



Rep. Kelly Burke

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1 AMENDMENT TO HOUSE BILL 1243

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1243 by replacing  
3 everything after the enacting clause with the following:

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:

1 (a) "Acknowledged father" means a man who has established a  
2 father-child relationship under Article 3.

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

7 (c) "Alleged father" means a man who alleges himself to be,  
8 or is alleged to be, the biological father or a possible  
9 biological father of a child, but whose paternity has not been  
10 established. The term does not include:

11 (1) a presumed parent or acknowledged father;

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

14 (3) a male donor.

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

17 (1) intrauterine insemination;

18 (2) donation of eggs;

19 (3) donation of embryos;

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

21 and

22 (5) intracytoplasmic sperm injection.

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

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

1           (1) the likelihood that the tested man is the father,  
2 based on the genetic markers of the tested man, mother, and  
3 child, conditioned on the hypothesis that the tested man is  
4 the father of the child; and

5           (2) the likelihood that the tested man is not the  
6 father, based on the genetic markers of the tested man,  
7 mother, and child, conditioned on the hypothesis that the  
8 tested man is not the father of the child and that the  
9 father is of the same ethnic or racial group as the tested  
10 man.

11          (g) "Commence" means to file the initial pleading seeking  
12 an adjudication of parentage in the circuit court of this  
13 State.

14          (h) "Determination of parentage" means the establishment  
15 of the parent-child relationship by the signing of a voluntary  
16 acknowledgment under Article 3 of this Act or adjudication by  
17 the court or as authorized under Article X of the Illinois  
18 Public Aid Code.

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

22           (1) an intended parent who provides sperm, or an  
23 intended parent who provides eggs, to be used for assisted  
24 reproduction by the intended parent or parents;

25           (2) a woman who gives birth to a child by means of  
26 assisted reproduction, except as otherwise provided in the

1 Gestational Surrogacy Act or a valid gestational surrogacy  
2 contract; or

3 (3) a parent under Article 7 of this Act, or an  
4 intended parent under the Gestational Surrogacy Act or a  
5 valid gestational surrogacy contract.

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

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

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

14 (m) "Gestational mother" means an adult woman who gives  
15 birth to a child pursuant to the terms of a valid gestational  
16 surrogacy contract.

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

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

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

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

26 (r) "Probability of paternity" means the measure, for the

1 ethnic or racial group to which the alleged father belongs, of  
2 the probability that the man in question is the father of the  
3 child, compared with a random, unrelated man of the same ethnic  
4 or racial group, expressed as a percentage incorporating the  
5 combined paternity index and a prior probability.

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

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

11 (u) "State" means a state of the United States, the  
12 District of Columbia, Puerto Rico, the United States Virgin  
13 Islands, or any territory or insular possession subject to the  
14 jurisdiction of the United States.

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

17 (1) enforcement of support orders or laws relating to  
18 the duty of support;

19 (2) establishment or modification of child support;

20 (3) determination of parentage; or

21 (4) location of child-support obligors and their  
22 income and assets.

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

24 (a) This Act applies to determination of parentage in this  
25 State.

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

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

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

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

8           Section 105. Authority to establish parentage. The circuit  
9 courts are authorized to establish parentage under this Act.  
10 The Department of Healthcare and Family Services may make  
11 administrative determinations of paternity and nonpaternity in  
12 accordance with Section 10-17.7 of the Illinois Public Aid  
13 Code. Such administrative determinations shall have the full  
14 force and effect of court judgments entered under this Act.

15           Section 106. Protection of participants. Proceedings under  
16 this Act are subject to other law of this State governing the  
17 health, safety, privacy, and liberty of a child or other  
18 individual who could be jeopardized by disclosure of  
19 identifying information, including address, telephone number,  
20 place of employment, social security number, and the child's  
21 day-care facility and school.

22           ARTICLE 2. PARENT-CHILD RELATIONSHIP

1 Section 201. Establishment of parent-child relationship.

2 (a) The parent-child relationship is established between a  
3 woman and a child by:

4 (1) the woman having given birth to the child, except  
5 as otherwise provided in a valid gestational surrogacy  
6 contract;

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

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

9 (4) the woman having consented to assisted  
10 reproduction by a woman under Article 7 of this Act which  
11 resulted in the birth of the child;

12 (5) a valid gestational surrogacy contract under the  
13 Gestational Surrogacy Act or other law; or

14 (6) an un rebutted presumption of the woman's parentage  
15 of the child under Section 204 of this Act.

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

18 (1) an un rebutted presumption of the man's parentage of  
19 the child under Section 204 of this Act;

20 (2) an effective voluntary acknowledgment of paternity  
21 by the man under Article 3 of this Act, unless the  
22 acknowledgment has been rescinded or successfully  
23 challenged;

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

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

26 (5) the man having consented to assisted reproduction

1 by a woman under Article 7 of this Act which resulted in  
2 the birth of the child; or

3 (6) a valid gestational surrogacy contract under the  
4 Gestational Surrogacy Act or other law.

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

9 Section 202. Parents' legal relationship. Every child has  
10 equal rights under the law regardless of the parents' legal  
11 relationship.

12 Section 203. Consequences of establishment of parentage. A  
13 parent-child relationship established under this Act applies  
14 for all purposes, except as otherwise specifically provided by  
15 other law of this State.

16 Section 204. Presumption of parentage.

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

18 (1) he and the mother of the child have entered into a  
19 state-recognized marriage, civil union, or domestic  
20 partnership, and the child is born to the mother during the  
21 state-recognized marriage, civil union, or domestic  
22 partnership, except as provided by a valid gestational  
23 surrogacy contract, Article 7 of this Act, or other law;



1           (2) he and the mother of the child were in a  
2 state-recognized marriage, civil union, or domestic  
3 partnership and the child is born to the mother within 300  
4 days after the state-recognized marriage, civil union, or  
5 domestic partnership is terminated by death, declaration  
6 of invalidity of marriage, judgment for dissolution of  
7 marriage, civil union, or domestic partnership, or after a  
8 judgment for legal separation, except as provided by a  
9 valid gestational surrogacy contract, Article 7 of this  
10 Act, or other law;

11           (3) before the birth of the child, he and the mother of  
12 the child entered into a state-recognized marriage, civil  
13 union, or domestic partnership in apparent compliance with  
14 law, even if the attempted marriage, civil union, or  
15 domestic partnership is or could be declared invalid, and  
16 the child is born during the invalid marriage, civil union,  
17 or domestic partnership or within 300 days after its  
18 termination by death, declaration of invalidity of  
19 marriage, judgment for dissolution of marriage, civil  
20 union, or domestic partnership, or after a judgment for  
21 legal separation, except as provided by a valid gestational  
22 surrogacy contract, Article 7 of this Act, or other law;

23           (4) after the child's birth, he and the child's mother  
24 have entered into a state-recognized marriage, civil  
25 union, or domestic partnership, even if the marriage, civil  
26 union, or domestic partnership is or could be declared

1       invalid, and he is named, with his written consent, as the  
2       child's father on the child's birth certificate; or

3           (5) for the first 2 years after the birth of the child,  
4       he resided in a household with the child, openly held out  
5       the child as his own during that time, the child had only  
6       one parent under law at that time, and that parent  
7       consented to the man's holding out the child as his own.

