,
20 which shall govern, among other matters, the amount of
21 support, payment through the clerk and withholding of
22 income to secure payment. An order for child support may be
23 granted to a petitioner with lawful physical care or
24 custody of a child, or an order or agreement for physical
25 care or custody, prior to entry of an order for legal
26 custody. Such a support order shall expire upon entry of a

1 valid order granting legal custody to another, unless
2 otherwise provided in the custody order.

3 (13) Order for payment of losses. Order respondent to
4 pay petitioner for losses suffered as a direct result of
5 the abuse. Such losses shall include, but not be limited
6 to, medical expenses, lost earnings or other support,
7 repair or replacement of property damaged or taken,
8 reasonable attorney's fees, court costs and moving or other
9 travel expenses, including additional reasonable expenses
10 for temporary shelter and restaurant meals.

11 (i) Losses affecting family needs. If a party is
12 entitled to seek maintenance, child support or
13 property distribution from the other party under the
14 Illinois Marriage and Dissolution of Marriage Act, as
15 now or hereafter amended, the court may order
16 respondent to reimburse petitioner's actual losses, to
17 the extent that such reimbursement would be
18 "appropriate temporary relief", as authorized by
19 subsection (a) (3) of Section 501 of that Act.

20 (ii) Recovery of expenses. In the case of an
21 improper concealment or removal of a minor child, the
22 court may order respondent to pay the reasonable
23 expenses incurred or to be incurred in the search for
24 and recovery of the minor child, including but not
25 limited to legal fees, court costs, private
26 investigator fees, and travel costs.

1 (14) Prohibition of entry. Prohibit the respondent
2 from entering or remaining in the residence or household
3 while the respondent is under the influence of alcohol or
4 drugs and constitutes a threat to the safety and well-being
5 of the petitioner or the petitioner's children.

6 (14.5) Prohibition of firearm possession.

7 (a) Prohibit a respondent against whom an order of
8 protection was issued from possessing any firearms
9 during the duration of the order if the order:

10 (1) was issued after a hearing of which such
11 person received actual notice, and at which such
12 person had an opportunity to participate;

13 (2) restrains such person from harassing,
14 stalking, or threatening an intimate partner of
15 such person or child of such intimate partner or
16 person, or engaging in other conduct that would
17 place an intimate partner in reasonable fear of
18 bodily injury to the partner or child; and

19 (3) (i) includes a finding that such person
20 represents a credible threat to the physical
21 safety of such intimate partner or child; or (ii)
22 by its terms explicitly prohibits the use,
23 attempted use, or threatened use of physical force
24 against such intimate partner or child that would
25 reasonably be expected to cause bodily injury.

26 Any firearms in the possession of the respondent,

1 except as provided in subsection (b), shall be ordered
2 by the court to be turned over to the local law
3 enforcement agency for safekeeping. The court shall
4 issue an order that the respondent's Firearm Owner's
5 Identification Card be turned over to the local law
6 enforcement agency, which in turn shall immediately
7 mail the card to the Department of State Police Firearm
8 Owner's Identification Card Office for safekeeping.
9 The period of safekeeping shall be for the duration of
10 the order of protection. The firearm or firearms and
11 Firearm Owner's Identification Card, if unexpired,
12 shall at the respondent's request be returned to the
13 respondent at expiration of the order of protection.

14 (b) If the respondent is a peace officer as defined
15 in Section 2-13 of the Criminal Code of 1961, the court
16 shall order that any firearms used by the respondent in
17 the performance of his or her duties as a peace officer
18 be surrendered to the chief law enforcement executive
19 of the agency in which the respondent is employed, who
20 shall retain the firearms for safekeeping for the
21 duration of the order of protection.

22 (c) Upon expiration of the period of safekeeping,
23 if the firearms or Firearm Owner's Identification Card
24 cannot be returned to respondent because respondent
25 cannot be located, fails to respond to requests to
26 retrieve the firearms, or is not lawfully eligible to

1 possess a firearm, upon petition from the local law
2 enforcement agency, the court may order the local law
3 enforcement agency to destroy the firearms, use the
4 firearms for training purposes, or for any other
5 application as deemed appropriate by the local law
6 enforcement agency; or that the firearms be turned over
7 to a third party who is lawfully eligible to possess
8 firearms, and who does not reside with respondent.

9 (15) Prohibition of access to records. If an order of
10 protection prohibits respondent from having contact with
11 the minor child, or if petitioner's address is omitted
12 under subsection (b) of Section 112A-5, or if necessary to
13 prevent abuse or wrongful removal or concealment of a minor
14 child, the order shall deny respondent access to, and
15 prohibit respondent from inspecting, obtaining, or
16 attempting to inspect or obtain, school or any other
17 records of the minor child who is in the care of
18 petitioner.

19 (16) Order for payment of shelter services. Order
20 respondent to reimburse a shelter providing temporary
21 housing and counseling services to the petitioner for the
22 cost of the services, as certified by the shelter and
23 deemed reasonable by the court.

24 (17) Order for injunctive relief. Enter injunctive
25 relief necessary or appropriate to prevent further abuse of
26 a family or household member or to effectuate one of the

1 granted remedies, if supported by the balance of hardships.
2 If the harm to be prevented by the injunction is abuse or
3 any other harm that one of the remedies listed in
4 paragraphs (1) through (16) of this subsection is designed
5 to prevent, no further evidence is necessary to establish
6 that the harm is an irreparable injury.

7 (c) Relevant factors; findings.

8 (1) In determining whether to grant a specific remedy,
9 other than payment of support, the court shall consider
10 relevant factors, including but not limited to the
11 following:

12 (i) the nature, frequency, severity, pattern and
13 consequences of the respondent's past abuse of the
14 petitioner or any family or household member,
15 including the concealment of his or her location in
16 order to evade service of process or notice, and the
17 likelihood of danger of future abuse to petitioner or
18 any member of petitioner's or respondent's family or
19 household; and

20 (ii) the danger that any minor child will be abused
21 or neglected or improperly removed from the
22 jurisdiction, improperly concealed within the State or
23 improperly separated from the child's primary
24 caretaker.

25 (2) In comparing relative hardships resulting to the
26 parties from loss of possession of the family home, the

1 court shall consider relevant factors, including but not
2 limited to the following:

3 (i) availability, accessibility, cost, safety,
4 adequacy, location and other characteristics of
5 alternate housing for each party and any minor child or
6 dependent adult in the party's care;

7 (ii) the effect on the party's employment; and

8 (iii) the effect on the relationship of the party,
9 and any minor child or dependent adult in the party's
10 care, to family, school, church and community.

11 (3) Subject to the exceptions set forth in paragraph
12 (4) of this subsection, the court shall make its findings
13 in an official record or in writing, and shall at a minimum
14 set forth the following:

15 (i) That the court has considered the applicable
16 relevant factors described in paragraphs (1) and (2) of
17 this subsection.

18 (ii) Whether the conduct or actions of respondent,
19 unless prohibited, will likely cause irreparable harm
20 or continued abuse.

21 (iii) Whether it is necessary to grant the
22 requested relief in order to protect petitioner or
23 other alleged abused persons.

24 (4) For purposes of issuing an ex parte emergency order
25 of protection, the court, as an alternative to or as a
26 supplement to making the findings described in paragraphs

1 (c) (3) (i) through (c) (3) (iii) of this subsection, may use
2 the following procedure:

3 When a verified petition for an emergency order of
4 protection in accordance with the requirements of Sections
5 112A-5 and 112A-17 is presented to the court, the court
6 shall examine petitioner on oath or affirmation. An
7 emergency order of protection shall be issued by the court
8 if it appears from the contents of the petition and the
9 examination of petitioner that the averments are
10 sufficient to indicate abuse by respondent and to support
11 the granting of relief under the issuance of the emergency
12 order of protection.

13 (5) Never married parties. No rights or
14 responsibilities for a minor child born outside of marriage
15 attach to a putative father until a father and child
16 relationship has been established under the Illinois
17 Parentage Act of 1984 or under the Illinois Parentage Act
18 of 2013 on and after the effective date of that Act. Absent
19 such an adjudication, no putative father shall be granted
20 temporary custody of the minor child, visitation with the
21 minor child, or physical care and possession of the minor
22 child, nor shall an order of payment for support of the
23 minor child be entered.

24 (d) Balance of hardships; findings. If the court finds that
25 the balance of hardships does not support the granting of a
26 remedy governed by paragraph (2), (3), (10), (11), or (16) of

1 subsection (b) of this Section, which may require such
2 balancing, the court's findings shall so indicate and shall
3 include a finding as to whether granting the remedy will result
4 in hardship to respondent that would substantially outweigh the
5 hardship to petitioner from denial of the remedy. The findings
6 shall be an official record or in writing.

7 (e) Denial of remedies. Denial of any remedy shall not be
8 based, in whole or in part, on evidence that:

9 (1) Respondent has cause for any use of force, unless
10 that cause satisfies the standards for justifiable use of
11 force provided by Article VII of the Criminal Code of 1961;

12 (2) Respondent was voluntarily intoxicated;

13 (3) Petitioner acted in self-defense or defense of
14 another, provided that, if petitioner utilized force, such
15 force was justifiable under Article VII of the Criminal
16 Code of 1961;

17 (4) Petitioner did not act in self-defense or defense
18 of another;

19 (5) Petitioner left the residence or household to avoid
20 further abuse by respondent;

21 (6) Petitioner did not leave the residence or household
22 to avoid further abuse by respondent;

23 (7) Conduct by any family or household member excused
24 the abuse by respondent, unless that same conduct would
25 have excused such abuse if the parties had not been family
26 or household members.

1 (Source: P.A. 96-701, eff. 1-1-10; 96-1239, eff. 1-1-11;
2 97-158, eff. 1-1-12; 97-1131, eff. 1-1-13.)

3 Section 963. The Unified Code of Corrections is amended by
4 changing Section 3-5-4 as follows:

5 (730 ILCS 5/3-5-4)

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

8 (a) The Department shall exchange with the Department of
9 Healthcare and Family Services information that may be
10 necessary for the enforcement of child support orders entered
11 pursuant to the Illinois Public Aid Code, the Illinois Marriage
12 and Dissolution of Marriage Act, the Non-Support of Spouse and
13 Children Act, the Non-Support Punishment Act, the Revised
14 Uniform Reciprocal Enforcement of Support Act, the Uniform
15 Interstate Family Support Act, ~~or~~ the Illinois Parentage Act of
16 1984, or the Illinois Parentage Act of 2013.

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

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

1 Section 964. The Code of Civil Procedure is amended by
2 changing Sections 2-209, 2-1401, 12-112, and 12-819 as follows:

3 (735 ILCS 5/2-209) (from Ch. 110, par. 2-209)

4 Sec. 2-209. Act submitting to jurisdiction - Process.

5 (a) Any person, whether or not a citizen or resident of
6 this State, who in person or through an agent does any of the
7 acts hereinafter enumerated, thereby submits such person, and,
8 if an individual, his or her personal representative, to the
9 jurisdiction of the courts of this State as to any cause of
10 action arising from the doing of any of such acts:

11 (1) The transaction of any business within this State;

12 (2) The commission of a tortious act within this State;

13 (3) The ownership, use, or possession of any real
14 estate situated in this State;

15 (4) Contracting to insure any person, property or risk
16 located within this State at the time of contracting;

17 (5) With respect to actions of dissolution of marriage,
18 declaration of invalidity of marriage and legal
19 separation, the maintenance in this State of a matrimonial
20 domicile at the time this cause of action arose or the
21 commission in this State of any act giving rise to the
22 cause of action;

23 (6) With respect to actions brought under the Illinois
24 Parentage Act of 1984, as now or hereafter amended, or
25 under the Illinois Parentage Act of 2013 on and after the

1 effective date of that Act, the performance of an act of
2 sexual intercourse within this State during the possible
3 period of conception;

4 (7) The making or performance of any contract or
5 promise substantially connected with this State;

6 (8) The performance of sexual intercourse within this
7 State which is claimed to have resulted in the conception
8 of a child who resides in this State;

9 (9) The failure to support a child, spouse or former
10 spouse who has continued to reside in this State since the
11 person either formerly resided with them in this State or
12 directed them to reside in this State;

13 (10) The acquisition of ownership, possession or
14 control of any asset or thing of value present within this
15 State when ownership, possession or control was acquired;

16 (11) The breach of any fiduciary duty within this
17 State;

18 (12) The performance of duties as a director or officer
19 of a corporation organized under the laws of this State or
20 having its principal place of business within this State;

21 (13) The ownership of an interest in any trust
22 administered within this State; or

23 (14) The exercise of powers granted under the authority
24 of this State as a fiduciary.

25 (b) A court may exercise jurisdiction in any action arising
26 within or without this State against any person who:

1 (1) Is a natural person present within this State when
2 served;

3 (2) Is a natural person domiciled or resident within
4 this State when the cause of action arose, the action was
5 commenced, or process was served;

6 (3) Is a corporation organized under the laws of this
7 State; or

8 (4) Is a natural person or corporation doing business
9 within this State.

10 (b-5) Foreign defamation judgment. The courts of this State
11 shall have personal jurisdiction over any person who obtains a
12 judgment in a defamation proceeding outside the United States
13 against any person who is a resident of Illinois or, if not a
14 natural person, has its principal place of business in
15 Illinois, for the purposes of rendering declaratory relief with
16 respect to that resident's liability for the judgment, or for
17 the purpose of determining whether said judgment should be
18 deemed non-recognizable pursuant to this Code, to the fullest
19 extent permitted by the United States Constitution, provided:

20 (1) the publication at issue was published in Illinois,
21 and

22 (2) that resident (i) has assets in Illinois which
23 might be used to satisfy the foreign defamation judgment,
24 or (ii) may have to take actions in Illinois to comply with
25 the foreign defamation judgment.

26 The provisions of this subsection (b-5) shall apply to

1 persons who obtained judgments in defamation proceedings
2 outside the United States prior to, on, or after the effective
3 date of this amendatory Act of the 95th General Assembly.

4 (c) A court may also exercise jurisdiction on any other
5 basis now or hereafter permitted by the Illinois Constitution
6 and the Constitution of the United States.

7 (d) Service of process upon any person who is subject to
8 the jurisdiction of the courts of this State, as provided in
9 this Section, may be made by personally serving the summons
10 upon the defendant outside this State, as provided in this Act,
11 with the same force and effect as though summons had been
12 personally served within this State.