8       (b) A woman is presumed to be the parent of a child if:

9           (1) she and the birth mother of the child were in a  
10       state-recognized marriage, civil union, or domestic  
11       partnership at the time of the birth and the natural father  
12       of the child has not commenced an action to establish his  
13       parentage;

14           (2) she and the birth mother of the child have entered  
15       into a state-recognized marriage, civil union, or domestic  
16       partnership, and the child is born to the birth mother  
17       during the state-recognized marriage, civil union, or  
18       domestic partnership, except as provided by a valid  
19       gestational surrogacy contract, Article 7 of this Act, or  
20       other law;

21           (3) she and the birth mother of the child were in a  
22       state-recognized marriage, civil union, or domestic  
23       partnership and the child is born to the birth mother  
24       within 300 days after the state-recognized marriage, civil  
25       union, or domestic partnership is terminated by death,  
26       declaration of invalidity of marriage, judgment for

1 dissolution of marriage, civil union, or domestic  
2 partnership, or after a judgment for legal separation,  
3 except as provided by a valid gestational surrogacy  
4 contract, Article 7 of this Act, or other law;

5 (4) before the birth of the child, she and the birth  
6 mother of the child entered into a state-recognized  
7 marriage, civil union, or domestic partnership in apparent  
8 compliance with law, even if the attempted marriage, civil  
9 union, or domestic partnership is or could be declared  
10 invalid, and the child is born during the invalid marriage,  
11 civil union, or domestic partnership or within 300 days  
12 after its termination by death, declaration of invalidity  
13 of marriage, judgment for dissolution of marriage, civil  
14 union, or domestic partnership, or after a judgment for  
15 legal separation, except as provided by a valid gestational  
16 surrogacy contract, Article 7 of this Act, or other law;

17 (5) after the child's birth, she and the birth mother  
18 have entered into a state-recognized marriage, civil  
19 union, or domestic partnership, even if the marriage, civil  
20 union, or domestic partnership is or could be declared  
21 invalid, and she is named, with her written consent, as the  
22 child's parent on the child's birth certificate; or

23 (6) for the first 2 years after the birth of the child,  
24 she resided in a household with the child, openly held out  
25 the child as her own during that time, the child had only  
26 one parent under law at that time, and that parent

1           consented to the woman's holding out the child as her own.

2           Section 205. Proceedings to declare the non-existence of  
3 the parent-child relationship.

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

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

24           (c) An action to declare the non-existence of the  
25 parent-child relationship may be brought subsequent to an

1 adjudication of parentage in any judgment by the man  
2 adjudicated to be the parent pursuant to a presumption in  
3 paragraphs (a)(1) through (a)(4) of Section 204 if, as a result  
4 of deoxyribonucleic acid (DNA) testing, it is discovered that  
5 the man adjudicated to be the father is not the natural father  
6 of the child. Actions brought by the adjudicated father shall  
7 be brought by verified petition. If, as a result of the  
8 deoxyribonucleic acid (DNA) testing, the petitioner is  
9 determined not to be the natural father of the child, the  
10 adjudication of paternity and any orders regarding custody,  
11 parenting time, and future payments of support may be vacated.

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

22 Section 206. Presumption; burden of proof. A presumption  
23 under Section 204 of this Act may be rebutted only by clear and  
24 convincing evidence.

1                   ARTICLE 3. VOLUNTARY ACKNOWLEDGMENT

2           Section 301. Voluntary acknowledgment. A parent-child  
3 relationship may be established voluntarily by the signing and  
4 witnessing of a voluntary acknowledgment in accordance with  
5 Section 12 of the Vital Records Act and Section 10-17.7 of the  
6 Illinois Public Aid Code. The voluntary acknowledgment shall  
7 contain the social security numbers of the persons signing the  
8 voluntary acknowledgment; however, failure to include the  
9 social security numbers of the persons signing a voluntary  
10 acknowledgment does not invalidate the voluntary  
11 acknowledgment.

12           Section 302. Execution of voluntary acknowledgment.

13           (a) A voluntary acknowledgment described in Section 301 of  
14 this Act must:

15                   (1) be in a record;

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

19                   (3) state that the child whose paternity is being  
20 acknowledged:

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

23                           (B) does not have another acknowledged or  
24 adjudicated father;

1 (4) be witnessed; and

2 (5) state that the signatories understand that the  
3 acknowledgment is the equivalent of a judicial  
4 adjudication of parentage of the child and that a challenge  
5 to the acknowledgment is permitted only under limited  
6 circumstances and is barred after 2 years.

7 (b) An acknowledgment is void if it:

8 (1) states that another man is a presumed father,  
9 unless a denial signed or otherwise authenticated by the  
10 presumed father is filed with the Department of Healthcare  
11 and Family Services, as provided by law;

12 (2) states that another man is an acknowledged or  
13 adjudicated father; or

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

16 (c) A presumed father may sign or otherwise authenticate an  
17 acknowledgment.

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

20 (a) a voluntary acknowledgment described in Section 301 of  
21 this Act signed, or otherwise authenticated, by another man is  
22 filed pursuant to Section 305 of this Act;

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

25 (c) the presumed father has not previously:

1           (1) acknowledged his paternity, unless the previous  
2           acknowledgment has been rescinded under Section 307 of this  
3           Act or successfully challenged under Section 308 of this  
4           Act; or

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

6           Section 304. Rules for acknowledgment and denial of  
7           parentage.

8           (a) An acknowledgment as described in Section 301 of this  
9           Act and a denial may be contained in a single document or may  
10          be signed in counterparts, and may be filed separately or  
11          simultaneously. If the acknowledgment and denial are both  
12          necessary, neither is valid until both are filed.

13          (b) An acknowledgment or a denial may be signed before the  
14          birth of the child.

15          (c) Subject to subsection (a), an acknowledgment or denial  
16          takes effect on the birth of the child or the filing of the  
17          document with the Department of Healthcare and Family Services,  
18          as provided by law, whichever occurs later.

19          (d) An acknowledgment or denial signed by a minor is valid  
20          if it is otherwise in compliance with this Act.

21          Section 305. Effect of acknowledgment or denial of  
22          parentage.

23          (a) Except as otherwise provided in Sections 307 and 308 of  
24          this Act, a valid acknowledgment filed with the Department of



1 Healthcare and Family Services, as provided by law, is  
2 equivalent to an adjudication of the paternity of a child and  
3 confers upon the acknowledged father all of the rights and  
4 duties of a parent.

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

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

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

20 Section 307. Proceeding for rescission. A signatory may  
21 rescind a voluntary acknowledgment or denial by filing a signed  
22 and witnessed rescission with the Department of Healthcare and  
23 Family Services as provided in Section 12 of the Vital Records  
24 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 or denial may commence a proceeding to challenge  
10 the acknowledgment or denial only as provided in Section 309 of  
11 this Act.

12 Section 309. Procedure for challenge.

13 (a) A voluntary acknowledgment and any related denial may  
14 be challenged only on the basis of fraud, duress, or material  
15 mistake of fact by filing a verified petition under this  
16 Section within 2 years after the effective date of the  
17 acknowledgment or denial, as provided in Section 304 of this  
18 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 2 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 voluntary acknowledgment and any related  
3 denial must be made a party to a proceeding to challenge the  
4 acknowledgment or denial. The party challenging the  
5 acknowledgment or denial shall have the burden of proof.

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

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

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

23 Section 310. Ratification barred. A court or  
24 administrative agency conducting a judicial or administrative  
25 proceeding is not required or permitted to ratify an

1 unchallenged acknowledgment described in Section 301 of this  
2 Act.

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

8 Section 312. Forms for acknowledgment and denial of  
9 parentage.

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

15 (b) A voluntary acknowledgment or denial of parentage is  
16 not affected by a later modification of the prescribed form.

17 Section 313. Release of information. The Department of  
18 Healthcare and Family Services may release information  
19 relating to the acknowledgment described in Section 301 of this  
20 Act, or the related denial, to a signatory of the  
21 acknowledgment or denial; to the child's guardian, the  
22 emancipated child, or the legal representatives of those  
23 individuals; to appropriate federal agencies; and to courts and

1 appropriate agencies of this State or another state.

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

5 ARTICLE 4. GENETIC TESTING

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

15 Section 402. Requirements for genetic testing.

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

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

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

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

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

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

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

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

5 (B) engage another testing laboratory to perform  
6 the calculations.

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

11 Section 403. Genetic test results.

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

1 genetic testing may be offered into evidence. The number and  
2 qualifications of the experts shall be determined by the court.

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

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

24 Section 404. Effect of genetic testing. Genetic testing  
25 taken under this Article shall have the following effect:



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

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

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

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

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

18 or

19 (2) identifies another man as the possible father of  
20 the child.

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

25 Section 405. Cost of genetic testing. The expense of the

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

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

22 Section 407. Independent genetic testing. Nothing in this  
23 Article shall prevent a party from obtaining genetic testing of  
24 his or her own blood or tissue independent of those ordered by

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

9 Section 408. Additional persons to be tested.

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

15 (1) the parents of the man;

16 (2) brothers and sisters of the man;

17 (3) other children of the man and their mothers; and

18 (4) other relatives of the man necessary to complete  
19 genetic testing.

20 (b) Issuance of an order under this Section requires a  
21 finding that a need for genetic testing outweighs the  
22 legitimate interests of the individual sought to be tested, and  
23 in no event shall an order be issued until the individual is  
24 joined as a party and given notice as required under the Code  
25 of Civil Procedure.

## 1 ARTICLE 5. TEMPORARY RELIEF

2 Section 501. Temporary orders.

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

7 (1) a presumed parent of the child;

8 (2) petitioning to have parentage adjudicated;

9 (3) identified as the father through genetic testing  
10 under Article 4 of this Act;11 (4) an alleged father who has declined to submit to  
12 genetic testing;13 (5) shown by clear and convincing evidence to be the  
14 child's father;

15 (6) the mother of the child; or

16 (7) anyone else determined to be the child's parent.

17 In determining the amount of a temporary child support  
18 award, the court shall use the guidelines and standards set  
19 forth in Sections 505 and 505.2 of the Illinois Marriage and  
20 Dissolution of Marriage Act.21 (b) A temporary order may include provisions for custody  
22 and parenting time as provided by the Illinois Marriage and  
23 Dissolution of Marriage Act.

24 (c) Temporary orders issued under this Section shall not

1 have prejudicial effect with respect to final support, custody,  
2 or parenting time orders.

3 Section 502. Injunctive relief.

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

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

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

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

23 (b) A temporary restraining order or preliminary  
24 injunction under this Act shall be governed by the relevant  
25 provisions of Part 1 of Article XI of the Code of Civil

1 Procedure.

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

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

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

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

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

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

24 (6) any other evidence that supports the sworn  
25 statements, such as a statement from any other individual  
26 with knowledge of the circumstances that provides the basis

1           for the claim, or physical evidence of the domestic  
2           violence.

3                           ARTICLE 6. PROCEEDING TO ADJUDICATE PARENTAGE

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

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

16                   (a) the child;

17                   (b) the mother of the child;

18                   (c) a pregnant woman;

19                   (d) a man or woman presumed or alleging himself or herself  
20           to be the parent of the child;

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

23                   (f) any person or public agency that has custody of, is

1 providing financial support to, or has provided financial  
2 support to the child;

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

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

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

11 (j) an intended parent pursuant to the terms of a valid  
12 gestational surrogacy contract.

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 parent.

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

21 You have been identified as the presumed parent of  
22 ..... , born on ..... The birth parent of the child is  
23 .....

24 An action is being brought to establish the parent-child  
25 relationship between the named child and a parent named by the  
26 person filing this action, .....

1           As the presumed parent, you have certain legal rights with  
2           respect to the named child, including the right to notice of  
3           the filing of proceedings instituted for the establishment of  
4           parentage of the named child and, if named as a parent in a  
5           petition to establish parentage, the right to submit to, along  
6           with the birth parent and child, deoxyribonucleic acid (DNA)  
7           tests to determine inherited characteristics, subject to  
8           Section 610 of the Illinois Parentage Act of 2013. If you wish  
9           to assert your rights with respect to the child named in this  
10          notice, you must file with the Clerk of this Circuit Court of  
11          ..... County, Illinois, whose address is ..... , within  
12          30 days after the date of receipt of this notice, a declaration  
13          of parentage stating that you are, in fact, the parent of the  
14          named child and that you intend to assert your legal rights  
15          with respect to the child, or that you request to be notified  
16          of any further proceedings with respect to the parentage of the  
17          child.

18          If you do not file a declaration of parentage or a request  
19          for notice, then whatever legal rights you have with respect to  
20          the named child, including the right to notice of any future  
21          proceedings for the establishment of parentage of the child,  
22          may be terminated without any further notice to you. When your  
23          legal rights with respect to the named child are terminated,  
24          you will not be entitled to notice of any future proceedings."

25          (c) The notice to a presumed parent under this Section in  
26          any action brought by a public agency shall be prepared and

1 mailed by the public agency, and the mailing fee to the clerk  
2 of the circuit court shall be waived.

3 Section 606. Summons. The summons that is served on a  
4 respondent shall include the return date on or by which the  
5 respondent must appear and shall contain the following  
6 information, in a prominent place and in conspicuous language,  
7 in addition to the information required to be provided under  
8 the laws of this State: "If you do not appear as instructed in  
9 this summons, you may be required to support the child named in  
10 this petition until the child is at least 18 years old. You may  
11 also have to pay the pregnancy and delivery costs of the  
12 mother."

13 Section 607. No limitation; child having no presumed,  
14 acknowledged, or adjudicated parent. A proceeding to  
15 adjudicate the parentage of a child having no presumed,  
16 acknowledged, or adjudicated parent may be commenced at any  
17 time, even after:

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

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

23 Section 608. Limitation; child having presumed parent.

1           (a) Except as otherwise provided in subsection (b), a  
2 proceeding brought by a presumed parent, the mother, or another  
3 individual to adjudicate the parentage of a child having a  
4 presumed parent, must be commenced not later than 2 years after  
5 the birth of the child.

6           (b) A proceeding seeking to declare the non-existence of  
7 the parent-child relationship between a child and the child's  
8 presumed parent may be maintained at any time if the court  
9 determines that the presumed father and the mother of the child  
10 neither cohabited nor engaged in sexual intercourse with each  
11 other during the probable time of conception.

12           Section 609. Limitation; child having acknowledged or  
13 adjudicated parent.

14           (a) If a child has an acknowledged parent, a signatory to  
15 the acknowledgment described in Section 301 of this Act or  
16 related denial may commence a proceeding seeking to challenge  
17 the acknowledgment or denial or challenge the paternity of the  
18 child only within the time allowed under Section 309 of this  
19 Act.

20           (b) If a child has an acknowledged parent or an adjudicated  
21 parent, an individual, other than the child, who is neither a  
22 signatory to the acknowledgment nor a party to the adjudication  
23 and who seeks an adjudication of parentage of the child must  
24 commence a proceeding not later than 2 years after the  
25 effective date of the acknowledgment or adjudication.

1           (c) A proceeding under this Section is subject to the  
2 application of the principles of estoppel established in  
3 Section 610 of this Act.

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

5           (a) In a proceeding to adjudicate the parentage of a child  
6 having a presumed father, the court may deny a motion seeking  
7 an order for genetic testing of the mother, the child, and the  
8 presumed father if the court determines that:

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

11                   (2) it would be inequitable to disprove the  
12                   father-child relationship between the child and the  
13                   presumed father.

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

17                   (1) the length of time between the proceeding to  
18                   adjudicate parentage and the time that the presumed father  
19                   was placed on notice that he might not be the biological  
20                   father;

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

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

25                   (4) the nature of the relationship between the child

1 and the presumed father;

2 (5) the age of the child;

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

5 (7) the nature of the relationship between the child  
6 and any alleged father;

7 (8) the extent to which the passage of time reduces the  
8 chances of establishing the paternity of another man and a  
9 child-support obligation in favor of the child;

10 (9) other factors that may affect the equities arising  
11 from the disruption of the father-child relationship  
12 between the child and the presumed father or the chance of  
13 other harm to the child; and

14 (10) any other factor the court determines to be  
15 equitable.

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

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

22 Section 611. Joinder of proceedings.

23 (a) Except as otherwise provided in subsection (b), a  
24 proceeding to adjudicate parentage may be joined with a  
25 proceeding for adoption, termination of parental rights, child

1 custody or parenting time, child support, dissolution of  
2 marriage or civil union, declaration of invalidity of marriage  
3 or civil union, legal separation, probate or administration of  
4 an estate, or other appropriate proceeding.