13 (e) Service of process upon any person who resides or whose
14 business address is outside the United States and who is
15 subject to the jurisdiction of the courts of this State, as
16 provided in this Section, in any action based upon product
17 liability may be made by serving a copy of the summons with a
18 copy of the complaint attached upon the Secretary of State. The
19 summons shall be accompanied by a \$5 fee payable to the
20 Secretary of State. The plaintiff shall forthwith mail a copy
21 of the summons, upon which the date of service upon the
22 Secretary is clearly shown, together with a copy of the
23 complaint to the defendant at his or her last known place of
24 residence or business address. Plaintiff shall file with the
25 circuit clerk an affidavit of the plaintiff or his or her
26 attorney stating the last known place of residence or the last

1 known business address of the defendant and a certificate of
2 mailing a copy of the summons and complaint to the defendant at
3 such address as required by this subsection (e). The
4 certificate of mailing shall be prima facie evidence that the
5 plaintiff or his or her attorney mailed a copy of the summons
6 and complaint to the defendant as required. Service of the
7 summons shall be deemed to have been made upon the defendant on
8 the date it is served upon the Secretary and shall have the
9 same force and effect as though summons had been personally
10 served upon the defendant within this State.

11 (f) Only causes of action arising from acts enumerated
12 herein may be asserted against a defendant in an action in
13 which jurisdiction over him or her is based upon subsection
14 (a).

15 (g) Nothing herein contained limits or affects the right to
16 serve any process in any other manner now or hereafter provided
17 by law.

18 (Source: P.A. 95-865, eff. 8-19-08.)

19 (735 ILCS 5/2-1401) (from Ch. 110, par. 2-1401)

20 Sec. 2-1401. Relief from judgments.

21 (a) Relief from final orders and judgments, after 30 days
22 from the entry thereof, may be had upon petition as provided in
23 this Section. Writs of error coram nobis and coram vobis, bills
24 of review and bills in the nature of bills of review are
25 abolished. All relief heretofore obtainable and the grounds for

1 such relief heretofore available, whether by any of the
2 foregoing remedies or otherwise, shall be available in every
3 case, by proceedings hereunder, regardless of the nature of the
4 order or judgment from which relief is sought or of the
5 proceedings in which it was entered. Except as provided in
6 ~~Section 6~~ of the Illinois Parentage Act of 2013 ~~1984~~, there
7 shall be no distinction between actions and other proceedings,
8 statutory or otherwise, as to availability of relief, grounds
9 for relief or the relief obtainable.

10 (b) The petition must be filed in the same proceeding in
11 which the order or judgment was entered but is not a
12 continuation thereof. The petition must be supported by
13 affidavit or other appropriate showing as to matters not of
14 record. All parties to the petition shall be notified as
15 provided by rule.

16 (c) Except as provided in Section 20b of the Adoption Act
17 and Section 2-32 of the Juvenile Court Act of 1987 or in a
18 petition based upon Section 116-3 of the Code of Criminal
19 Procedure of 1963, the petition must be filed not later than 2
20 years after the entry of the order or judgment. Time during
21 which the person seeking relief is under legal disability or
22 duress or the ground for relief is fraudulently concealed shall
23 be excluded in computing the period of 2 years.

24 (d) The filing of a petition under this Section does not
25 affect the order or judgment, or suspend its operation.

26 (e) Unless lack of jurisdiction affirmatively appears from

1 the record proper, the vacation or modification of an order or
2 judgment pursuant to the provisions of this Section does not
3 affect the right, title or interest in or to any real or
4 personal property of any person, not a party to the original
5 action, acquired for value after the entry of the order or
6 judgment but before the filing of the petition, nor affect any
7 right of any person not a party to the original action under
8 any certificate of sale issued before the filing of the
9 petition, pursuant to a sale based on the order or judgment.

10 (f) Nothing contained in this Section affects any existing
11 right to relief from a void order or judgment, or to employ any
12 existing method to procure that relief.

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

14 (735 ILCS 5/12-112) (from Ch. 110, par. 12-112)

15 Sec. 12-112. What liable to enforcement. All the lands,
16 tenements, real estate, goods and chattels (except such as is
17 by law declared to be exempt) of every person against whom any
18 judgment has been or shall be hereafter entered in any court,
19 for any debt, damages, costs, or other sum of money, shall be
20 liable to be sold upon such judgment. Any real property, any
21 beneficial interest in a land trust, or any interest in real
22 property held in a revocable inter vivos trust or revocable
23 inter vivos trusts created for estate planning purposes, held
24 in tenancy by the entirety shall not be liable to be sold upon
25 judgment entered on or after October 1, 1990 against only one

1 of the tenants, except if the property was transferred into
2 tenancy by the entirety with the sole intent to avoid the
3 payment of debts existing at the time of the transfer beyond
4 the transferor's ability to pay those debts as they become due.
5 However, any income from such property shall be subject to
6 garnishment as provided in Part 7 of this Article XII, whether
7 judgment has been entered against one or both of the tenants.

8 If the court authorizes the piercing of the ownership veil
9 pursuant to Section 505 of the Illinois Marriage and
10 Dissolution of Marriage Act or Section 805 ~~15~~ of the Illinois
11 Parentage Act of 2013 ~~1984~~, any assets determined to be those
12 of the non-custodial parent, although not held in name of the
13 non-custodial parent, shall be subject to attachment or other
14 provisional remedy in accordance with the procedure prescribed
15 by this Code. The court may not authorize attachment of
16 property or any other provisional remedy under this paragraph
17 unless it has obtained jurisdiction over the entity holding
18 title to the property by proper service on that entity. With
19 respect to assets which are real property, no order entered as
20 described in this paragraph shall affect the rights of bona
21 fide purchasers, mortgagees, judgment creditors, or other lien
22 holders who acquire their interests in the property prior to
23 the time a notice of lis pendens pursuant to this Code or a
24 copy of the order is placed of record in the office of the
25 recorder of deeds for the county in which the real property is
26 located.

1 This amendatory Act of 1995 (P.A. 89-438) is declarative of
2 existing law.

3 This amendatory Act of 1997 (P.A. 90-514) is intended as a
4 clarification of existing law and not as a new enactment.

5 (Source: P.A. 96-1145, eff. 1-1-11.)

6 (735 ILCS 5/12-819) (from Ch. 110, par. 12-819)

7 Sec. 12-819. Limitations on part 8 of Article XII. The
8 provisions of this Part 8 of Article XII of this Act do not
9 apply to orders for withholding of income entered by the court
10 under provisions of The Illinois Public Aid Code, the Illinois
11 Marriage and Dissolution of Marriage Act, the Non-Support of
12 Spouse and Children Act, the Non-Support Punishment Act, the
13 Revised Uniform Reciprocal Enforcement of Support Act, the
14 Illinois Parentage Act of 1984, and the Illinois Parentage Act
15 of 2013 ~~and the Paternity Act~~ for support of a child or
16 maintenance of a spouse.

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

18 Section 965. The Illinois Wage Assignment Act is amended by
19 changing Section 11 as follows:

20 (740 ILCS 170/11) (from Ch. 48, par. 39.12)

21 Sec. 11. The provisions of this Act do not apply to orders
22 for withholding of income entered by the court under provisions
23 of The Illinois Public Aid Code, the Illinois Marriage and

1 Dissolution of Marriage Act, the Non-Support of Spouse and
2 Children Act, the Non-Support Punishment Act, the Revised
3 Uniform Reciprocal Enforcement of Support Act, the Illinois
4 Parentage Act of 1984, and the Illinois Parentage Act of 2013
5 ~~and the Paternity Act~~ for support of a child or maintenance of
6 a spouse.

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

8 Section 966. The Illinois Marriage and Dissolution of
9 Marriage Act is amended by changing Section 713 as follows:

10 (750 ILCS 5/713) (from Ch. 40, par. 713)

11 Sec. 713. Attachment of the Body. As used in this Section,
12 "obligor" has the same meaning ascribed to such term in the
13 Income Withholding for Support Act.

14 (a) In any proceeding to enforce an order for support,
15 where the obligor has failed to appear in court pursuant to
16 order of court and after due notice thereof, the court may
17 enter an order for the attachment of the body of the obligor.
18 Notices under this Section shall be served upon the obligor by
19 any means authorized under subsection (a-5) of Section 505. The
20 attachment order shall fix an amount of escrow which is equal
21 to a minimum of 20% of the total child support arrearage
22 alleged by the obligee in sworn testimony to be due and owing.
23 The attachment order shall direct the Sheriff of any county in
24 Illinois to take the obligor into custody and shall set the

1 number of days following release from custody for a hearing to
2 be held at which the obligor must appear, if he is released
3 under subsection (b) of this Section.

4 (b) If the obligor is taken into custody, the Sheriff shall
5 take the obligor before the court which entered the attachment
6 order. However, the Sheriff may release the person after he or
7 she has deposited the amount of escrow ordered by the court
8 pursuant to local procedures for the posting of bond. The
9 Sheriff shall advise the obligor of the hearing date at which
10 the obligor is required to appear.

11 (c) Any escrow deposited pursuant to this Section shall be
12 transmitted to the Clerk of the Circuit Court for the county in
13 which the order for attachment of the body of the obligor was
14 entered. Any Clerk who receives money deposited into escrow
15 pursuant to this Section shall notify the obligee, public
16 office or legal counsel whose name appears on the attachment
17 order of the court date at which the obligor is required to
18 appear and the amount deposited into escrow. The Clerk shall
19 disburse such money to the obligee only under an order from the
20 court that entered the attachment order pursuant to this
21 Section.

22 (d) Whenever an obligor is taken before the court by the
23 Sheriff, or appears in court after the court has ordered the
24 attachment of his body, the court shall:

25 (1) hold a hearing on the complaint or petition that
26 gave rise to the attachment order. For purposes of

1 determining arrearages that are due and owing by the
2 obligor, the court shall accept the previous sworn
3 testimony of the obligee as true and the appearance of the
4 obligee shall not be required. The court shall require
5 sworn testimony of the obligor as to his or her Social
6 Security number, income, employment, bank accounts,
7 property and any other assets. If there is a dispute as to
8 the total amount of arrearages, the court shall proceed as
9 in any other case as to the undisputed amounts; and

10 (2) order the Clerk of the Circuit Court to disburse to
11 the obligee or public office money held in escrow pursuant
12 to this Section if the court finds that the amount of
13 arrearages exceeds the amount of the escrow. Amounts
14 received by the obligee or public office shall be deducted
15 from the amount of the arrearages.

16 (e) If the obligor fails to appear in court after being
17 notified of the court date by the Sheriff upon release from
18 custody, the court shall order any monies deposited into escrow
19 to be immediately released to the obligee or public office and
20 shall proceed under subsection (a) of this Section by entering
21 another order for the attachment of the body of the obligor.

22 (f) This Section shall apply to any order for support
23 issued under the "Illinois Marriage and Dissolution of Marriage
24 Act", approved September 22, 1977, as amended; the Illinois
25 Parentage Act of 2013; the "Illinois Parentage Act of 1984",
26 effective July 1, 1985, as amended; the "Revised Uniform

1 Reciprocal Enforcement of Support Act", approved August 28,
2 1969, as amended; "The Illinois Public Aid Code", approved
3 April 11, 1967, as amended; the Non-Support Punishment Act; and
4 the "Non-support of Spouse and Children Act", approved June 8,
5 1953, as amended.

6 (g) Any escrow established pursuant to this Section for the
7 purpose of providing support shall not be subject to fees
8 collected by the Clerk of the Circuit Court for any other
9 escrow.

10 (Source: P.A. 91-113, eff. 7-15-99; 91-613, eff. 10-1-99;
11 92-16, eff. 6-28-01.)

12 Section 967. The Non-Support Punishment Act is amended by
13 changing Section 50 as follows:

14 (750 ILCS 16/50)

15 Sec. 50. Community service; work alternative program.

16 (a) In addition to any other penalties imposed against an
17 offender under this Act, the court may order the offender to
18 perform community service for not less than 30 and not more
19 than 120 hours per month, if community service is available in
20 the jurisdiction and is funded and approved by the county board
21 of the county where the offense was committed. In addition,
22 whenever any person is placed on supervision for committing an
23 offense under this Act, the supervision shall be conditioned on
24 the performance of the community service.

1 (b) In addition to any other penalties imposed against an
2 offender under this Act, the court may sentence the offender to
3 service in a work alternative program administered by the
4 sheriff. The conditions of the program are that the offender
5 obtain or retain employment and participate in a work
6 alternative program administered by the sheriff during
7 non-working hours. A person may not be required to participate
8 in a work alternative program under this subsection if the
9 person is currently participating in a work program pursuant to
10 another provision of this Act, Section 10-11.1 of the Illinois
11 Public Aid Code, Section 505.1 of the Illinois Marriage and
12 Dissolution of Marriage Act, or Section 806 ~~15.1~~ of the
13 Illinois Parentage Act of 2013 ~~1984~~.

14 (c) In addition to any other penalties imposed against an
15 offender under this Act, the court may order, in cases where
16 the offender has been in violation of this Act for 90 days or
17 more, that the offender's Illinois driving privileges be
18 suspended until the court determines that the offender is in
19 compliance with this Act.

20 The court may determine that the offender is in compliance
21 with this Act if the offender has agreed (i) to pay all
22 required amounts of support and maintenance as determined by
23 the court or (ii) to the garnishment of his or her income for
24 the purpose of paying those amounts.

25 The court may also order that the offender be issued a
26 family financial responsibility driving permit that would

1 allow limited driving privileges for employment and medical
2 purposes in accordance with Section 7-702.1 of the Illinois
3 Vehicle Code. The clerk of the circuit court shall certify the
4 order suspending the driving privileges of the offender or
5 granting the issuance of a family financial responsibility
6 driving permit to the Secretary of State on forms prescribed by
7 the Secretary. Upon receipt of the authenticated documents, the
8 Secretary of State shall suspend the offender's driving
9 privileges until further order of the court and shall, if
10 ordered by the court, subject to the provisions of Section
11 7-702.1 of the Illinois Vehicle Code, issue a family financial
12 responsibility driving permit to the offender.

13 (d) If the court determines that the offender has been in
14 violation of this Act for more than 60 days, the court may
15 determine whether the offender has applied for or been issued a
16 professional license by the Department of Professional
17 Regulation or another licensing agency. If the court determines
18 that the offender has applied for or been issued such a
19 license, the court may certify to the Department of
20 Professional Regulation or other licensing agency that the
21 offender has been in violation of this Act for more than 60
22 days so that the Department or other agency may take
23 appropriate steps with respect to the license or application as
24 provided in Section 10-65 of the Illinois Administrative
25 Procedure Act and Section 2105-15 of the Department of
26 Professional Regulation Law of the Civil Administrative Code of

1 Illinois. The court may take the actions required under this
2 subsection in addition to imposing any other penalty authorized
3 under this Act.

4 (Source: P.A. 91-613, eff. 10-1-99; 92-651, eff. 7-11-02.)