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

8 Section 612. Proceeding before birth. A proceeding to  
9 establish parentage may be commenced before the birth of the  
10 child, but may not be concluded until after the birth of the  
11 child. The following actions may be taken before the birth of  
12 the child:

13 (a) service of process;

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

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

17 Section 613. Child as party; representation.

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

20 (b) The court shall appoint a guardian ad litem to  
21 represent a minor or incapacitated child if the child is a  
22 party or the court finds that the interests of the child are  
23 not adequately represented.



1 Section 614. Admissibility of results of genetic testing;  
2 expenses.

3 (a) If a child has a presumed, acknowledged, or adjudicated  
4 parent, the results of genetic testing are inadmissible to  
5 adjudicate parentage unless performed:

6 (1) with the consent of both the mother and the  
7 presumed, acknowledged, or adjudicated parent; or

8 (2) pursuant to an order of the court under Section 402  
9 of this Act.

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

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

15 (2) that the charges were reasonable, necessary, and  
16 customary.

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

21 Section 615. Consequences of declining genetic testing.

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

24 (b) If an individual whose paternity is being determined  
25 declines to submit to genetic testing ordered by the court or

1 administrative agency, the court or administrative agency may  
2 adjudicate parentage contrary to the position of that  
3 individual.

4 (c) Genetic testing of the mother of a child is not a  
5 condition precedent to genetically testing the child and a man  
6 whose paternity is being determined. If the mother is  
7 unavailable or declines to submit to genetic testing, the court  
8 or administrative agency may order the genetic testing of the  
9 child and every man whose paternity is being adjudicated.

10 Section 616. Admission of paternity authorized.

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

15 (b) If the court finds that the admission of paternity  
16 satisfies the requirements of this Section and finds that there  
17 is no reason to question the admission, the court shall enter  
18 an order adjudicating the child to be the child of the man  
19 admitting paternity.

20 Section 617. Rules for adjudication of paternity. The court  
21 shall apply the following rules to adjudicate the paternity of  
22 a child:

23 (a) The paternity of a child having an adjudicated father  
24 may be disproved only by admissible results of genetic testing,

1 or other means, excluding that man as the father of the child  
2 or identifying another man as the father of the child.

3 (b) Unless the results of the genetic testing or other  
4 evidence are admitted to rebut other results of genetic  
5 testing, a man identified as the father of a child under  
6 Section 404 of this Act must be adjudicated the father of the  
7 child.

8 (c) If the court finds that genetic testing under Section  
9 404 neither identifies nor excludes a man as the father of a  
10 child, the court may not dismiss the proceeding. In that event,  
11 the results of genetic testing and other evidence are  
12 admissible to adjudicate the issue of paternity.

13 (d) Unless the results of genetic testing are admitted to  
14 rebut other results of genetic testing, a man excluded as the  
15 father of a child by genetic testing must be adjudicated not to  
16 be the father of the child.

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

21 Section 619. Jury prohibited. Trial by jury is not  
22 available under this Act.

23 Section 620. Order on default. The court may issue an order

1 adjudicating the parentage of a person who is in default after  
2 service of process.

3 Section 621. Binding effect of determination of parentage.

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

6 (1) all signatories to an acknowledgment or denial as  
7 provided in Article 3 of this Act; and

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

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

14 (1) the determination was based on an unrescinded  
15 acknowledgment as provided in Article 3 of this Act and the  
16 acknowledgment is consistent with the results of genetic  
17 testing;

18 (2) the adjudication of parentage was based on a  
19 finding consistent with the results of genetic testing and  
20 the consistency is declared in the determination or is  
21 otherwise shown; or

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

24 (c) In a proceeding for dissolution of marriage or civil  
25 union, declaration of invalidity of marriage or civil union, or

1 legal separation, the court is deemed to have made an  
2 adjudication of the parentage of a child if the court acts  
3 under circumstances that satisfy the jurisdictional  
4 requirements of Section 201 of the Uniform Interstate Family  
5 Support Act, and the final order:

6 (1) expressly identifies a child as a "child of the  
7 marriage or civil union", "issue of the marriage or civil  
8 union", or similar words indicating that the husband is the  
9 father of the child or the party to the civil union is the  
10 parent of the child; or

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

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

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

## 21 ARTICLE 7. CHILD OF ASSISTED REPRODUCTION

22 Section 701. Scope of Article. This Article does not apply  
23 to the birth of a child conceived by means of sexual  
24 intercourse or as a result of a valid gestational surrogacy

1 contract.

2 Section 702. Parental status of donor. Except as provided  
3 in this Act, a donor is not a parent of a child conceived by  
4 means of assisted reproduction. The donor of sperm provided for  
5 use in artificial insemination of a woman other than the  
6 donor's spouse or other party to a state-recognized civil union  
7 or domestic partnership shall be treated in law as if he were  
8 not a parent of a child conceived by artificial insemination. A  
9 woman who contributes an egg or eggs for the purpose of  
10 in-vitro fertilization or implantation in a woman other than  
11 herself or the other party to her state-recognized marriage,  
12 civil union, or domestic partnership shall be treated in law as  
13 if she were not a parent of a child conceived by assisted  
14 reproduction.

15 Section 703. Parentage of a child of assisted reproduction.  
16 A man who provides sperm for, or consents to, assisted  
17 reproduction (including artificial insemination) by a woman as  
18 provided in Section 704 with the intent to be the parent of her  
19 child, is a parent of the resulting child. A woman who provides  
20 an egg or eggs for, or consents to, assisted reproduction  
21 (including in-vitro fertilization and implantation) by a woman  
22 as provided in Section 704 with the intent to be the parent of  
23 her child, is a parent of the resulting child.

1 Section 704. Consent to assisted reproduction.

2 (a) Consent by a husband or party to a state-recognized  
3 marriage, civil union, or domestic partnership who intends to  
4 be a parent of a child born to a female party to a  
5 state-recognized marriage, civil union, or domestic  
6 partnership by assisted reproduction must be in a record signed  
7 by both parties to the state-recognized marriage, civil union,  
8 or domestic partnership. This requirement does not apply to a  
9 donor, unless the donor intends to be the parent.

10 (b) Failure to sign a consent required by subsection (a) of  
11 this Section, before or after the birth of the child, does not  
12 preclude a presumption under Section 204 of this Act.

13 Section 705. Limitation of dispute of parentage.

14 (a) Any child born as the result of artificial insemination  
15 shall be considered at law in all respects the same as a  
16 naturally conceived child of the couple so requesting and  
17 consenting to the use of artificial insemination.

18 (b) If, under the supervision of a licensed physician and  
19 with the consent of the other spouse or other party to the  
20 civil union, a wife or party to the civil union is inseminated  
21 artificially with sperm donated by a donor, the other spouse or  
22 other party to the civil union shall be treated in law as if he  
23 or she is the natural parent of the child thereby conceived.  
24 The other spouse's or other party to the civil union's consent  
25 must be in writing executed and acknowledged by both spouses or

1 both parties to the civil union. The physician who is to  
2 perform the technique shall certify their signatures and the  
3 date of the insemination, and file the other spouse's or other  
4 party to the civil union's consent in the medical record where  
5 it shall be kept confidential and held by the patient's  
6 physician. However, the physician's failure to certify and file  
7 the consent shall not affect the legal relationship between the  
8 other spouse or other party to the civil union and the child.  
9 All records pertaining to the insemination, whether part of the  
10 permanent medical record held by the physician or not, are  
11 subject to inspection only upon an order of the court or for  
12 good cause shown.

13 (c) Except as otherwise provided in subsection (b) of this  
14 Section, a spouse or party to a civil union whose wife or other  
15 party to the civil union gives birth to a child by means of  
16 assisted reproduction may not challenge parentage of the child  
17 unless:

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

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

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

26 (1) the spouse or party to the civil union did not



1 provide sperm for, or before or after birth of the child  
2 did not consent to, assisted reproduction by the wife or  
3 other party to the civil union;

4 (2) the spouses or parties to the civil union have not  
5 cohabitated since the probable time of assisted  
6 reproduction; or

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

9 (e) The limitation provided in this Section applies to a  
10 marriage or civil union declared invalid after assisted  
11 reproduction.

12 Section 706. Effect of dissolution of marriage or civil  
13 union or withdrawal of consent.

14 (a) If a state-recognized marriage, civil union, or  
15 domestic partnership is dissolved or declared invalid, or a  
16 judgment for legal separation is entered, before implantation  
17 of existing eggs, sperm, embryo, or embryos, the former spouse  
18 or party is not a parent of the resulting child unless the  
19 former spouse or party consented and the judgment provides that  
20 if assisted reproduction were to occur after entry of such  
21 judgment, the former spouse or party would be a parent of the  
22 child.

23 (b) Consent to assisted reproduction may be withdrawn by an  
24 individual in a record upon giving proper notice to the other  
25 party and the clinic or physician who was to perform the

1 technique, by certified mail return receipt requested, at any  
2 time before implantation of the eggs, sperm, embryo, or  
3 embryos. An individual who withdraws consent under this Section  
4 is not a parent of the resulting child.

5 Section 707. Parental status of deceased individual. If an  
6 individual does not consent in a record to be a parent by  
7 assisted reproduction after death and dies before the  
8 implantation of eggs, sperm, embryo, or embryos, the deceased  
9 individual is not a parent of the resulting child.

10 ARTICLE 8. SUPPORT AND JUDGMENT

11 Section 801. Child support orders.

12 (a) Notwithstanding any other law to the contrary, pending  
13 the outcome of a judicial determination of parentage, the court  
14 shall issue an order for child support upon motion by a party  
15 and a showing of clear and convincing evidence of parentage. In  
16 determining the amount of the child support award, the court  
17 shall use the guidelines and standards set forth in Sections  
18 505 and 505.2 of the Illinois Marriage and Dissolution of  
19 Marriage Act.

20 (b) Any new or existing support order entered by the court  
21 under this Section shall be deemed to be a series of judgments  
22 against the person obligated to pay support thereunder, each  
23 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 other state or  
9 local law to the contrary, a lien arises by operation of law  
10 against the real and personal property of the noncustodial  
11 parent for each installment of overdue support owed by the  
12 noncustodial parent.

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

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

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

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

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

21 (f) An order entered under this Section shall include a  
22 provision requiring the obligor to report to the obligee and to  
23 the clerk of the circuit court within 7 days each time the  
24 obligor obtains new employment, and each time the obligor's  
25 employment is terminated for any reason. The report shall be in  
26 writing and shall, in the case of new employment, include the

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

14 Section 802. Judgment.

15 (a) The court shall issue an order adjudicating whether a  
16 person alleged or claiming to be the parent is the parent of  
17 the child. An order adjudicating parentage must identify the  
18 child by name and date of birth.

19 The court may assess filing fees, reasonable attorney's  
20 fees, fees for genetic testing, other costs, necessary travel  
21 expenses, and other reasonable expenses incurred in a  
22 proceeding under this Act. The court may award attorney's fees,  
23 which may be paid directly to the attorney, who may enforce the  
24 order in the attorney's own name. The court may not assess  
25 fees, costs, or expenses against the support-enforcement

1 agency of this State or another state, except as provided by  
2 other law.

3 The judgment shall contain or explicitly reserve  
4 provisions concerning any duty and amount of child support and  
5 may contain provisions concerning the custody and guardianship  
6 of the child, parenting time privileges with the child, and the  
7 furnishing of bond or other security for the payment of the  
8 judgment, which the court shall determine in accordance with  
9 the relevant factors set forth in the Illinois Marriage and  
10 Dissolution of Marriage Act and any other applicable law of  
11 this State, to guide the court in a finding in the best  
12 interests of the child. In determining custody, joint custody,  
13 removal, parenting time, parenting time interference, support  
14 for a non-minor disabled child, educational expenses for a  
15 non-minor child, and related post-judgment issues, the court  
16 shall apply the relevant standards of the Illinois Marriage and  
17 Dissolution of Marriage Act. Specifically, in determining the  
18 amount of a child support award, the court shall use the  
19 guidelines and standards set forth in subsection (a) of Section  
20 505 and in Section 505.2 of the Illinois Marriage and  
21 Dissolution of Marriage Act. The court shall order all child  
22 support payments, determined in accordance with such  
23 guidelines, to commence with the date summons is served. The  
24 level of current periodic support payments shall not be reduced  
25 because of payments set for the period prior to the date of  
26 entry of the support order.

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

6           (c) If a judgment of parentage contains no explicit award  
7 of custody, the establishment of a child support obligation or  
8 of parenting time rights in one parent shall be considered a  
9 judgment granting custody to the other parent. If the parentage  
10 judgment contains no such provisions, custody shall be presumed  
11 to be with the mother; however, the presumption shall not apply  
12 if the father has had physical custody for at least 6 months  
13 prior to the date that the mother seeks to enforce custodial  
14 rights.

15           (d) The court, if necessary to protect and promote the best  
16 interests of the child, may set aside a portion of the  
17 separately held estates of the parties in a separate fund or  
18 trust for the support, education, physical and mental health,  
19 and general welfare of a minor or mentally or physically  
20 disabled child of the parties.

21           (e) The court may order child support payments to be made  
22 for a period prior to the commencement of the action. In  
23 determining whether and to what extent the payments shall be  
24 made for the prior period, the court shall consider all  
25 relevant facts, including but not limited to:

26           (1) The factors for determining the amount of support



1 specified in the Illinois Marriage and Dissolution of  
2 Marriage Act.

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

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

7 (4) The extent to which the mother or the public agency  
8 bringing the action previously informed the father of the  
9 child's needs or attempted to seek or require his help in  
10 raising or supporting the child.

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

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

15 For purposes of determining the amount of child support to  
16 be paid for the period before the date the order for current  
17 child support is entered, there is a rebuttable presumption  
18 that the father's net income for the prior period was the same  
19 as his net income at the time the order for current child  
20 support is entered.

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

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

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

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

26 (h) On the request of both parents, the court shall order a

1 change in the child's name.

2 (i) After hearing evidence, the court may stay payment of  
3 support during the period of the father's minority or period of  
4 disability.

5 (j) If, upon a showing of proper service, the father fails  
6 to appear in court or otherwise appear as provided by law, the  
7 court may proceed to hear the cause upon testimony of the  
8 mother or other parties taken in open court and shall enter a  
9 judgment by default. The court may reserve any order as to the  
10 amount of child support until the father has received notice,  
11 by regular mail, of a hearing on the matter.

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

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

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

18 (m) If there is an unpaid arrearage or delinquency (as  
19 those terms are defined in the Income Withholding for Support  
20 Act) equal to at least one month's support obligation on the  
21 termination date stated in the order for support or, if there  
22 is no termination date stated in the order, on the date the  
23 child attains the age of majority or is otherwise emancipated,  
24 the periodic amount required to be paid for current support of  
25 that child immediately prior to that date shall automatically  
26 continue to be an obligation, not as current support but as

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

20 (n) An order entered under this Section shall include a  
21 provision requiring the obligor to report to the obligee and to  
22 the clerk of court within 7 days each time the obligor obtains  
23 new employment, and each time the obligor's employment is  
24 terminated for any reason. The report shall be in writing and  
25 shall, in the case of new employment, include the name and  
26 address of the new employer. Failure to report new employment

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

13 Section 803. Information to State Case Registry.

14 (a) In this Section:

15 "Order for support", "obligor", "obligee", and "business  
16 day" are defined as set forth in the Income Withholding for  
17 Support Act.

18 "State Case Registry" means the State Case Registry  
19 established under Section 10-27 of the Illinois Public Aid  
20 Code.

21 (b) Each order for support entered or modified by the  
22 circuit court under this Act shall require that the obligor and  
23 obligee file with the clerk of the circuit court (i) the  
24 information required by this Section (and any other information  
25 required under Title IV, Part D of the Social Security Act or

1 by the federal Department of Health and Human Services) at the  
2 time of entry or modification of the order for support; and  
3 (ii) updated information within 5 business days of any change.  
4 Failure of the obligor or obligee to file or update the  
5 required information shall be punishable as in cases of  
6 contempt. The failure shall not prevent the court from entering  
7 or modifying the order for support, however.