5 Section 968. The Uniform Interstate Family Support Act is
6 amended by changing Section 102 as follows:

7 (750 ILCS 22/102) (was 750 ILCS 22/101)

8 Sec. 102. Definitions. In this Act:

9 "Child" means an individual, whether over or under the age
10 of 18, who is or is alleged to be owed a duty of support by the
11 individual's parent or who is or is alleged to be the
12 beneficiary of a support order directed to the parent.

13 "Child-support order" means a support order for a child,
14 including a child who has attained the age of 18.

15 "Duty of support" means an obligation imposed or imposable
16 by law to provide support for a child, spouse, or former spouse
17 including an unsatisfied obligation to provide support.

18 "Home state" means the state in which a child lived with a
19 parent or a person acting as parent for at least 6 consecutive
20 months immediately preceding the time of filing of a petition
21 or comparable pleading for support, and if a child is less than
22 6 months old, the state in which the child lived from birth
23 with any of them. A period of temporary absence of any of them
24 is counted as part of the 6-month or other period.

1 "Income" includes earnings or other periodic entitlements
2 to money from any source and any other property subject to
3 withholding for support under the law of this State.

4 "Income-withholding order" means an order or other legal
5 process directed to an obligor's employer or other debtor, as
6 defined by the Illinois Marriage and Dissolution of Marriage
7 Act, the Non-Support of Spouse and Children Act, the
8 Non-Support Punishment Act the Illinois Public Aid Code, and
9 the Illinois Parentage Act of 2013 ~~1984~~, to withhold support
10 from the income of the obligor.

11 "Initiating state" means a state from which a proceeding is
12 forwarded or in which a proceeding is filed for forwarding to a
13 responding state under this Act or a law or procedure
14 substantially similar to this Act.

15 "Initiating tribunal" means the authorized tribunal in an
16 initiating state.

17 "Issuing state" means the state in which a tribunal issues
18 a support order or renders a judgment determining parentage.

19 "Issuing tribunal" means the tribunal that issues a support
20 order or renders a judgment determining parentage.

21 "Obligee" means:

22 (A) an individual to whom a duty of support is or is
23 alleged to be owed or in whose favor a support order has
24 been issued or a judgment determining parentage has been
25 rendered;

26 (B) a state or political subdivision to which the

1 rights under a duty of support or support order have been
2 assigned or which has independent claims based on financial
3 assistance provided to an individual obligee; or

4 (C) an individual seeking a judgment determining
5 parentage of the individual's child.

6 "Obligor" means an individual, or the estate of a decedent:

7 (i) who owes or is alleged to owe a duty of
8 support;

9 (ii) who is alleged but has not been adjudicated to
10 be a parent of a child; or

11 (iii) who is liable under a support order.

12 "Person means an individual, corporation, business trust,
13 estate, trust, partnership, limited liability company,
14 association, joint venture, government, governmental
15 subdivision, agency, instrumentality, public corporation, or
16 any other legal or commercial entity.

17 "Record" means information that is inscribed on a tangible
18 medium or that is stored in an electronic or other medium and
19 is retrievable in perceivable form.

20 "Register" means to record a support order or judgment
21 determining parentage in the appropriate Registry of Foreign
22 Support Orders.

23 "Registering tribunal" means a tribunal in which a support
24 order is registered.

25 "Responding state" means a state in which a proceeding is
26 filed or to which a proceeding is forwarded for filing from an

1 initiating state under this Act or a law or procedure
2 substantially similar to this Act.

3 "Responding tribunal" means the authorized tribunal in a
4 responding state.

5 "Spousal-support order" means a support order for a spouse
6 or former spouse of the obligor.

7 "State" means a state of the United States, the District of
8 Columbia, Puerto Rico, the United States Virgin Islands, or any
9 territory or insular possession subject to the jurisdiction of
10 the United States. The term includes:

11 (A) an Indian tribe; and

12 (B) a foreign country or political subdivision that:

13 (i) has been declared to be a foreign reciprocating
14 country or political subdivision under federal law;

15 (ii) has established a reciprocal arrangement for
16 child support with this State as provided in Section
17 308; or

18 (iii) has enacted a law or established procedures
19 for issuance and enforcement of support orders which
20 are substantially similar to the procedures under this
21 Act.

22 "Support enforcement agency" means a public official or
23 agency authorized to seek:

24 (A) enforcement of support orders or laws relating to
25 the duty of support;

26 (B) establishment or modification of child support;

- 1 (C) determination of parentage;
2 (D) to locate obligors or their assets; or
3 (E) determination of the controlling child support
4 order.

5 "Support order" means a judgment, decree, order, or
6 directive, whether temporary, final, or subject to
7 modification, issued by a tribunal for the benefit of a child,
8 a spouse, or a former spouse, which provides for monetary
9 support, health care, arrearages, or reimbursement, and may
10 include related costs and fees, interest, income withholding,
11 attorney's fees, and other relief.

12 "Tribunal" means a court, administrative agency, or
13 quasi-judicial entity authorized to establish, enforce, or
14 modify support orders or to determine parentage.

15 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

16 Section 969. The Expedited Child Support Act of 1990 is
17 amended by changing Section 6 as follows:

18 (750 ILCS 25/6) (from Ch. 40, par. 2706)

19 Sec. 6. Authority of hearing officers.

20 (a) With the exception of judicial functions exclusively
21 retained by the court in Section 8 of this Act and in
22 accordance with Supreme Court rules promulgated pursuant to
23 this Act, Administrative Hearing Officers shall be authorized
24 to:

1 (1) Accept voluntary agreements reached by the parties
2 setting the amount of child support to be paid and medical
3 support liability and recommend the entry of orders
4 incorporating such agreements.

5 (2) Accept voluntary acknowledgments of parentage and
6 recommend entry of an order establishing parentage based on
7 such acknowledgement. Prior to accepting such
8 acknowledgment, the Administrative Hearing Officer shall
9 advise the putative father of his rights and obligations in
10 accordance with Supreme Court rules promulgated pursuant
11 to this Act.

12 (3) Manage all stages of discovery, including setting
13 deadlines by which discovery must be completed; and
14 directing the parties to submit to appropriate tests
15 pursuant to ~~Section 11 of~~ the Illinois Parentage Act of
16 2013 ~~1984~~.

17 (4) Cause notices to be issued requiring the Obligor to
18 appear either before the Administrative Hearing Officer or
19 in court.

20 (5) Administer the oath or affirmation and take
21 testimony under oath or affirmation.

22 (6) Analyze the evidence and prepare written
23 recommendations based on such evidence, including but not
24 limited to: (i) proposed findings as to the amount of the
25 Obligor's income; (ii) proposed findings as to the amount
26 and nature of appropriate deductions from the Obligor's

1 income to determine the Obligor's net income; (iii)
2 proposed findings as to the existence of relevant factors
3 as set forth in subsection (a)(2) of Section 505 of the
4 Illinois Marriage and Dissolution of Marriage Act, which
5 justify setting child support payment levels above or below
6 the guidelines; (iv) recommended orders for temporary
7 child support; (v) recommended orders setting the amount of
8 current child support to be paid; (vi) proposed findings as
9 to the existence and amount of any arrearages; (vii)
10 recommended orders reducing any arrearages to judgement
11 and for the payment of amounts towards such arrearages;
12 (viii) proposed findings as to whether there has been a
13 substantial change of circumstances since the entry of the
14 last child support order, or other circumstances
15 justifying a modification of the child support order; and
16 (ix) proposed findings as to whether the Obligor is
17 employed.

18 (7) With respect to any unemployed Obligor who is not
19 making child support payments or is otherwise unable to
20 provide support, recommend that the Obligor be ordered to
21 seek employment and report periodically of his or her
22 efforts in accordance with such order. Additionally, the
23 Administrative Hearing Officer may recommend that the
24 Obligor be ordered to report to the Department of
25 Employment Security for job search services or to make
26 application with the local Job Training Partnership Act

1 provider for participation in job search, training or work
2 programs and, where the duty of support is owed to a child
3 receiving child support enforcement services under Article
4 X of the Illinois Public Aid Code, the Administrative
5 Hearing Officer may recommend that the Obligor be ordered
6 to report to the Department of Healthcare and Family
7 Services for participation in the job search, training or
8 work programs established under Section 9-6 of the Illinois
9 Public Aid Code.

10 (8) Recommend the registration of any foreign support
11 judgments or orders as the judgments or orders of Illinois.

12 (b) In any case in which the Obligee is not participating
13 in the IV-D program or has not applied to participate in the
14 IV-D program, the Administrative Hearing Officer shall:

15 (1) inform the Obligee of the existence of the IV-D
16 program and provide applications on request; and

17 (2) inform the Obligee and the Obligor of the option of
18 requesting payment to be made through the Clerk of the
19 Circuit Court.

20 If a request for payment through the Clerk is made, the
21 Administrative Hearing Officer shall note this fact in the
22 recommendations to the court.

23 (c) The Administrative Hearing Officer may make
24 recommendations in addition to the proposed findings of fact
25 and recommended order to which the parties have agreed.

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

1 Section 970. The Income Withholding for Support Act is
2 amended by changing Section 15 as follows:

3 (750 ILCS 28/15)

4 Sec. 15. Definitions.

5 (a) "Order for support" means any order of the court which
6 provides for periodic payment of funds for the support of a
7 child or maintenance of a spouse, whether temporary or final,
8 and includes any such order which provides for:

9 (1) modification or resumption of, or payment of
10 arrearage, including interest, accrued under, a previously
11 existing order;

12 (2) reimbursement of support;

13 (3) payment or reimbursement of the expenses of
14 pregnancy and delivery (for orders for support entered
15 under the Illinois Parentage Act of 1984 or its predecessor
16 the Paternity Act or under the Illinois Parentage Act of
17 2013); or

18 (4) enrollment in a health insurance plan that is
19 available to the obligor through an employer or labor union
20 or trade union.

21 (b) "Arrearage" means the total amount of unpaid support
22 obligations, including interest, as determined by the court and
23 incorporated into an order for support.

24 (b-5) "Business day" means a day on which State offices are

1 open for regular business.

2 (c) "Delinquency" means any payment, including a payment of
3 interest, under an order for support which becomes due and
4 remains unpaid after entry of the order for support.

5 (d) "Income" means any form of periodic payment to an
6 individual, regardless of source, including, but not limited
7 to: wages, salary, commission, compensation as an independent
8 contractor, workers' compensation, disability, annuity,
9 pension, and retirement benefits, lottery prize awards,
10 insurance proceeds, vacation pay, bonuses, profit-sharing
11 payments, severance pay, interest, and any other payments, made
12 by any person, private entity, federal or state government, any
13 unit of local government, school district or any entity created
14 by Public Act; however, "income" excludes:

15 (1) any amounts required by law to be withheld, other
16 than creditor claims, including, but not limited to,
17 federal, State and local taxes, Social Security and other
18 retirement and disability contributions;

19 (2) union dues;

20 (3) any amounts exempted by the federal Consumer Credit
21 Protection Act;

22 (4) public assistance payments; and

23 (5) unemployment insurance benefits except as provided
24 by law.

25 Any other State or local laws which limit or exempt income
26 or the amount or percentage of income that can be withheld

1 shall not apply.

2 (e) "Obligor" means the individual who owes a duty to make
3 payments under an order for support.

4 (f) "Obligee" means the individual to whom a duty of
5 support is owed or the individual's legal representative.

6 (g) "Payor" means any payor of income to an obligor.

7 (h) "Public office" means any elected official or any State
8 or local agency which is or may become responsible by law for
9 enforcement of, or which is or may become authorized to
10 enforce, an order for support, including, but not limited to:
11 the Attorney General, the Illinois Department of Healthcare and
12 Family Services, the Illinois Department of Human Services, the
13 Illinois Department of Children and Family Services, and the
14 various State's Attorneys, Clerks of the Circuit Court and
15 supervisors of general assistance.

16 (i) "Premium" means the dollar amount for which the obligor
17 is liable to his employer or labor union or trade union and
18 which must be paid to enroll or maintain a child in a health
19 insurance plan that is available to the obligor through an
20 employer or labor union or trade union.

21 (j) "State Disbursement Unit" means the unit established to
22 collect and disburse support payments in accordance with the
23 provisions of Section 10-26 of the Illinois Public Aid Code.

24 (k) "Title IV-D Agency" means the agency of this State
25 charged by law with the duty to administer the child support
26 enforcement program established under Title IV, Part D of the

1 Social Security Act and Article X of the Illinois Public Aid
2 Code.

3 (l) "Title IV-D case" means a case in which an obligee or
4 obligor is receiving child support enforcement services under
5 Title IV, Part D of the Social Security Act and Article X of
6 the Illinois Public Aid Code.

7 (m) "National Medical Support Notice" means the notice
8 required for enforcement of orders for support providing for
9 health insurance coverage of a child under Title IV, Part D of
10 the Social Security Act, the Employee Retirement Income
11 Security Act of 1974, and federal regulations promulgated under
12 those Acts.

13 (n) "Employer" means a payor or labor union or trade union
14 with an employee group health insurance plan and, for purposes
15 of the National Medical Support Notice, also includes but is
16 not limited to:

17 (1) any State or local governmental agency with a group
18 health plan; and

19 (2) any payor with a group health plan or "church plan"
20 covered under the Employee Retirement Income Security Act
21 of 1974.

22 (Source: P.A. 94-90, eff. 1-1-06; 95-331, eff. 8-21-07; 95-685,
23 eff. 10-23-07.)

24 Section 971. The Gestational Surrogacy Act is amended by
25 changing Section 35 as follows:

1 (750 ILCS 47/35)

2 Sec. 35. Establishment of the parent-child relationship.

3 (a) For purposes of the Illinois Parentage Act of 2013
4 ~~1984~~, a parent-child relationship shall be established prior to
5 the birth of a child born through gestational surrogacy if, in
6 addition to satisfying the requirements of Articles 2 and 3
7 ~~Sections 5 and 6~~ of the Illinois Parentage Act of 2013 ~~1984~~,
8 the attorneys representing both the gestational surrogate and
9 the intended parent or parents certify that the parties entered
10 into a gestational surrogacy contract intended to satisfy the
11 requirements of Section 25 of this Act with respect to the
12 child.

13 (b) The attorneys' certifications required by subsection
14 (a) of this Section shall be filed on forms prescribed by the
15 Illinois Department of Public Health and in a manner consistent
16 with the requirement of the Illinois Parentage Act of 2013
17 ~~1984~~.

18 (Source: P.A. 93-921, eff. 1-1-05.)

19 Section 972. The Adoption Act is amended by changing
20 Sections 1, 8, 12a, and 18.06 as follows:

21 (750 ILCS 50/1) (from Ch. 40, par. 1501)

22 Sec. 1. Definitions. When used in this Act, unless the
23 context otherwise requires:

1 A. "Child" means a person under legal age subject to
2 adoption under this Act.

3 B. "Related child" means a child subject to adoption where
4 either or both of the adopting parents stands in any of the
5 following relationships to the child by blood or marriage:
6 parent, grand-parent, brother, sister, step-parent,
7 step-grandparent, step-brother, step-sister, uncle, aunt,
8 great-uncle, great-aunt, or cousin of first degree. A child
9 whose parent has executed a final irrevocable consent to
10 adoption or a final irrevocable surrender for purposes of
11 adoption, or whose parent has had his or her parental rights
12 terminated, is not a related child to that person, unless the
13 consent is determined to be void or is void pursuant to
14 subsection O of Section 10.

15 C. "Agency" for the purpose of this Act means a public
16 child welfare agency or a licensed child welfare agency.

17 D. "Unfit person" means any person whom the court shall
18 find to be unfit to have a child, without regard to the
19 likelihood that the child will be placed for adoption. The
20 grounds of unfitness are any one or more of the following,
21 except that a person shall not be considered an unfit person
22 for the sole reason that the person has relinquished a child in
23 accordance with the Abandoned Newborn Infant Protection Act:

24 (a) Abandonment of the child.

25 (a-1) Abandonment of a newborn infant in a hospital.

26 (a-2) Abandonment of a newborn infant in any setting

1 where the evidence suggests that the parent intended to
2 relinquish his or her parental rights.

3 (b) Failure to maintain a reasonable degree of
4 interest, concern or responsibility as to the child's
5 welfare.

6 (c) Desertion of the child for more than 3 months next
7 preceding the commencement of the Adoption proceeding.

8 (d) Substantial neglect of the child if continuous or
9 repeated.

10 (d-1) Substantial neglect, if continuous or repeated,
11 of any child residing in the household which resulted in
12 the death of that child.

13 (e) Extreme or repeated cruelty to the child.

14 (f) There is a rebuttable presumption, which can be
15 overcome only by clear and convincing evidence, that a
16 parent is unfit if:

17 (1) Two or more findings of physical abuse have
18 been entered regarding any children under Section 2-21
19 of the Juvenile Court Act of 1987, the most recent of
20 which was determined by the juvenile court hearing the
21 matter to be supported by clear and convincing
22 evidence; or

23 (2) The parent has been convicted or found not
24 guilty by reason of insanity and the conviction or
25 finding resulted from the death of any child by
26 physical abuse; or

1 (3) There is a finding of physical child abuse
2 resulting from the death of any child under Section
3 2-21 of the Juvenile Court Act of 1987.

4 No conviction or finding of delinquency pursuant
5 to Article 5 of the Juvenile Court Act of 1987 shall be
6 considered a criminal conviction for the purpose of
7 applying any presumption under this item (f).

8 (g) Failure to protect the child from conditions within
9 his environment injurious to the child's welfare.

10 (h) Other neglect of, or misconduct toward the child;
11 provided that in making a finding of unfitness the court
12 hearing the adoption proceeding shall not be bound by any
13 previous finding, order or judgment affecting or
14 determining the rights of the parents toward the child
15 sought to be adopted in any other proceeding except such
16 proceedings terminating parental rights as shall be had
17 under either this Act, the Juvenile Court Act or the
18 Juvenile Court Act of 1987.

19 (i) Depravity. Conviction of any one of the following
20 crimes shall create a presumption that a parent is deprived
21 which can be overcome only by clear and convincing
22 evidence: (1) first degree murder in violation of paragraph
23 1 or 2 of subsection (a) of Section 9-1 of the Criminal
24 Code of 1961 or conviction of second degree murder in
25 violation of subsection (a) of Section 9-2 of the Criminal
26 Code of 1961 of a parent of the child to be adopted; (2)

1 first degree murder or second degree murder of any child in
2 violation of the Criminal Code of 1961; (3) attempt or
3 conspiracy to commit first degree murder or second degree
4 murder of any child in violation of the Criminal Code of
5 1961; (4) solicitation to commit murder of any child,
6 solicitation to commit murder of any child for hire, or
7 solicitation to commit second degree murder of any child in
8 violation of the Criminal Code of 1961; (5) predatory
9 criminal sexual assault of a child in violation of Section
10 11-1.40 or 12-14.1 of the Criminal Code of 1961; (6)
11 heinous battery of any child in violation of the Criminal
12 Code of 1961; or (7) aggravated battery of any child in
13 violation of the Criminal Code of 1961.

14 There is a rebuttable presumption that a parent is
15 deprived if the parent has been criminally convicted of at
16 least 3 felonies under the laws of this State or any other
17 state, or under federal law, or the criminal laws of any
18 United States territory; and at least one of these
19 convictions took place within 5 years of the filing of the
20 petition or motion seeking termination of parental rights.

21 There is a rebuttable presumption that a parent is
22 deprived if that parent has been criminally convicted of
23 either first or second degree murder of any person as
24 defined in the Criminal Code of 1961 within 10 years of the
25 filing date of the petition or motion to terminate parental
26 rights.

1 No conviction or finding of delinquency pursuant to
2 Article 5 of the Juvenile Court Act of 1987 shall be
3 considered a criminal conviction for the purpose of
4 applying any presumption under this item (i).

5 (j) Open and notorious adultery or fornication.

6 (j-1) (Blank).

7 (k) Habitual drunkenness or addiction to drugs, other
8 than those prescribed by a physician, for at least one year
9 immediately prior to the commencement of the unfitness
10 proceeding.

11 There is a rebuttable presumption that a parent is
12 unfit under this subsection with respect to any child to
13 which that parent gives birth where there is a confirmed
14 test result that at birth the child's blood, urine, or
15 meconium contained any amount of a controlled substance as
16 defined in subsection (f) of Section 102 of the Illinois
17 Controlled Substances Act or metabolites of such
18 substances, the presence of which in the newborn infant was
19 not the result of medical treatment administered to the
20 mother or the newborn infant; and the biological mother of
21 this child is the biological mother of at least one other
22 child who was adjudicated a neglected minor under
23 subsection (c) of Section 2-3 of the Juvenile Court Act of
24 1987.

25 (l) Failure to demonstrate a reasonable degree of
26 interest, concern or responsibility as to the welfare of a

1 new born child during the first 30 days after its birth.

2 (m) Failure by a parent (i) to make reasonable efforts
3 to correct the conditions that were the basis for the
4 removal of the child from the parent, or (ii) to make
5 reasonable progress toward the return of the child to the
6 parent within 9 months after an adjudication of neglected
7 or abused minor under Section 2-3 of the Juvenile Court Act
8 of 1987 or dependent minor under Section 2-4 of that Act,
9 or (iii) to make reasonable progress toward the return of
10 the child to the parent during any 9-month period after the
11 end of the initial 9-month period following the
12 adjudication of neglected or abused minor under Section 2-3
13 of the Juvenile Court Act of 1987 or dependent minor under
14 Section 2-4 of that Act. If a service plan has been
15 established as required under Section 8.2 of the Abused and
16 Neglected Child Reporting Act to correct the conditions
17 that were the basis for the removal of the child from the
18 parent and if those services were available, then, for
19 purposes of this Act, "failure to make reasonable progress
20 toward the return of the child to the parent" includes (I)
21 the parent's failure to substantially fulfill his or her
22 obligations under the service plan and correct the
23 conditions that brought the child into care within 9 months
24 after the adjudication under Section 2-3 or 2-4 of the
25 Juvenile Court Act of 1987 and (II) the parent's failure to
26 substantially fulfill his or her obligations under the

1 service plan and correct the conditions that brought the
2 child into care during any 9-month period after the end of
3 the initial 9-month period following the adjudication
4 under Section 2-3 or 2-4 of the Juvenile Court Act of 1987.
5 Notwithstanding any other provision, when a petition or
6 motion seeks to terminate parental rights on the basis of
7 item (iii) of this subsection (m), the petitioner shall
8 file with the court and serve on the parties a pleading
9 that specifies the 9-month period or periods relied on. The
10 pleading shall be filed and served on the parties no later
11 than 3 weeks before the date set by the court for closure
12 of discovery, and the allegations in the pleading shall be
13 treated as incorporated into the petition or motion.
14 Failure of a respondent to file a written denial of the
15 allegations in the pleading shall not be treated as an
16 admission that the allegations are true.

17 (m-1) Pursuant to the Juvenile Court Act of 1987, a
18 child has been in foster care for 15 months out of any 22
19 month period which begins on or after the effective date of
20 this amendatory Act of 1998 unless the child's parent can
21 prove by a preponderance of the evidence that it is more
22 likely than not that it will be in the best interests of
23 the child to be returned to the parent within 6 months of
24 the date on which a petition for termination of parental
25 rights is filed under the Juvenile Court Act of 1987. The
26 15 month time limit is tolled during any period for which

1 there is a court finding that the appointed custodian or
2 guardian failed to make reasonable efforts to reunify the
3 child with his or her family, provided that (i) the finding
4 of no reasonable efforts is made within 60 days of the
5 period when reasonable efforts were not made or (ii) the
6 parent filed a motion requesting a finding of no reasonable
7 efforts within 60 days of the period when reasonable
8 efforts were not made. For purposes of this subdivision
9 (m-1), the date of entering foster care is the earlier of:
10 (i) the date of a judicial finding at an adjudicatory
11 hearing that the child is an abused, neglected, or
12 dependent minor; or (ii) 60 days after the date on which
13 the child is removed from his or her parent, guardian, or
14 legal custodian.

15 (n) Evidence of intent to forgo his or her parental
16 rights, whether or not the child is a ward of the court,
17 (1) as manifested by his or her failure for a period of 12
18 months: (i) to visit the child, (ii) to communicate with
19 the child or agency, although able to do so and not
20 prevented from doing so by an agency or by court order, or
21 (iii) to maintain contact with or plan for the future of
22 the child, although physically able to do so, or (2) as
23 manifested by the father's failure, where he and the mother
24 of the child were unmarried to each other at the time of
25 the child's birth, (i) to commence legal proceedings to
26 establish his paternity under the Illinois Parentage Act of

1 1984, the Illinois Parentage Act of 2013, or the law of the
2 jurisdiction of the child's birth within 30 days of being
3 informed, pursuant to Section 12a of this Act, that he is
4 the father or the likely father of the child or, after
5 being so informed where the child is not yet born, within
6 30 days of the child's birth, or (ii) to make a good faith
7 effort to pay a reasonable amount of the expenses related
8 to the birth of the child and to provide a reasonable
9 amount for the financial support of the child, the court to
10 consider in its determination all relevant circumstances,
11 including the financial condition of both parents;
12 provided that the ground for termination provided in this
13 subparagraph (n)(2)(ii) shall only be available where the
14 petition is brought by the mother or the husband of the
15 mother.

16 Contact or communication by a parent with his or her
17 child that does not demonstrate affection and concern does
18 not constitute reasonable contact and planning under
19 subdivision (n). In the absence of evidence to the
20 contrary, the ability to visit, communicate, maintain
21 contact, pay expenses and plan for the future shall be
22 presumed. The subjective intent of the parent, whether
23 expressed or otherwise, unsupported by evidence of the
24 foregoing parental acts manifesting that intent, shall not
25 preclude a determination that the parent has intended to
26 forgo his or her parental rights. In making this

1 determination, the court may consider but shall not require
2 a showing of diligent efforts by an authorized agency to
3 encourage the parent to perform the acts specified in
4 subdivision (n).

5 It shall be an affirmative defense to any allegation
6 under paragraph (2) of this subsection that the father's
7 failure was due to circumstances beyond his control or to
8 impediments created by the mother or any other person
9 having legal custody. Proof of that fact need only be by a
10 preponderance of the evidence.

11 (o) Repeated or continuous failure by the parents,
12 although physically and financially able, to provide the
13 child with adequate food, clothing, or shelter.

14 (p) Inability to discharge parental responsibilities
15 supported by competent evidence from a psychiatrist,
16 licensed clinical social worker, or clinical psychologist
17 of mental impairment, mental illness or an intellectual
18 disability as defined in Section 1-116 of the Mental Health
19 and Developmental Disabilities Code, or developmental
20 disability as defined in Section 1-106 of that Code, and
21 there is sufficient justification to believe that the
22 inability to discharge parental responsibilities shall
23 extend beyond a reasonable time period. However, this
24 subdivision (p) shall not be construed so as to permit a
25 licensed clinical social worker to conduct any medical
26 diagnosis to determine mental illness or mental

1 impairment.

2 (q) (Blank).

3 (r) The child is in the temporary custody or
4 guardianship of the Department of Children and Family
5 Services, the parent is incarcerated as a result of
6 criminal conviction at the time the petition or motion for
7 termination of parental rights is filed, prior to
8 incarceration the parent had little or no contact with the
9 child or provided little or no support for the child, and
10 the parent's incarceration will prevent the parent from
11 discharging his or her parental responsibilities for the
12 child for a period in excess of 2 years after the filing of
13 the petition or motion for termination of parental rights.

14 (s) The child is in the temporary custody or
15 guardianship of the Department of Children and Family
16 Services, the parent is incarcerated at the time the
17 petition or motion for termination of parental rights is
18 filed, the parent has been repeatedly incarcerated as a
19 result of criminal convictions, and the parent's repeated
20 incarceration has prevented the parent from discharging
21 his or her parental responsibilities for the child.

22 (t) A finding that at birth the child's blood, urine,
23 or meconium contained any amount of a controlled substance
24 as defined in subsection (f) of Section 102 of the Illinois
25 Controlled Substances Act, or a metabolite of a controlled
26 substance, with the exception of controlled substances or

1 metabolites of such substances, the presence of which in
2 the newborn infant was the result of medical treatment
3 administered to the mother or the newborn infant, and that
4 the biological mother of this child is the biological
5 mother of at least one other child who was adjudicated a
6 neglected minor under subsection (c) of Section 2-3 of the
7 Juvenile Court Act of 1987, after which the biological
8 mother had the opportunity to enroll in and participate in
9 a clinically appropriate substance abuse counseling,
10 treatment, and rehabilitation program.

11 E. "Parent" means the father or mother of a lawful child of
12 the parties or child born out of wedlock. For the purpose of
13 this Act, a person who has executed a final and irrevocable
14 consent to adoption or a final and irrevocable surrender for
15 purposes of adoption, or whose parental rights have been
16 terminated by a court, is not a parent of the child who was the
17 subject of the consent or surrender, unless the consent is void
18 pursuant to subsection O of Section 10.