8 (c) The obligor shall file the following information: the  
9 obligor's name, date of birth, social security number, and  
10 mailing address. If either the obligor or the obligee receives  
11 child support enforcement services from the Department of  
12 Healthcare and Family Services under Article X of the Illinois  
13 Public Aid Code, the obligor shall also file the following  
14 information: the obligor's telephone number, driver's license  
15 number, residential address (if different from the obligor's  
16 mailing address), and the name, address, and telephone number  
17 of the obligor's employer or employers.

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

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

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

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

25 (4) The obligee's mailing address.

26 (e) In cases in which the obligee receives child support

1 enforcement services from the Department of Healthcare and  
2 Family Services under Article X of the Illinois Public Aid  
3 Code, the order for support shall (i) require that the obligee  
4 file the information required under subsection (d) with the  
5 Department of Healthcare and Family Services for inclusion in  
6 the State Case Registry, rather than file the information with  
7 the clerk, and (ii) require that the obligee include the  
8 following additional information:

9 (1) The obligee's telephone and driver's license  
10 numbers.

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

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

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

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

23 (g) In a case in which a party is receiving child support  
24 enforcement services under Article X of the Illinois Public Aid  
25 Code, the clerk of the circuit court shall provide the  
26 following additional information to the State Case Registry



1 within 5 business days after entry or modification of an order  
2 for support or request from the Department of Healthcare and  
3 Family Services:

4 (1) the amount of monthly or other periodic support  
5 owed under the order for support and other amounts,  
6 including arrearage, interest, or late payment penalties  
7 and fees, due or overdue under the order; and

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

10 (h) Information filed by the obligor and obligee under this  
11 Section that is not specifically required to be included in the  
12 body of an order for support under other laws is not a public  
13 record and shall be treated as confidential and subject to  
14 disclosure only in accordance with the provisions of this  
15 Section, Section 10-27 of the Illinois Public Aid Code, and  
16 Title IV, Part D of the Social Security Act.

17 Section 804. Information to locate putative fathers and  
18 noncustodial parents.

19 (a) Upon request by a public office, employers, labor  
20 unions, and telephone companies shall provide location  
21 information concerning putative fathers and noncustodial  
22 parents for the purpose of establishing the parentage of a  
23 child or establishing, enforcing, or modifying a child support  
24 obligation. As used in this Section, the term "public office"  
25 is defined as set forth in the Income Withholding for Support

1 Act, and "location information" means information about (i) the  
2 physical whereabouts of a putative father or noncustodial  
3 parent; (ii) the employer of the putative father or  
4 noncustodial parent; or (iii) the salary, wages, and other  
5 compensation paid and the health insurance coverage provided to  
6 the putative father or noncustodial parent by the employer of  
7 the putative father or noncustodial parent or by a labor union  
8 of which the putative father or noncustodial parent is a  
9 member. An employer, labor union, or telephone company shall  
10 respond to the request of the public office within 15 days  
11 after receiving the request. An employer, labor union, or  
12 telephone company that willfully fails to fully respond within  
13 the 15-day period shall be subject to a penalty of \$100 for  
14 each day that the response is not provided to the public office  
15 after the 15-day period has expired. The penalty may be  
16 collected in a civil action, which may be brought against the  
17 employer, labor union, or telephone company in favor of the  
18 public office.

19 (b) Upon being served with a subpoena (including an  
20 administrative subpoena as authorized by law), a utility  
21 company or cable television company must provide location  
22 information to a public office for the purpose of establishing  
23 the parentage of a child or establishing, enforcing, or  
24 modifying a child support obligation.

25 (c) Notwithstanding the provisions of any other State or  
26 local law to the contrary, an employer, labor union, telephone

1 company, utility company, or cable television company shall not  
2 be liable to any person for disclosure of location information  
3 under the requirements of this Section, except for willful and  
4 wanton misconduct.

5 Section 805. Enforcement of judgment or order.

6 (a) If the existence of the parent-child relationship is  
7 declared, or if parentage or a duty of support has been  
8 established under this Act or under prior law or under the law  
9 of any other jurisdiction, the judgment rendered thereunder may  
10 be enforced in the same or in other proceedings by any party or  
11 any person or agency that has furnished or may furnish  
12 financial assistance or services to the child. The Income  
13 Withholding for Support Act and Sections 802 and 808 of this  
14 Act shall also be applicable with respect to the entry,  
15 modification, and enforcement of a support judgment entered  
16 under the Paternity Act, approved July 5, 1957 and repealed  
17 July 1, 1985.

18 (b) Failure to comply with an order of the court shall be  
19 punishable as contempt as in other cases of failure to comply  
20 under the Illinois Marriage and Dissolution of Marriage Act. In  
21 addition to other penalties provided by law, the court may,  
22 after finding the party guilty of contempt, take the following  
23 action:

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

1           (2) Order that the party be sentenced to periodic  
2 imprisonment for a period not to exceed 6 months. However,  
3 the court may permit the party to be released for periods  
4 of time during the day or night to work, conduct business,  
5 or engage in other self-employed occupation. The court may  
6 further order any part of all the earnings of a party  
7 during a sentence of periodic imprisonment to be paid to  
8 the clerk of the circuit court or to the person or parent  
9 having custody of the minor child for the support of the  
10 child until further order of the court.

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

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

24           (B) the non-custodial parent and the person,  
25 persons, or business entity fail to maintain an arms  
26 length relationship between themselves with regard to

1 any assets.

2 (C) the non-custodial parent transfers assets to  
3 the person, persons, or business entity with the intent  
4 to perpetrate a fraud on the custodial parent. With  
5 respect to assets which are real property, no order  
6 entered under this subdivision (3) shall affect the  
7 rights of bona fide purchasers, mortgagees, judgment  
8 creditors, or other lien holders who acquire their  
9 interests in the property prior to the time a notice of  
10 lis pendens under the Code of Civil Procedure or a copy  
11 of the order is placed of record in the office of the  
12 recorder of deeds for the county in which the real  
13 property is located.

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

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

9 In addition to the penalties or punishment that may be  
10 imposed under this Section, a person whose conduct constitutes  
11 a violation of Section 15 of the Non-Support Punishment Act may  
12 be prosecuted under that Act, and a person convicted under that  
13 Act may be sentenced in accordance with that Act. The sentence  
14 may include, but need not be limited to, a requirement that the  
15 person perform community service under Section 50 of that Act  
16 or participate in a work alternative program under Section 50  
17 of that Act. A person may not be required to participate in a  
18 work alternative program under Section 50 of the Non-Support  
19 Punishment Act if the person is currently participating in a  
20 work program under Section 806 of this Act.

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

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

25 (a) Whenever it is determined in a proceeding to establish

1 or enforce a child support obligation that the person owing a  
2 duty of support is unemployed, the court may order the person  
3 to seek employment and report periodically to the court with a  
4 diary, listing, or other memorandum of his or her efforts to  
5 seek employment in accordance with the order. Additionally, the  
6 court may order the unemployed person to report to the  
7 Department of Employment Security for job search services and  
8 to participate in job training or work programs. When the duty  
9 of support is owed to a child receiving child support  
10 enforcement services under Article X of the Illinois Public Aid  
11 Code, the court may order the unemployed person to report to  
12 the Department of Healthcare and Family Services for  
13 participation in job search, training, or work programs  
14 established under Section 9-6 and Article IXA of that Code.

15 (b) Whenever it is determined that a person owes past-due  
16 support for a child, and the child is receiving assistance  
17 under the Illinois Public Aid Code, the court shall, at the  
18 request of the Department of Healthcare and Family Services,  
19 order the following:

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

22 (2) if the person owing past-due support is unemployed,  
23 is subject to a payment plan, and is not incapacitated,  
24 that the person participate in job search, training, or  
25 work programs established under Section 9-6 and Article IXA  
26 of the Illinois Public Aid Code as the court deems

1           appropriate.