19 F. A person is available for adoption when the person is:

20 (a) a child who has been surrendered for adoption to an
21 agency and to whose adoption the agency has thereafter
22 consented;

23 (b) a child to whose adoption a person authorized by
24 law, other than his parents, has consented, or to whose
25 adoption no consent is required pursuant to Section 8 of
26 this Act;

1 (c) a child who is in the custody of persons who intend
2 to adopt him through placement made by his parents;

3 (c-1) a child for whom a parent has signed a specific
4 consent pursuant to subsection O of Section 10;

5 (d) an adult who meets the conditions set forth in
6 Section 3 of this Act; or

7 (e) a child who has been relinquished as defined in
8 Section 10 of the Abandoned Newborn Infant Protection Act.

9 A person who would otherwise be available for adoption
10 shall not be deemed unavailable for adoption solely by reason
11 of his or her death.

12 G. The singular includes the plural and the plural includes
13 the singular and the "male" includes the "female", as the
14 context of this Act may require.

15 H. "Adoption disruption" occurs when an adoptive placement
16 does not prove successful and it becomes necessary for the
17 child to be removed from placement before the adoption is
18 finalized.

19 I. "Foreign placing agency" is an agency or individual
20 operating in a country or territory outside the United States
21 that is authorized by its country to place children for
22 adoption either directly with families in the United States or
23 through United States based international agencies.

24 J. "Immediate relatives" means the biological parents, the
25 parents of the biological parents and siblings of the
26 biological parents.

1 K. "Intercountry adoption" is a process by which a child
2 from a country other than the United States is adopted.

3 L. "Intercountry Adoption Coordinator" is a staff person of
4 the Department of Children and Family Services appointed by the
5 Director to coordinate the provision of services by the public
6 and private sector to prospective parents of foreign-born
7 children.

8 M. "Interstate Compact on the Placement of Children" is a
9 law enacted by most states for the purpose of establishing
10 uniform procedures for handling the interstate placement of
11 children in foster homes, adoptive homes, or other child care
12 facilities.

13 N. "Non-Compact state" means a state that has not enacted
14 the Interstate Compact on the Placement of Children.

15 O. "Preadoption requirements" are any conditions
16 established by the laws or regulations of the Federal
17 Government or of each state that must be met prior to the
18 placement of a child in an adoptive home.

19 P. "Abused child" means a child whose parent or immediate
20 family member, or any person responsible for the child's
21 welfare, or any individual residing in the same home as the
22 child, or a paramour of the child's parent:

23 (a) inflicts, causes to be inflicted, or allows to be
24 inflicted upon the child physical injury, by other than
25 accidental means, that causes death, disfigurement,
26 impairment of physical or emotional health, or loss or

1 impairment of any bodily function;

2 (b) creates a substantial risk of physical injury to
3 the child by other than accidental means which would be
4 likely to cause death, disfigurement, impairment of
5 physical or emotional health, or loss or impairment of any
6 bodily function;

7 (c) commits or allows to be committed any sex offense
8 against the child, as sex offenses are defined in the
9 Criminal Code of 1961 and extending those definitions of
10 sex offenses to include children under 18 years of age;

11 (d) commits or allows to be committed an act or acts of
12 torture upon the child; or

13 (e) inflicts excessive corporal punishment.

14 Q. "Neglected child" means any child whose parent or other
15 person responsible for the child's welfare withholds or denies
16 nourishment or medically indicated treatment including food or
17 care denied solely on the basis of the present or anticipated
18 mental or physical impairment as determined by a physician
19 acting alone or in consultation with other physicians or
20 otherwise does not provide the proper or necessary support,
21 education as required by law, or medical or other remedial care
22 recognized under State law as necessary for a child's
23 well-being, or other care necessary for his or her well-being,
24 including adequate food, clothing and shelter; or who is
25 abandoned by his or her parents or other person responsible for
26 the child's welfare.

1 A child shall not be considered neglected or abused for the
2 sole reason that the child's parent or other person responsible
3 for his or her welfare depends upon spiritual means through
4 prayer alone for the treatment or cure of disease or remedial
5 care as provided under Section 4 of the Abused and Neglected
6 Child Reporting Act. A child shall not be considered neglected
7 or abused for the sole reason that the child's parent or other
8 person responsible for the child's welfare failed to vaccinate,
9 delayed vaccination, or refused vaccination for the child due
10 to a waiver on religious or medical grounds as permitted by
11 law.

12 R. "Putative father" means a man who may be a child's
13 father, but who (1) is not married to the child's mother on or
14 before the date that the child was or is to be born and (2) has
15 not established paternity of the child in a court proceeding
16 before the filing of a petition for the adoption of the child.
17 The term includes a male who is less than 18 years of age.
18 "Putative father" does not mean a man who is the child's father
19 as a result of criminal sexual abuse or assault as defined
20 under Article 12 of the Criminal Code of 1961.

21 S. "Standby adoption" means an adoption in which a parent
22 consents to custody and termination of parental rights to
23 become effective upon the occurrence of a future event, which
24 is either the death of the parent or the request of the parent
25 for the entry of a final judgment of adoption.

26 T. (Blank).

1 (Source: P.A. 96-1551, eff. 7-1-11; 97-227, eff. 1-1-12;
2 97-1109, eff. 1-1-13.)

3 (750 ILCS 50/8) (from Ch. 40, par. 1510)

4 Sec. 8. Consents to adoption and surrenders for purposes of
5 adoption.

6 (a) Except as hereinafter provided in this Section consents
7 or surrenders shall be required in all cases, unless the person
8 whose consent or surrender would otherwise be required shall be
9 found by the court:

10 (1) to be an unfit person as defined in Section 1 of
11 this Act, by clear and convincing evidence; or

12 (2) not to be the biological or adoptive father of the
13 child; or

14 (3) to have waived his parental rights to the child
15 under Section 12a or 12.1 or subsection S of Section 10 of
16 this Act; or

17 (4) to be the parent of an adult sought to be adopted;
18 or

19 (5) to be the father of the child as a result of
20 criminal sexual abuse or assault as defined under Article
21 12 of the Criminal Code of 1961; or

22 (6) to be the father of a child who:

23 (i) is a family member of the mother of the child,
24 and the mother is under the age of 18 at the time of
25 the child's conception; for purposes of this

1 subsection, a "family member" is a parent,
2 step-parent, grandparent, step-grandparent, sibling,
3 or cousin of the first degree, whether by whole blood,
4 half-blood, or adoption, as well as a person age 18 or
5 over at the time of the child's conception who has
6 resided in the household with the mother continuously
7 for at least one year; or

8 (ii) is at least 5 years older than the child's
9 mother, and the mother was under the age of 17 at the
10 time of the child's conception, unless the mother and
11 father voluntarily acknowledge the father's paternity
12 of the child by marrying or by establishing the
13 father's paternity by consent of the parties pursuant
14 to the Illinois Parentage Act of 2013 ~~1984~~ or pursuant
15 to a substantially similar statute in another state.

16 A criminal conviction of any offense pursuant to
17 Article 12 of the Criminal Code of 1961 is not required.

18 (b) Where consents are required in the case of an adoption
19 of a minor child, the consents of the following persons shall
20 be sufficient:

21 (1) (A) The mother of the minor child; and

22 (B) The father of the minor child, if the father:

23 (i) was married to the mother on the date of
24 birth of the child or within 300 days before the
25 birth of the child, except for a husband or former
26 husband who has been found by a court of competent

1 jurisdiction not to be the biological father of the
2 child; or

3 (ii) is the father of the child under a
4 judgment for adoption, an order of parentage, or an
5 acknowledgment of parentage or paternity pursuant
6 to subsection (a) of Section 5 of the Illinois
7 Parentage Act of 1984 or pursuant to Article 3 of
8 the Illinois Parentage Act of 2013; or

9 (iii) in the case of a child placed with the
10 adopting parents less than 6 months after birth,
11 openly lived with the child, the child's
12 biological mother, or both, and held himself out to
13 be the child's biological father during the first
14 30 days following the birth of the child; or

15 (iv) in the case of a child placed with the
16 adopting parents less than 6 months after birth,
17 made a good faith effort to pay a reasonable amount
18 of the expenses related to the birth of the child
19 and to provide a reasonable amount for the
20 financial support of the child before the
21 expiration of 30 days following the birth of the
22 child, provided that the court may consider in its
23 determination all relevant circumstances,
24 including the financial condition of both
25 biological parents; or

26 (v) in the case of a child placed with the

1 adopting parents more than 6 months after birth,
2 has maintained substantial and continuous or
3 repeated contact with the child as manifested by:
4 (I) the payment by the father toward the support of
5 the child of a fair and reasonable sum, according
6 to the father's means, and either (II) the father's
7 visiting the child at least monthly when
8 physically and financially able to do so and not
9 prevented from doing so by the person or authorized
10 agency having lawful custody of the child, or (III)
11 the father's regular communication with the child
12 or with the person or agency having the care or
13 custody of the child, when physically and
14 financially unable to visit the child or prevented
15 from doing so by the person or authorized agency
16 having lawful custody of the child. The subjective
17 intent of the father, whether expressed or
18 otherwise unsupported by evidence of acts
19 specified in this sub-paragraph as manifesting
20 such intent, shall not preclude a determination
21 that the father failed to maintain substantial and
22 continuous or repeated contact with the child; or

23 (vi) in the case of a child placed with the
24 adopting parents more than six months after birth,
25 openly lived with the child for a period of six
26 months within the one year period immediately

1 preceding the placement of the child for adoption
2 and openly held himself out to be the father of the
3 child; or

4 (vii) has timely registered with Putative
5 Father Registry, as provided in Section 12.1 of
6 this Act, and prior to the expiration of 30 days
7 from the date of such registration, commenced
8 legal proceedings to establish paternity under the
9 Illinois Parentage Act of 1984, under the Illinois
10 Parentage Act of 2013, or under the law of the
11 jurisdiction of the child's birth; or

12 (2) The legal guardian of the person of the child, if
13 there is no surviving parent; or

14 (3) An agency, if the child has been surrendered for
15 adoption to such agency; or

16 (4) Any person or agency having legal custody of a
17 child by court order if the parental rights of the parents
18 have been judicially terminated, and the court having
19 jurisdiction of the guardianship of the child has
20 authorized the consent to the adoption; or

21 (5) The execution and verification of the petition by
22 any petitioner who is also a parent of the child sought to
23 be adopted shall be sufficient evidence of such parent's
24 consent to the adoption.

25 (c) Where surrenders to an agency are required in the case
26 of a placement for adoption of a minor child by an agency, the

1 surrenders of the following persons shall be sufficient:

2 (1) (A) The mother of the minor child; and

3 (B) The father of the minor child, if the father:

4 (i) was married to the mother on the date of
5 birth of the child or within 300 days before the
6 birth of the child, except for a husband or former
7 husband who has been found by a court of competent
8 jurisdiction not to be the biological father of the
9 child; or

10 (ii) is the father of the child under a
11 judgment for adoption, an order of parentage, or an
12 acknowledgment of parentage or paternity pursuant
13 to subsection (a) of Section 5 of the Illinois
14 Parentage Act of 1984 or pursuant to Article 3 of
15 the Illinois Parentage Act of 2013; or

16 (iii) in the case of a child placed with the
17 adopting parents less than 6 months after birth,
18 openly lived with the child, the child's
19 biological mother, or both, and held himself out to
20 be the child's biological father during the first
21 30 days following the birth of a child; or

22 (iv) in the case of a child placed with the
23 adopting parents less than 6 months after birth,
24 made a good faith effort to pay a reasonable amount
25 of the expenses related to the birth of the child
26 and to provide a reasonable amount for the

1 financial support of the child before the
2 expiration of 30 days following the birth of the
3 child, provided that the court may consider in its
4 determination all relevant circumstances,
5 including the financial condition of both
6 biological parents; or

7 (v) in the case of a child placed with the
8 adopting parents more than six months after birth,
9 has maintained substantial and continuous or
10 repeated contact with the child as manifested by:

11 (I) the payment by the father toward the support of
12 the child of a fair and reasonable sum, according
13 to the father's means, and either (II) the father's
14 visiting the child at least monthly when
15 physically and financially able to do so and not
16 prevented from doing so by the person or authorized
17 agency having lawful custody of the child or (III)
18 the father's regular communication with the child
19 or with the person or agency having the care or
20 custody of the child, when physically and
21 financially unable to visit the child or prevented
22 from doing so by the person or authorized agency
23 having lawful custody of the child. The subjective
24 intent of the father, whether expressed or
25 otherwise, unsupported by evidence of acts
26 specified in this sub-paragraph as manifesting

1 such intent, shall not preclude a determination
2 that the father failed to maintain substantial and
3 continuous or repeated contact with the child; or

4 (vi) in the case of a child placed with the
5 adopting parents more than six months after birth,
6 openly lived with the child for a period of six
7 months within the one year period immediately
8 preceding the placement of the child for adoption
9 and openly held himself out to be the father of the
10 child; or

11 (vii) has timely registered with the Putative
12 Father Registry, as provided in Section 12.1 of
13 this Act, and prior to the expiration of 30 days
14 from the date of such registration, commenced
15 legal proceedings to establish paternity under the
16 Illinois Parentage Act of 1984, under the Illinois
17 Parentage Act of 2013, or under the law of the
18 jurisdiction of the child's birth.

19 (d) In making a determination under subparagraphs (b)(1)
20 and (c)(1), no showing shall be required of diligent efforts by
21 a person or agency to encourage the father to perform the acts
22 specified therein.

23 (e) In the case of the adoption of an adult, only the
24 consent of such adult shall be required.

25 (Source: P.A. 97-493, eff. 8-22-11.)

1 (750 ILCS 50/12a) (from Ch. 40, par. 1515)

2 Sec. 12a. Notice to putative father.

3 1. Upon the written request to any Clerk of any Circuit
4 Court, and upon the payment of a filing fee of \$10.00, by any
5 interested party, including persons intending to adopt a child,
6 a child welfare agency with whom the mother has placed or has
7 given written notice of her intention to place a child for
8 adoption, the mother of a child, or any attorney representing
9 an interested party, a notice, the declaration of paternity and
10 the disclaimer of paternity may be served on a putative father
11 in the same manner as Summons is served in other civil
12 proceedings, or, in lieu of personal service, service may be
13 made as follows:

14 (a) The person requesting notice shall pay to the Clerk
15 of the Court a mailing fee of \$2 plus the cost of U. S.
16 postage for certified or registered mail and furnish to the
17 Clerk an original and one copy of a notice, the declaration
18 of paternity and the disclaimer of paternity together with
19 an Affidavit setting forth the putative father's last known
20 address. The original notice, the declaration of paternity
21 and the disclaimer of paternity shall be retained by the
22 Clerk.

23 (b) The Clerk shall forthwith mail to the putative
24 father, at the address appearing in the Affidavit, the copy
25 of the notice, the declaration of paternity and the
26 disclaimer of paternity, by certified mail, return receipt

1 requested; the envelope and return receipt shall bear the
2 return address of the Clerk. The receipt for certified mail
3 shall state the name and address of the addressee, and the
4 date of mailing, and shall be attached to the original
5 notice.

6 (c) The return receipt, when returned to the Clerk,
7 shall be attached to the original notice, the declaration
8 of paternity and the disclaimer of paternity, and shall
9 constitute proof of service.

10 (d) The Clerk shall note the fact of service in a
11 permanent record.

12 2. The notice shall be signed by the Clerk, and may be
13 served on the putative father at any time after conception, and
14 shall read as follows:

15 "IN THE MATTER OF NOTICE TO, PUTATIVE FATHER.

16 You have been identified as the father of a child born or
17 expected to be born on or about (insert date).

18 The mother of the child is.....

19 The mother has indicated that she intends to place the
20 child for adoption.

21 As the alleged father of the child, you have certain legal
22 rights with respect to the child, including the right to notice
23 of the filing of proceedings instituted for the adoption of the
24 child. If you wish to retain your rights with respect to the
25 child, you must file with the Clerk of this Circuit Court of
26 County, Illinois, whose address is, Illinois, within

1 30 days after the date of receipt of this notice, the
 2 declaration of paternity enclosed herewith stating that you
 3 are, in fact, the father of the child and that you intend to
 4 retain your legal rights with respect to the child, or request
 5 to be notified of any further proceedings with respect to
 6 custody or adoption of the child.

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

15 If you are not the father of the child, you may file with
 16 the Clerk of this Court the disclaimer of paternity enclosed
 17 herewith which will be noted in the Clerk's file and you will
 18 receive no further notice with respect to the child."

19 The declaration of paternity shall be substantially as
 20 follows:

21 "IN THE CIRCUIT COURT OF THE
 22 JUDICIAL CIRCUIT, ILLINOIS
 23 County
 24)
 25)
 26) No.)

1)

2 DECLARATION OF PATERNITY WITH ENTRY OF APPEARANCE

3 I,, state as follows:

4 (1) That I am years of age; and I reside at
5 in the County of, State of

6 (2) That I have been advised that is the mother of
7 a ...male child named born or expected to be born on
8 or about and that such mother has stated that I am
9 the father of this child.

10 (3) I declare that I am the father of this child.

11 (4) I understand that the mother of this child wishes to
12 consent to the adoption of this child. I do not consent to the
13 adoption of this child, and I understand that I must return
14 this initial declaration of parentage form to the Clerk of the
15 Circuit Court of County, located at, within
16 30 days of receipt of this notice.

17 (5) I further understand that I am also obligated to
18 establish my paternity pursuant to the Illinois Parentage Act
19 of 2013 ~~1984~~ within 30 days of my receiving this notice or, if
20 the child is not yet born, within 30 days after the birth of
21 the child. This proceeding is separate and distinct from the
22 above mailing of initial declaration of paternity; in this
23 second notice, I must state that I am, in fact, the father of
24 said child, and that I intend to retain my legal rights with
25 respect to said child, and request to be notified of any
26 further proceedings with respect to custody or adoption of the

1 child.

2 (6) I hereby enter my appearance in the above entitled
3 cause.

4 OATH

5 I have been duly sworn and I say under oath that I have
6 read and understand this Declaration of Paternity With Entry of
7 Appearance. The facts that it contains are true and correct to
8 the best of my knowledge, and I understand that by signing this
9 document I admit my paternity. I have signed this document as
10 my free and voluntary act.

11
12 (signature)

13 Dated (insert date).

14 Signed and sworn before me on (insert date).

15
16 (notary public)".

17

18 The disclaimer of paternity shall be substantially as
19 follows:

20 "IN THE CIRCUIT COURT OF THE
21 JUDICIAL CIRCUIT, ILLINOIS
22 County
23)
24)
25) No.)

1)

2 DENIAL OF PATERNITY WITH ENTRY OF APPEARANCE

3 AND CONSENT TO ADOPTION

4 I,, state as follows:

5 (1) That I am years of age; and I reside at
6 in the County of, State of

7 (2) That I have been advised that is the mother
8 of amale child named born or expected to be born on
9 or about and that such mother has stated that I am the
10 father of this child.

11 (3) I deny that I am the father of this child.

12 (4) I further understand that the mother of this child
13 wishes to consent to the adoption of the child. I hereby
14 consent to the adoption of this child, and waive any rights,
15 remedies and defenses that I may now or in the future have as a
16 result of the mother's allegation of the paternity of this
17 child. This consent is being given in order to facilitate the
18 adoption of the child and so that the court may terminate what
19 rights I may have to the child as a result of being named the
20 father by the mother. This consent is not in any manner an
21 admission of paternity.

22 (5) I hereby enter my appearance in the above entitled
23 cause and waive service of summons and other pleading.

24 OATH

25 I have been duly sworn and I say under oath that I have
26 read and understood this Denial of Paternity With Entry of

1 Appearance and Consent to Adoption. The facts it contains are
 2 true and correct to the best of my knowledge, and I understand
 3 that by signing this document I have not admitted paternity. I
 4 have signed this document as my free and voluntary act in order
 5 to facilitate the adoption of the child.

6
 7 (signature)

8 Dated (insert date).

9 Signed and sworn before me on (insert date).

10
 11 (notary public)".

12

13 The names of adoptive parents shall not be included in the
 14 notice.

15 3. If the putative father files a disclaimer of paternity,
 16 he shall be deemed not to be the father of the child with
 17 respect to any adoption or other proceeding held to terminate
 18 the rights of parents as respects such child.

19 4. In the event the putative father does not file a
 20 declaration of paternity of the child or request for notice
 21 within 30 days of service of the above notice, he need not be
 22 made a party to or given notice of any proceeding brought for
 23 the adoption of the child. An Order or judgment may be entered
 24 in such proceeding terminating all of his rights with respect
 25 to the child without further notice to him.

1 5. If the putative father files a declaration of paternity
2 or a request for notice in accordance with subsection 2, with
3 respect to the child, he shall be given notice in event any
4 proceeding is brought for the adoption of the child.

5 6. The Clerk shall maintain separate numbered files and
6 records of requests and proofs of service and all other
7 documents filed pursuant to this article. All such records
8 shall be impounded.

9 (Source: P.A. 91-357, eff. 7-29-99.)

10 (750 ILCS 50/18.06)

11 Sec. 18.06. Definitions. When used in Sections 18.05
12 through Section 18.6, for the purposes of the Registry:

13 "Adopted person" means a person who was adopted pursuant to
14 the laws in effect at the time of the adoption.

15 "Adoptive parent" means a person who has become a parent
16 through the legal process of adoption.

17 "Adult child" means the biological child 21 years of age or
18 over of a deceased adopted or surrendered person.

19 "Adult Adopted or Surrendered Person" means an adopted or
20 surrendered person 21 years of age or over.

21 "Agency" means a public child welfare agency or a licensed
22 child welfare agency.

23 "Birth aunt" means the adult full or half sister of a
24 deceased birth parent.

25 "Birth father" means the biological father of an adopted or

1 surrendered person who is named on the original certificate of
2 live birth or on a consent or surrender document, or a
3 biological father whose paternity has been established by a
4 judgment or order of the court, pursuant to the Illinois
5 Parentage Act of 1984 or the Illinois Parentage Act of 2013.

6 "Birth mother" means the biological mother of an adopted or
7 surrendered person.

8 "Birth parent" means a birth mother or birth father of an
9 adopted or surrendered person.

10 "Birth Parent Preference Form" means the form prepared by
11 the Department of Public Health pursuant to Section 18.2
12 completed by a birth parent registrant and filed with the
13 Registry that indicates the birth parent's preferences
14 regarding contact and, if applicable, the release of his or her
15 identifying information on the non-certified copy of the
16 original birth certificate released to an adult adopted or
17 surrendered person or to the surviving adult child or surviving
18 spouse of a deceased adopted or surrendered person who has
19 filed a Request for a Non-Certified Copy of an Original Birth
20 Certificate.

21 "Birth relative" means a birth mother, birth father, birth
22 sibling, birth aunt, or birth uncle.

23 "Birth sibling" means the adult full or half sibling of an
24 adopted or surrendered person.

25 "Birth uncle" means the adult full or half brother of a
26 deceased birth parent.

1 "Confidential intermediary" means an individual certified
2 by the Department of Children and Family Services pursuant to
3 Section 18.3a(e).

4 "Denial of Information Exchange" means an affidavit
5 completed by a registrant with the Illinois Adoption Registry
6 and Medical Information Exchange denying the release of
7 identifying information which has been filed with the Registry.

8 "Information Exchange Authorization" means an affidavit
9 completed by a registrant with the Illinois Adoption Registry
10 and Medical Information Exchange authorizing the release of
11 identifying information which has been filed with the Registry.

12 "Medical Information Exchange Questionnaire" means the
13 medical history questionnaire completed by a registrant of the
14 Illinois Adoption Registry and Medical Information Exchange.

15 "Non-certified Copy of the Original Birth Certificate"
16 means a non-certified copy of the original certificate of live
17 birth of an adult adopted or surrendered person who was born in
18 Illinois.

19 "Proof of death" means a death certificate.

20 "Registrant" or "Registered Party" means a birth parent,
21 birth sibling, birth aunt, birth uncle, adopted or surrendered
22 person 21 years of age or over, adoptive parent or legal
23 guardian of an adopted or surrendered person under the age of
24 21, or adoptive parent, surviving spouse, or adult child of a
25 deceased adopted or surrendered person who has filed an
26 Illinois Adoption Registry Application or Registration

1 Identification Form with the Registry.

2 "Registry" means the Illinois Adoption Registry and
3 Medical Information Exchange.

4 "Request for a Non-Certified Copy of an Original Birth
5 Certificate" means an affidavit completed by an adult adopted
6 or surrendered person or by the surviving adult child or
7 surviving spouse of a deceased adopted or surrendered person
8 and filed with the Registry requesting a non-certified copy of
9 an adult adopted or surrendered person's original certificate
10 of live birth in Illinois.

11 "Surrendered person" means a person whose parents' rights
12 have been surrendered or terminated but who has not been
13 adopted.

14 "Surviving spouse" means the wife or husband, 21 years of
15 age or older, of a deceased adopted or surrendered person who
16 would be 21 years of age or older if still alive and who has one
17 or more surviving biological children who are under the age of
18 21.

19 "18.3 Statement" means a statement regarding the
20 disclosure of identifying information signed by a birth parent
21 under Section 18.3 of this Act as it existed immediately prior
22 to the effective date of this amendatory Act of the 96th
23 General Assembly.

24 (Source: P.A. 96-895, eff. 5-21-10; 97-110, eff. 7-14-11.)

25 Section 973. The Illinois Domestic Violence Act of 1986 is

1 amended by changing Sections 202 and 214 as follows:

2 (750 ILCS 60/202) (from Ch. 40, par. 2312-2)

3 Sec. 202. Commencement of action; filing fees; dismissal.

4 (a) How to commence action. Actions for orders of
5 protection are commenced:

6 (1) Independently: By filing a petition for an order of
7 protection in any civil court, unless specific courts are
8 designated by local rule or order.

9 (2) In conjunction with another civil proceeding: By
10 filing a petition for an order of protection under the same
11 case number as another civil proceeding involving the
12 parties, including but not limited to: (i) any proceeding
13 under the Illinois Marriage and Dissolution of Marriage
14 Act, Illinois Parentage Act of 2013 ~~1984~~, Nonsupport of
15 Spouse and Children Act, Revised Uniform Reciprocal
16 Enforcement of Support Act or an action for nonsupport
17 brought under Article 10 of the Illinois Public Aid Code,
18 provided that a petitioner and the respondent are a party
19 to or the subject of that proceeding or (ii) a guardianship
20 proceeding under the Probate Act of 1975, or a proceeding
21 for involuntary commitment under the Mental Health and
22 Developmental Disabilities Code, or any proceeding, other
23 than a delinquency petition, under the Juvenile Court Act
24 of 1987, provided that a petitioner or the respondent is a
25 party to or the subject of such proceeding.

1 (3) In conjunction with a delinquency petition or a
2 criminal prosecution: By filing a petition for an order of
3 protection, under the same case number as the delinquency
4 petition or criminal prosecution, to be granted during
5 pre-trial release of a defendant, with any dispositional
6 order issued under Section 5-710 of the Juvenile Court Act
7 of 1987 or as a condition of release, supervision,
8 conditional discharge, probation, periodic imprisonment,
9 parole or mandatory supervised release, or in conjunction
10 with imprisonment or a bond forfeiture warrant; provided
11 that:

12 (i) the violation is alleged in an information,
13 complaint, indictment or delinquency petition on file,
14 and the alleged offender and victim are family or
15 household members or persons protected by this Act; and

16 (ii) the petition, which is filed by the State's
17 Attorney, names a victim of the alleged crime as a
18 petitioner.

19 (b) Filing, certification, and service fees. No fee shall
20 be charged by the clerk for filing, amending, vacating,
21 certifying, or photocopying petitions or orders; or for issuing
22 alias summons; or for any related filing service. No fee shall
23 be charged by the sheriff for service by the sheriff of a
24 petition, rule, motion, or order in an action commenced under
25 this Section.

26 (c) Dismissal and consolidation. Withdrawal or dismissal

1 of any petition for an order of protection prior to
2 adjudication where the petitioner is represented by the State
3 shall operate as a dismissal without prejudice. No action for
4 an order of protection shall be dismissed because the
5 respondent is being prosecuted for a crime against the
6 petitioner. An independent action may be consolidated with
7 another civil proceeding, as provided by paragraph (2) of
8 subsection (a) of this Section. For any action commenced under
9 paragraph (2) or (3) of subsection (a) of this Section,
10 dismissal of the conjoined case (or a finding of not guilty)
11 shall not require dismissal of the action for the order of
12 protection; instead, it may be treated as an independent action
13 and, if necessary and appropriate, transferred to a different
14 court or division. Dismissal of any conjoined case shall not
15 affect the validity of any previously issued order of
16 protection, and thereafter subsections (b)(1) and (b)(2) of
17 Section 220 shall be inapplicable to such order.

18 (d) Pro se petitions. The court shall provide, through the
19 office of the clerk of the court, simplified forms and clerical
20 assistance to help with the writing and filing of a petition
21 under this Section by any person not represented by counsel. In
22 addition, that assistance may be provided by the state's
23 attorney.

24 (Source: P.A. 93-458, eff. 1-1-04.)