2           Section 807. Order of protection; status. Whenever relief  
3 is sought under this Act, the court, before granting relief,  
4 shall determine whether an order of protection has previously  
5 been entered in the instant proceeding or any other proceeding  
6 in which any party, or a child of any party, or both, if  
7 relevant, has been designated as either a respondent or a  
8 protected person.

9           Section 808. Modification of judgment. The court has  
10 continuing jurisdiction to modify an order for support,  
11 custody, parenting time, or removal included in a judgment  
12 entered under this Act. Any custody, parenting time, or removal  
13 judgment modification shall be in accordance with the relevant  
14 factors specified in the Illinois Marriage and Dissolution of  
15 Marriage Act. Any support judgment is subject to modification  
16 or termination only in accordance with Section 510 of the  
17 Illinois Marriage and Dissolution of Marriage Act.

18           Section 809. Right to counsel.

19           (a) Any party may be represented by counsel at all  
20 proceedings under this Act. Except as otherwise provided in  
21 this Act, the court may order, in accordance with the relevant  
22 factors specified in Section 508 of the Illinois Marriage and  
23 Dissolution of Marriage Act, reasonable fees of counsel,



1 experts, and other costs of the action, pre-trial proceedings,  
2 post-judgment proceedings to enforce or modify the judgment,  
3 and the appeal or the defense of an appeal of the judgment to  
4 be paid by the parties. The court may not order payment by the  
5 Department of Healthcare and Family Services in cases in which  
6 the Department is providing child support enforcement services  
7 under Article X of the Illinois Public Aid Code.

8 (b) In any proceedings involving the support, custody,  
9 parenting time, education, parentage, property interest, or  
10 general welfare of a minor or dependent child, the court may,  
11 on its own motion or that of any party, appoint an attorney to  
12 serve in one of the capacities specified in Section 506 of the  
13 Illinois Marriage and Dissolution of Marriage Act.

14 Section 810. Withholding of income to secure payment of  
15 support. Orders for support entered under this Act are subject  
16 to the Income Withholding for Support Act.

17 Section 811. Information concerning obligors.

18 (a) In this Section:

19 "Arrearage", "delinquency", "obligor", and "order for  
20 support" have the meanings attributed to those terms in the  
21 Income Withholding for Support Act.

22 "Consumer reporting agency" has the meaning attributed to  
23 that term in Section 603(f) of the Fair Credit Reporting Act,  
24 15 U.S.C. 1681a(f).

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

8           (c) Whenever a court of competent jurisdiction finds that  
9 an obligor either owes an arrearage of more than \$10,000 or is  
10 delinquent in payment of an amount equal to at least 3 months'  
11 support obligation pursuant to an order for support, the court  
12 shall direct the clerk of the circuit court to cause the  
13 obligor's name and address to be published in a newspaper of  
14 general circulation in the area in which the obligor resides.  
15 The clerk of the circuit court shall cause the obligor's name  
16 and address to be published only after sending to the obligor  
17 at the obligor's last known address, by certified mail, return  
18 receipt requested, a notice of intent to publish the  
19 information. This subsection (c) applies only if the obligor  
20 resides in the county in which the clerk of the circuit court  
21 holds office.

22           Section 812. Interest on support obligations. A support  
23 obligation, or any portion of a support obligation, which  
24 becomes due and remains unpaid as of the end of each month,  
25 excluding the child support that was due for that month to the

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

13 Section 813. Support payments; receiving and disbursing  
14 agents.

15 (a) In an action filed in a county with less than 3,000,000  
16 inhabitants in which an order for child support is entered, and  
17 in supplementary proceedings to enforce or vary the terms of  
18 the order arising out of an action filed in such a county, the  
19 court, except in actions or supplementary proceedings in which  
20 the pregnancy and delivery expenses of the mother or the child  
21 support payments are for a recipient of aid under the Illinois  
22 Public Aid Code, shall direct that child support payments be  
23 made to the clerk of the circuit court, unless in the  
24 discretion of the court exceptional circumstances warrant  
25 otherwise. In cases where payment is to be made to persons

1 other than the clerk of the circuit court, the judgment or  
2 order of support shall set forth the facts of the exceptional  
3 circumstances.

4 (b) In an action filed in a county of 3,000,000 or more  
5 inhabitants in which an order for child support is entered, and  
6 in supplementary proceedings to enforce or vary the terms of  
7 the order arising out of an action filed in such a county, the  
8 court, except in actions or supplementary proceedings in which  
9 the pregnancy and delivery expenses of the mother or the child  
10 support payments are for a recipient of aid under the Illinois  
11 Public Aid Code, shall direct that child support payments be  
12 made either to the clerk of the circuit court or to the Court  
13 Service Division of the Department of Human Services local  
14 office or offices or its successor or to the Department of  
15 Healthcare and Family Services, unless in the discretion of the  
16 court exceptional circumstances warrant otherwise. In cases  
17 where payment is to be made to persons other than the clerk of  
18 the circuit court, the Court Service Division of the Department  
19 of Human Services local office or offices or its successor, or  
20 the Department of Healthcare and Family Services, the judgment  
21 or order of support shall set forth the facts of the  
22 exceptional circumstances.

23 (c) When the action or supplementary proceeding is on  
24 behalf of a mother for pregnancy and delivery expenses or for  
25 child support, or both, and the mother, child, or both, are  
26 recipients of aid under the Illinois Public Aid Code, the court

1 shall order that the payments be made directly to (1) the  
2 Department of Healthcare and Family Services, if the mother or  
3 child, or both, are recipients under Article IV or V of the  
4 Illinois Public Aid Code; or (2) the local governmental unit  
5 responsible for the support of the mother or child, or both, if  
6 they are recipients under Article VI of the Illinois Public Aid  
7 Code. In accordance with federal law and regulations, the  
8 Department of Healthcare and Family Services may continue to  
9 collect current maintenance payments or child support  
10 payments, or both, after those persons cease to receive public  
11 assistance and until termination of services under Article X of  
12 the Illinois Public Aid Code. The Department of Healthcare and  
13 Family Services shall pay the net amount collected to those  
14 persons after deducting any costs incurred in making the  
15 collection or any collection fee from the amount of any  
16 recovery made. The Department of Healthcare and Family Services  
17 or the local governmental unit, as the case may be, may direct  
18 that payments be made directly to the mother of the child, or  
19 to some other person or agency on the child's behalf, upon the  
20 removal of the mother and child from the public aid rolls or  
21 upon termination of services under Article X of the Illinois  
22 Public Aid Code; upon such direction, the Department of  
23 Healthcare and Family Services or the local governmental unit  
24 shall give notice of the action to the court in writing or by  
25 electronic transmission.

26 (d) All clerks of the circuit court and the Court Service

1 Division of the Department of Human Services local office or  
2 offices or its successor and the Department of Healthcare and  
3 Family Services, receiving child support payments under  
4 subsection (a) or (b) shall disburse the payments to the person  
5 or persons entitled to the payments under the terms of the  
6 order. The entity disbursing the payments shall establish and  
7 maintain clear and current records of all moneys received and  
8 disbursed and of defaults and delinquencies in required  
9 payments. The court, by order or rule, shall make provision for  
10 the carrying out of these duties. Payments under this Section  
11 to the Department of Healthcare and Family Services made  
12 pursuant to the Child Support Enforcement Program established  
13 by Title IV-D of the Social Security Act shall be paid into the  
14 Child Support Enforcement Trust Fund. All payments under this  
15 Section to the Illinois Department of Human Services shall be  
16 deposited in the DHS Recoveries Trust Fund. Disbursement from  
17 these funds shall be as provided in the Illinois Public Aid  
18 Code. Payments received by a local governmental unit shall be  
19 deposited in that unit's General Assistance Fund.