25 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

1 Sec. 214. Order of protection; remedies.

2 (a) Issuance of order. If the court finds that petitioner
3 has been abused by a family or household member or that
4 petitioner is a high-risk adult who has been abused, neglected,
5 or exploited, as defined in this Act, an order of protection
6 prohibiting the abuse, neglect, or exploitation shall issue;
7 provided that petitioner must also satisfy the requirements of
8 one of the following Sections, as appropriate: Section 217 on
9 emergency orders, Section 218 on interim orders, or Section 219
10 on plenary orders. Petitioner shall not be denied an order of
11 protection because petitioner or respondent is a minor. The
12 court, when determining whether or not to issue an order of
13 protection, shall not require physical manifestations of abuse
14 on the person of the victim. Modification and extension of
15 prior orders of protection shall be in accordance with this
16 Act.

17 (b) Remedies and standards. The remedies to be included in
18 an order of protection shall be determined in accordance with
19 this Section and one of the following Sections, as appropriate:
20 Section 217 on emergency orders, Section 218 on interim orders,
21 and Section 219 on plenary orders. The remedies listed in this
22 subsection shall be in addition to other civil or criminal
23 remedies available to petitioner.

24 (1) Prohibition of abuse, neglect, or exploitation.
25 Prohibit respondent's harassment, interference with
26 personal liberty, intimidation of a dependent, physical

1 abuse, or willful deprivation, neglect or exploitation, as
2 defined in this Act, or stalking of the petitioner, as
3 defined in Section 12-7.3 of the Criminal Code of 1961, if
4 such abuse, neglect, exploitation, or stalking has
5 occurred or otherwise appears likely to occur if not
6 prohibited.

7 (2) Grant of exclusive possession of residence.
8 Prohibit respondent from entering or remaining in any
9 residence, household, or premises of the petitioner,
10 including one owned or leased by respondent, if petitioner
11 has a right to occupancy thereof. The grant of exclusive
12 possession of the residence, household, or premises shall
13 not affect title to real property, nor shall the court be
14 limited by the standard set forth in Section 701 of the
15 Illinois Marriage and Dissolution of Marriage Act.

16 (A) Right to occupancy. A party has a right to
17 occupancy of a residence or household if it is solely
18 or jointly owned or leased by that party, that party's
19 spouse, a person with a legal duty to support that
20 party or a minor child in that party's care, or by any
21 person or entity other than the opposing party that
22 authorizes that party's occupancy (e.g., a domestic
23 violence shelter). Standards set forth in subparagraph
24 (B) shall not preclude equitable relief.

25 (B) Presumption of hardships. If petitioner and
26 respondent each has the right to occupancy of a

1 residence or household, the court shall balance (i) the
2 hardships to respondent and any minor child or
3 dependent adult in respondent's care resulting from
4 entry of this remedy with (ii) the hardships to
5 petitioner and any minor child or dependent adult in
6 petitioner's care resulting from continued exposure to
7 the risk of abuse (should petitioner remain at the
8 residence or household) or from loss of possession of
9 the residence or household (should petitioner leave to
10 avoid the risk of abuse). When determining the balance
11 of hardships, the court shall also take into account
12 the accessibility of the residence or household.
13 Hardships need not be balanced if respondent does not
14 have a right to occupancy.

15 The balance of hardships is presumed to favor
16 possession by petitioner unless the presumption is
17 rebutted by a preponderance of the evidence, showing
18 that the hardships to respondent substantially
19 outweigh the hardships to petitioner and any minor
20 child or dependent adult in petitioner's care. The
21 court, on the request of petitioner or on its own
22 motion, may order respondent to provide suitable,
23 accessible, alternate housing for petitioner instead
24 of excluding respondent from a mutual residence or
25 household.

26 (3) Stay away order and additional prohibitions. Order

1 respondent to stay away from petitioner or any other person
2 protected by the order of protection, or prohibit
3 respondent from entering or remaining present at
4 petitioner's school, place of employment, or other
5 specified places at times when petitioner is present, or
6 both, if reasonable, given the balance of hardships.
7 Hardships need not be balanced for the court to enter a
8 stay away order or prohibit entry if respondent has no
9 right to enter the premises.

10 (A) If an order of protection grants petitioner
11 exclusive possession of the residence, or prohibits
12 respondent from entering the residence, or orders
13 respondent to stay away from petitioner or other
14 protected persons, then the court may allow respondent
15 access to the residence to remove items of clothing and
16 personal adornment used exclusively by respondent,
17 medications, and other items as the court directs. The
18 right to access shall be exercised on only one occasion
19 as the court directs and in the presence of an
20 agreed-upon adult third party or law enforcement
21 officer.

22 (B) When the petitioner and the respondent attend
23 the same public, private, or non-public elementary,
24 middle, or high school, the court when issuing an order
25 of protection and providing relief shall consider the
26 severity of the act, any continuing physical danger or

1 emotional distress to the petitioner, the educational
2 rights guaranteed to the petitioner and respondent
3 under federal and State law, the availability of a
4 transfer of the respondent to another school, a change
5 of placement or a change of program of the respondent,
6 the expense, difficulty, and educational disruption
7 that would be caused by a transfer of the respondent to
8 another school, and any other relevant facts of the
9 case. The court may order that the respondent not
10 attend the public, private, or non-public elementary,
11 middle, or high school attended by the petitioner,
12 order that the respondent accept a change of placement
13 or change of program, as determined by the school
14 district or private or non-public school, or place
15 restrictions on the respondent's movements within the
16 school attended by the petitioner. The respondent
17 bears the burden of proving by a preponderance of the
18 evidence that a transfer, change of placement, or
19 change of program of the respondent is not available.
20 The respondent also bears the burden of production with
21 respect to the expense, difficulty, and educational
22 disruption that would be caused by a transfer of the
23 respondent to another school. A transfer, change of
24 placement, or change of program is not unavailable to
25 the respondent solely on the ground that the respondent
26 does not agree with the school district's or private or

1 non-public school's transfer, change of placement, or
2 change of program or solely on the ground that the
3 respondent fails or refuses to consent or otherwise
4 does not take an action required to effectuate a
5 transfer, change of placement, or change of program.
6 When a court orders a respondent to stay away from the
7 public, private, or non-public school attended by the
8 petitioner and the respondent requests a transfer to
9 another attendance center within the respondent's
10 school district or private or non-public school, the
11 school district or private or non-public school shall
12 have sole discretion to determine the attendance
13 center to which the respondent is transferred. In the
14 event the court order results in a transfer of the
15 minor respondent to another attendance center, a
16 change in the respondent's placement, or a change of
17 the respondent's program, the parents, guardian, or
18 legal custodian of the respondent is responsible for
19 transportation and other costs associated with the
20 transfer or change.

21 (C) The court may order the parents, guardian, or
22 legal custodian of a minor respondent to take certain
23 actions or to refrain from taking certain actions to
24 ensure that the respondent complies with the order. In
25 the event the court orders a transfer of the respondent
26 to another school, the parents, guardian, or legal

1 custodian of the respondent is responsible for
2 transportation and other costs associated with the
3 change of school by the respondent.

4 (4) Counseling. Require or recommend the respondent to
5 undergo counseling for a specified duration with a social
6 worker, psychologist, clinical psychologist, psychiatrist,
7 family service agency, alcohol or substance abuse program,
8 mental health center guidance counselor, agency providing
9 services to elders, program designed for domestic violence
10 abusers or any other guidance service the court deems
11 appropriate. The Court may order the respondent in any
12 intimate partner relationship to report to an Illinois
13 Department of Human Services protocol approved partner
14 abuse intervention program for an assessment and to follow
15 all recommended treatment.

16 (5) Physical care and possession of the minor child. In
17 order to protect the minor child from abuse, neglect, or
18 unwarranted separation from the person who has been the
19 minor child's primary caretaker, or to otherwise protect
20 the well-being of the minor child, the court may do either
21 or both of the following: (i) grant petitioner physical
22 care or possession of the minor child, or both, or (ii)
23 order respondent to return a minor child to, or not remove
24 a minor child from, the physical care of a parent or person
25 in loco parentis.

26 If a court finds, after a hearing, that respondent has

1 committed abuse (as defined in Section 103) of a minor
2 child, there shall be a rebuttable presumption that
3 awarding physical care to respondent would not be in the
4 minor child's best interest.

5 (6) Temporary legal custody. Award temporary legal
6 custody to petitioner in accordance with this Section, the
7 Illinois Marriage and Dissolution of Marriage Act, the
8 Illinois Parentage Act of 2013 ~~1984~~, and this State's
9 Uniform Child-Custody Jurisdiction and Enforcement Act.

10 If a court finds, after a hearing, that respondent has
11 committed abuse (as defined in Section 103) of a minor
12 child, there shall be a rebuttable presumption that
13 awarding temporary legal custody to respondent would not be
14 in the child's best interest.

15 (7) Visitation. Determine the visitation rights, if
16 any, of respondent in any case in which the court awards
17 physical care or temporary legal custody of a minor child
18 to petitioner. The court shall restrict or deny
19 respondent's visitation with a minor child if the court
20 finds that respondent has done or is likely to do any of
21 the following: (i) abuse or endanger the minor child during
22 visitation; (ii) use the visitation as an opportunity to
23 abuse or harass petitioner or petitioner's family or
24 household members; (iii) improperly conceal or detain the
25 minor child; or (iv) otherwise act in a manner that is not
26 in the best interests of the minor child. The court shall

1 not be limited by the standards set forth in Section 607.1
2 of the Illinois Marriage and Dissolution of Marriage Act.
3 If the court grants visitation, the order shall specify
4 dates and times for the visitation to take place or other
5 specific parameters or conditions that are appropriate. No
6 order for visitation shall refer merely to the term
7 "reasonable visitation".

8 Petitioner may deny respondent access to the minor
9 child if, when respondent arrives for visitation,
10 respondent is under the influence of drugs or alcohol and
11 constitutes a threat to the safety and well-being of
12 petitioner or petitioner's minor children or is behaving in
13 a violent or abusive manner.

14 If necessary to protect any member of petitioner's
15 family or household from future abuse, respondent shall be
16 prohibited from coming to petitioner's residence to meet
17 the minor child for visitation, and the parties shall
18 submit to the court their recommendations for reasonable
19 alternative arrangements for visitation. A person may be
20 approved to supervise visitation only after filing an
21 affidavit accepting that responsibility and acknowledging
22 accountability to the court.

23 (8) Removal or concealment of minor child. Prohibit
24 respondent from removing a minor child from the State or
25 concealing the child within the State.

26 (9) Order to appear. Order the respondent to appear in

1 court, alone or with a minor child, to prevent abuse,
2 neglect, removal or concealment of the child, to return the
3 child to the custody or care of the petitioner or to permit
4 any court-ordered interview or examination of the child or
5 the respondent.

6 (10) Possession of personal property. Grant petitioner
7 exclusive possession of personal property and, if
8 respondent has possession or control, direct respondent to
9 promptly make it available to petitioner, if:

10 (i) petitioner, but not respondent, owns the
11 property; or

12 (ii) the parties own the property jointly; sharing
13 it would risk abuse of petitioner by respondent or is
14 impracticable; and the balance of hardships favors
15 temporary possession by petitioner.

16 If petitioner's sole claim to ownership of the property
17 is that it is marital property, the court may award
18 petitioner temporary possession thereof under the
19 standards of subparagraph (ii) of this paragraph only if a
20 proper proceeding has been filed under the Illinois
21 Marriage and Dissolution of Marriage Act, as now or
22 hereafter amended.

23 No order under this provision shall affect title to
24 property.

25 (11) Protection of property. Forbid the respondent
26 from taking, transferring, encumbering, concealing,

1 damaging or otherwise disposing of any real or personal
2 property, except as explicitly authorized by the court, if:

3 (i) petitioner, but not respondent, owns the
4 property; or

5 (ii) the parties own the property jointly, and the
6 balance of hardships favors granting this remedy.

7 If petitioner's sole claim to ownership of the property
8 is that it is marital property, the court may grant
9 petitioner relief under subparagraph (ii) of this
10 paragraph only if a proper proceeding has been filed under
11 the Illinois Marriage and Dissolution of Marriage Act, as
12 now or hereafter amended.

13 The court may further prohibit respondent from
14 improperly using the financial or other resources of an
15 aged member of the family or household for the profit or
16 advantage of respondent or of any other person.

17 (11.5) Protection of animals. Grant the petitioner the
18 exclusive care, custody, or control of any animal owned,
19 possessed, leased, kept, or held by either the petitioner
20 or the respondent or a minor child residing in the
21 residence or household of either the petitioner or the
22 respondent and order the respondent to stay away from the
23 animal and forbid the respondent from taking,
24 transferring, encumbering, concealing, harming, or
25 otherwise disposing of the animal.

26 (12) Order for payment of support. Order respondent to

1 pay temporary support for the petitioner or any child in
2 the petitioner's care or custody, when the respondent has a
3 legal obligation to support that person, in accordance with
4 the Illinois Marriage and Dissolution of Marriage Act,
5 which shall govern, among other matters, the amount of
6 support, payment through the clerk and withholding of
7 income to secure payment. An order for child support may be
8 granted to a petitioner with lawful physical care or
9 custody of a child, or an order or agreement for physical
10 care or custody, prior to entry of an order for legal
11 custody. Such a support order shall expire upon entry of a
12 valid order granting legal custody to another, unless
13 otherwise provided in the custody order.

14 (13) Order for payment of losses. Order respondent to
15 pay petitioner for losses suffered as a direct result of
16 the abuse, neglect, or exploitation. Such losses shall
17 include, but not be limited to, medical expenses, lost
18 earnings or other support, repair or replacement of
19 property damaged or taken, reasonable attorney's fees,
20 court costs and moving or other travel expenses, including
21 additional reasonable expenses for temporary shelter and
22 restaurant meals.

23 (i) Losses affecting family needs. If a party is
24 entitled to seek maintenance, child support or
25 property distribution from the other party under the
26 Illinois Marriage and Dissolution of Marriage Act, as

1 now or hereafter amended, the court may order
2 respondent to reimburse petitioner's actual losses, to
3 the extent that such reimbursement would be
4 "appropriate temporary relief", as authorized by
5 subsection (a) (3) of Section 501 of that Act.

6 (ii) Recovery of expenses. In the case of an
7 improper concealment or removal of a minor child, the
8 court may order respondent to pay the reasonable
9 expenses incurred or to be incurred in the search for
10 and recovery of the minor child, including but not
11 limited to legal fees, court costs, private
12 investigator fees, and travel costs.

13 (14) Prohibition of entry. Prohibit the respondent
14 from entering or remaining in the residence or household
15 while the respondent is under the influence of alcohol or
16 drugs and constitutes a threat to the safety and well-being
17 of the petitioner or the petitioner's children.

18 (14.5) Prohibition of firearm possession.

19 (a) Prohibit a respondent against whom an order of
20 protection was issued from possessing any firearms
21 during the duration of the order if the order:

22 (1) was issued after a hearing of which such
23 person received actual notice, and at which such
24 person had an opportunity to participate;

25 (2) restrains such person from harassing,
26 stalking, or threatening an intimate partner of

1 such person or child of such intimate partner or
2 person, or engaging in other conduct that would
3 place an intimate partner in reasonable fear of
4 bodily injury to the partner or child; and

5 (3)(i) includes a finding that such person
6 represents a credible threat to the physical
7 safety of such intimate partner or child; or (ii)
8 by its terms explicitly prohibits the use,
9 attempted use, or threatened use of physical force
10 against such intimate partner or child that would
11 reasonably be expected to cause bodily injury.

12 Any Firearm Owner's Identification Card in the
13 possession of the respondent, except as provided in
14 subsection (b), shall be ordered by the court to be
15 turned over to the local law enforcement agency. The
16 local law enforcement agency shall immediately mail
17 the card to the Department of State Police Firearm
18 Owner's Identification Card Office for safekeeping.
19 The court shall issue a warrant for seizure of any
20 firearm in the possession of the respondent, to be kept
21 by the local law enforcement agency for safekeeping,
22 except as provided in subsection (b). The period of
23 safekeeping shall be for the duration of the order of
24 protection. The firearm or firearms and Firearm
25 Owner's Identification Card, if unexpired, shall at
26 the respondent's request, be returned to the

1 respondent at the end of the order of protection. It is
2 the respondent's responsibility to notify the
3 Department of State Police Firearm Owner's
4 Identification Card Office.

5 (b) If the respondent is a peace officer as defined
6 in Section 2-13 of the Criminal Code of 1961, the court
7 shall order that any firearms used by the respondent in
8 the performance of his or her duties as a peace officer
9 be surrendered to the chief law enforcement executive
10 of the agency in which the respondent is employed, who
11 shall retain the firearms for safekeeping for the
12 duration of the order of protection.

13 (c) Upon expiration of the period of safekeeping,
14 if the firearms or Firearm Owner's Identification Card
15 cannot be returned to respondent because respondent
16 cannot be located, fails to respond to requests to
17 retrieve the firearms, or is not lawfully eligible to
18 possess a firearm, upon petition from the local law
19 enforcement agency, the court may order the local law
20 enforcement agency to destroy the firearms, use the
21 firearms for training purposes, or for any other
22 application as deemed appropriate by the local law
23 enforcement agency; or that the firearms be turned over
24 to a third party who is lawfully eligible to possess
25 firearms, and who does not reside with respondent.

26 (15) Prohibition of access to records. If an order of

1 protection prohibits respondent from having contact with
2 the minor child, or if petitioner's address is omitted
3 under subsection (b) of Section 203, or if necessary to
4 prevent abuse or wrongful removal or concealment of a minor
5 child, the order shall deny respondent access to, and
6 prohibit respondent from inspecting, obtaining, or
7 attempting to inspect or obtain, school or any other
8 records of the minor child who is in the care of
9 petitioner.

10 (16) Order for payment of shelter services. Order
11 respondent to reimburse a shelter providing temporary
12 housing and counseling services to the petitioner for the
13 cost of the services, as certified by the shelter and
14 deemed reasonable by the court.

15 (17) Order for injunctive relief. Enter injunctive
16 relief necessary or appropriate to prevent further abuse of
17 a family or household member or further abuse, neglect, or
18 exploitation of a high-risk adult with disabilities or to
19 effectuate one of the granted remedies, if supported by the
20 balance of hardships. If the harm to be prevented by the
21 injunction is abuse or any other harm that one of the
22 remedies listed in paragraphs (1) through (16) of this
23 subsection is designed to prevent, no further evidence is
24 necessary that the harm is an irreparable injury.

25 (c) Relevant factors; findings.

26 (1) In determining whether to grant a specific remedy,

1 other than payment of support, the court shall consider
2 relevant factors, including but not limited to the
3 following:

4 (i) the nature, frequency, severity, pattern and
5 consequences of the respondent's past abuse, neglect
6 or exploitation of the petitioner or any family or
7 household member, including the concealment of his or
8 her location in order to evade service of process or
9 notice, and the likelihood of danger of future abuse,
10 neglect, or exploitation to petitioner or any member of
11 petitioner's or respondent's family or household; and

12 (ii) the danger that any minor child will be abused
13 or neglected or improperly removed from the
14 jurisdiction, improperly concealed within the State or
15 improperly separated from the child's primary
16 caretaker.

17 (2) In comparing relative hardships resulting to the
18 parties from loss of possession of the family home, the
19 court shall consider relevant factors, including but not
20 limited to the following:

21 (i) availability, accessibility, cost, safety,
22 adequacy, location and other characteristics of
23 alternate housing for each party and any minor child or
24 dependent adult in the party's care;

25 (ii) the effect on the party's employment; and

26 (iii) the effect on the relationship of the party,

1 and any minor child or dependent adult in the party's
2 care, to family, school, church and community.

3 (3) Subject to the exceptions set forth in paragraph
4 (4) of this subsection, the court shall make its findings
5 in an official record or in writing, and shall at a minimum
6 set forth the following:

7 (i) That the court has considered the applicable
8 relevant factors described in paragraphs (1) and (2) of
9 this subsection.

10 (ii) Whether the conduct or actions of respondent,
11 unless prohibited, will likely cause irreparable harm
12 or continued abuse.

13 (iii) Whether it is necessary to grant the
14 requested relief in order to protect petitioner or
15 other alleged abused persons.

16 (4) For purposes of issuing an ex parte emergency order
17 of protection, the court, as an alternative to or as a
18 supplement to making the findings described in paragraphs
19 (c)(3)(i) through (c)(3)(iii) of this subsection, may use
20 the following procedure:

21 When a verified petition for an emergency order of
22 protection in accordance with the requirements of Sections
23 203 and 217 is presented to the court, the court shall
24 examine petitioner on oath or affirmation. An emergency
25 order of protection shall be issued by the court if it
26 appears from the contents of the petition and the

1 examination of petitioner that the averments are
2 sufficient to indicate abuse by respondent and to support
3 the granting of relief under the issuance of the emergency
4 order of protection.

5 (5) Never married parties. No rights or
6 responsibilities for a minor child born outside of marriage
7 attach to a putative father until a father and child
8 relationship has been established under the Illinois
9 Parentage Act of 1984, the Illinois Parentage Act of 2013,
10 the Illinois Public Aid Code, Section 12 of the Vital
11 Records Act, the Juvenile Court Act of 1987, the Probate
12 Act of 1985, the Revised Uniform Reciprocal Enforcement of
13 Support Act, the Uniform Interstate Family Support Act, the
14 Expedited Child Support Act of 1990, any judicial,
15 administrative, or other act of another state or territory,
16 any other Illinois statute, or by any foreign nation
17 establishing the father and child relationship, any other
18 proceeding substantially in conformity with the Personal
19 Responsibility and Work Opportunity Reconciliation Act of
20 1996 (Pub. L. 104-193), or where both parties appeared in
21 open court or at an administrative hearing acknowledging
22 under oath or admitting by affirmation the existence of a
23 father and child relationship. Absent such an
24 adjudication, finding, or acknowledgement, no putative
25 father shall be granted temporary custody of the minor
26 child, visitation with the minor child, or physical care

1 and possession of the minor child, nor shall an order of
2 payment for support of the minor child be entered.

3 (d) Balance of hardships; findings. If the court finds that
4 the balance of hardships does not support the granting of a
5 remedy governed by paragraph (2), (3), (10), (11), or (16) of
6 subsection (b) of this Section, which may require such
7 balancing, the court's findings shall so indicate and shall
8 include a finding as to whether granting the remedy will result
9 in hardship to respondent that would substantially outweigh the
10 hardship to petitioner from denial of the remedy. The findings
11 shall be an official record or in writing.

12 (e) Denial of remedies. Denial of any remedy shall not be
13 based, in whole or in part, on evidence that:

14 (1) Respondent has cause for any use of force, unless
15 that cause satisfies the standards for justifiable use of
16 force provided by Article VII of the Criminal Code of 1961;

17 (2) Respondent was voluntarily intoxicated;

18 (3) Petitioner acted in self-defense or defense of
19 another, provided that, if petitioner utilized force, such
20 force was justifiable under Article VII of the Criminal
21 Code of 1961;

22 (4) Petitioner did not act in self-defense or defense
23 of another;

24 (5) Petitioner left the residence or household to avoid
25 further abuse, neglect, or exploitation by respondent;

26 (6) Petitioner did not leave the residence or household

1 to avoid further abuse, neglect, or exploitation by
2 respondent;

3 (7) Conduct by any family or household member excused
4 the abuse, neglect, or exploitation by respondent, unless
5 that same conduct would have excused such abuse, neglect,
6 or exploitation if the parties had not been family or
7 household members.

8 (Source: P.A. 96-701, eff. 1-1-10; 96-1239, eff. 1-1-11;
9 97-158, eff. 1-1-12; 97-294, eff. 1-1-12; 97-813, eff. 7-13-12;
10 97-1131, eff. 1-1-13.)

11 Section 974. The Business Corporation Act of 1983 is
12 amended by changing Section 1.25 as follows:

13 (805 ILCS 5/1.25) (from Ch. 32, par. 1.25)

14 Sec. 1.25. List of corporations; exchange of information.

15 (a) The Secretary of State shall publish each year a list
16 of corporations filing an annual report for the preceding year
17 in accordance with the provisions of this Act, which report
18 shall state the name of the corporation and the respective
19 names and addresses of the president, secretary, and registered
20 agent thereof and the address of the registered office in this
21 State of each such corporation. The Secretary of State shall
22 furnish without charge a copy of such report to each recorder
23 of this State, and to each member of the General Assembly and
24 to each State agency or department requesting the same. The

1 Secretary of State shall, upon receipt of a written request and
2 a fee as determined by the Secretary, furnish such report to
3 anyone else.

4 (b) (1) The Secretary of State shall publish daily a list
5 of all newly formed corporations, business and not for profit,
6 chartered by him on that day issued after receipt of the
7 application. The daily list shall contain the same information
8 as to each corporation as is provided for the corporation list
9 published under subsection (a) of this Section. The daily list
10 may be obtained at the Secretary's office by any person,
11 newspaper, State department or agency, or local government for
12 a reasonable charge to be determined by the Secretary.
13 Inspection of the daily list may be made at the Secretary's
14 office during normal business hours without charge by any
15 person, newspaper, State department or agency, or local
16 government.

17 (2) The Secretary shall compile the daily list mentioned in
18 paragraph (1) of subsection (b) of this Section monthly, or
19 more often at the Secretary's discretion. The compilation shall
20 be immediately mailed free of charge to all local governments
21 requesting in writing receipt of such publication, or shall be
22 automatically mailed by the Secretary without charge to local
23 governments as determined by the Secretary. The Secretary shall
24 mail a copy of the compilations free of charge to all State
25 departments or agencies making a written request. A request for
26 a compilation of the daily list once made by a local government

1 or State department or agency need not be renewed. However, the
2 Secretary may request from time to time whether the local
3 governments or State departments or agencies desire to continue
4 receiving the compilation.

5 (3) The compilations of the daily list mentioned in
6 paragraph (2) of subsection (b) of this Section shall be mailed
7 to newspapers, or any other person not included as a recipient
8 in paragraph (2) of subsection (b) of this Section, upon
9 receipt of a written application signed by the applicant and
10 accompanied by the payment of a fee as determined by the
11 Secretary.

12 (c) If a domestic or foreign corporation has filed with the
13 Secretary of State an annual report for the preceding year or
14 has been newly formed or is otherwise and in any manner
15 registered with the Secretary of State, the Secretary of State
16 shall exchange with the Department of Healthcare and Family
17 Services any information concerning that corporation that may
18 be necessary for the enforcement of child support orders
19 entered pursuant to the Illinois Public Aid Code, the Illinois
20 Marriage and Dissolution of Marriage Act, the Non-Support of
21 Spouse and Children Act, the Non-Support Punishment Act, the
22 Revised Uniform Reciprocal Enforcement of Support Act, the
23 Uniform Interstate Family Support Act, ~~or~~ the Illinois
24 Parentage Act of 1984, or the Illinois Parentage Act of 2013.

25 Notwithstanding any provisions in this Act to the contrary,
26 the Secretary of State shall not be liable to any person for

1 any disclosure of information to the Department of Healthcare
2 and Family Services (formerly Illinois Department of Public
3 Aid) under this subsection or for any other action taken in
4 good faith to comply with the requirements of this subsection.
5 (Source: P.A. 95-331, eff. 8-21-07.)

6 Section 975. The Limited Liability Company Act is amended
7 by changing Section 50-5 as follows:

8 (805 ILCS 180/50-5)

9 Sec. 50-5. List of limited liability companies; exchange of
10 information.

11 (a) The Secretary of State may publish a list or lists of
12 limited liability companies and foreign limited liability
13 companies, as often, in the format, and for the fees as the
14 Secretary of State may in his or her discretion provide by
15 rule. The Secretary of State may disseminate information
16 concerning limited liability companies and foreign limited
17 liability companies by computer network in the format and for
18 the fees as may be determined by rule.

19 (b) Upon written request, any list published under
20 subsection (a) shall be free to each member of the General
21 Assembly, to each State agency or department, and to each
22 recorder in this State. An appropriate fee established by rule
23 to cover the cost of producing the list shall be charged to all
24 others.

1 (c) If a domestic or foreign limited liability company has
2 filed with the Secretary of State an annual report for the
3 preceding year or has been newly formed or is otherwise and in
4 any manner registered with the Secretary of State, the
5 Secretary of State shall exchange with the Department of
6 Healthcare and Family Services any information concerning that
7 limited liability company that may be necessary for the
8 enforcement of child support orders entered pursuant to the
9 Illinois Public Aid Code, the Illinois Marriage and Dissolution
10 of Marriage Act, the Non-Support of Spouse and Children Act,
11 the Non-Support Punishment Act, the Revised Uniform Reciprocal
12 Enforcement of Support Act, the Uniform Interstate Family
13 Support Act, ~~or~~ the Illinois Parentage Act of 1984, or the
14 Illinois Parentage Act of 2013.

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

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

22 (750 ILCS 40/Act rep.)

23 Section 976. The Illinois Parentage Act is repealed.

24 (750 ILCS 45/Act rep.)

1 Section 977. The Illinois Parentage Act of 1984 is
2 repealed.

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18	750 ILCS 50/18.06	
19	750 ILCS 60/202	from Ch. 40, par. 2312-2
20	750 ILCS 60/214	from Ch. 40, par. 2312-14
21	805 ILCS 5/1.25	from Ch. 32, par. 1.25
22	805 ILCS 180/50-5	
23	750 ILCS 40/Act rep.	
24	750 ILCS 45/Act rep.	