20 (e) The moneys received by persons or agencies designated  
21 by the court shall be disbursed by them in accordance with the  
22 order. However, the court, on petition of the State's Attorney,  
23 may enter new orders designating the clerk of the circuit court  
24 or the Department of Healthcare and Family Services as the  
25 person or agency authorized to receive and disburse child  
26 support payments and, in the case of a recipient of public aid,

1 the court, on petition of the Attorney General or State's  
2 Attorney, shall direct subsequent payments to be paid to the  
3 Department of Healthcare and Family Services or to the  
4 appropriate local governmental unit, as provided in subsection  
5 (c) of this Section. Payments of child support by principals or  
6 sureties on bonds or proceeds of any sale for the enforcement  
7 of a judgment shall be made to the clerk of the circuit court,  
8 the Department of Healthcare and Family Services, or the  
9 appropriate local governmental unit, as required by this  
10 Section.

11 (f) For those cases in which child support is payable to  
12 the clerk of the circuit court for transmittal to the  
13 Department of Healthcare and Family Services by order of court  
14 or upon notification by the Department of Healthcare and Family  
15 Services, the clerk of the circuit court shall transmit all  
16 payments, within 4 working days of receipt, to insure that  
17 funds are available for immediate distribution by the  
18 Department of Healthcare and Family Services to the person or  
19 entity entitled to them in accordance with the Child Support  
20 Enforcement Program under Title IV-D of the Social Security  
21 Act. The clerk of the circuit court shall notify the Department  
22 of Healthcare and Family Services of the date of receipt and  
23 the amount of the funds at the time of transmittal. If the  
24 clerk of the circuit court has entered into an agreement of  
25 cooperation with the Department of Healthcare and Family  
26 Services to record the terms of child support orders and

1 payments made thereunder directly into the Department's  
2 automated data processing system, the clerk of the circuit  
3 court shall account for, transmit and otherwise distribute  
4 child support payments in accordance with the agreement in lieu  
5 of the requirements contained in this Section.

6 (g) To the extent the provisions of this Section are  
7 inconsistent with the requirements pertaining to the State  
8 Disbursement Unit under Section 815 of this Act and Section  
9 10-26 of the Illinois Public Aid Code, the requirements  
10 pertaining to the State Disbursement Unit shall apply.

11 Section 814. Notice of child support enforcement services.  
12 The Department of Healthcare and Family Services may provide  
13 notice at any time to the parties to an action filed under this  
14 Act that child support enforcement services are being provided  
15 by the Department under Article X of the Illinois Public Aid  
16 Code. After notice is provided, the Department of Healthcare  
17 and Family Services shall be entitled, as if it were a party,  
18 to notice of any further proceedings brought in the case. The  
19 Department of Healthcare and Family Services shall provide the  
20 clerk of the circuit court with copies of the notices sent to  
21 the parties. The clerk of the circuit court shall file the  
22 copies in the court file.

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

24 (a) As used in this Section, "order for support",



1 "obligor", "obligee", and "payor" have the meanings ascribed to  
2 them in the Income Withholding for Support Act, except that  
3 "order for support" does not mean an order for spousal  
4 maintenance under which there is no child support obligation.

5 (b) Notwithstanding any other provision of this Act to the  
6 contrary, each order for support entered or modified on or  
7 after October 1, 1999 shall require that support payments be  
8 made to the State Disbursement Unit established under Section  
9 10-26 of the Illinois Public Aid Code if:

10 (1) a party to the order is receiving child support  
11 enforcement services under Article X of the Illinois Public  
12 Aid Code; or

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

16 (c) Support payments shall be made to the State  
17 Disbursement Unit if:

18 (1) the order for support was entered before October 1,  
19 1999, and a party to the order is receiving child support  
20 enforcement services under Article X of the Illinois Public  
21 Aid Code; or

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

25 (d) If no party to the order is receiving child support  
26 enforcement services under Article X of the Illinois Public Aid

1 Code and the support payments are not made through income  
2 withholding, then support payments shall be made as directed by  
3 the order for support.

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

8 (1) to make support payments to the State Disbursement  
9 Unit if:

10 (A) a party to the order for support is receiving  
11 child support enforcement services under Article X of  
12 the Illinois Public Aid Code; or

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

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

22 The Department of Healthcare and Family Services shall  
23 provide a copy of the notice sent under this subsection to the  
24 obligee and to the clerk of the circuit court.

25 (f) The clerk of the circuit court shall provide written  
26 notice to the obligor to make payments directly to the clerk of

1 the circuit court if no party to the order is receiving child  
2 support enforcement services under Article X of the Illinois  
3 Public Aid Code, the support payments are not made through  
4 income withholding, and the order for support requires support  
5 payments to be made directly to the clerk of the circuit court.  
6 The clerk of the circuit court shall provide a copy of the  
7 notice to the obligee.

8 (g) If the State Disbursement Unit receives a support  
9 payment that was not appropriately made to the Unit under this  
10 Section, the Unit shall immediately return the payment to the  
11 sender, including, if possible, instructions detailing where  
12 to send the support payments.

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

17 Section 816. Notice to the clerk of circuit court of  
18 payment received by Department of Healthcare and Family  
19 Services. For those cases in which support is payable to the  
20 clerk of the circuit court for transmittal to the Department of  
21 Healthcare and Family Services by order of court, and the  
22 Department of Healthcare and Family Services collects support  
23 by assignment, offset, withhold, deduction, or other process  
24 permitted by law, the Department of Healthcare and Family  
25 Services shall notify the clerk of the circuit court of the

1 date and amount of the collection. Upon notification, the clerk  
2 of the circuit court shall record the collection on the payment  
3 record for the case.

4 ARTICLE 9. MISCELLANEOUS PROVISIONS

5 Section 901. Burden of proof. Absent a burden of proof  
6 specifically set forth in this Act, the burden of proof shall  
7 be by a preponderance of the evidence.

8 Section 902. Severability clause. If any provision of this  
9 Act or its application to an individual or circumstance is held  
10 invalid, the invalidity does not affect other provisions or  
11 applications of this Act which can be given effect without the  
12 invalid provision or application, and to this end the  
13 provisions of this Act are severable.

14 Section 903. Transitional provision. A proceeding to  
15 adjudicate parentage which was commenced before the effective  
16 date of this Act is governed by the law in effect at the time  
17 the proceeding was commenced.

18 Section 904. Savings provision. The repeal of the Illinois  
19 Parentage Act of 1984 and the Illinois Parentage Act shall not  
20 affect rights or liabilities under those Act which have been  
21 determined, settled, or adjudicated prior to the effective date

1 of this Act or which are the subject of proceedings pending on  
2 the effective date of this Act. This Act shall not be construed  
3 to bar an action which would have been barred because the  
4 action had not been filed within a time limitation under the  
5 Illinois Parentage Act of 1984 and the Illinois Parentage Act,  
6 or which could not have been maintained under those Acts, as  
7 long as the action is not barred by a limitations period set  
8 forth in this Act.

9 Section 905. Other states' establishments of parentage.  
10 Establishments of parentage made under the laws of other states  
11 shall be given full faith and credit in this State regardless  
12 of whether parentage was established through voluntary  
13 acknowledgment or through judicial or administrative  
14 processes.

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

18 (20 ILCS 1005/1005-130) (was 20 ILCS 1005/43a.14)

19 Sec. 1005-130. Exchange of information for child support  
20 enforcement.

21 (a) The Department has the power to exchange with the  
22 Department of Healthcare and Family Services information that  
23 may be necessary for the enforcement of child support orders

1 entered pursuant to 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 Revised Uniform Reciprocal Enforcement of Support Act, the  
5 Uniform Interstate Family Support Act, ~~or~~ the Illinois  
6 Parentage Act of 1984, or the Illinois Parentage Act of 2013.

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

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

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

18 (20 ILCS 2105/2105-15)

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

20 (a) The Department has, subject to the provisions of the  
21 Civil Administrative Code of Illinois, the following powers and  
22 duties:

23 (1) To authorize examinations in English to ascertain  
24 the qualifications and fitness of applicants to exercise

1 the profession, trade, or occupation for which the  
2 examination is held.

3 (2) To prescribe rules and regulations for a fair and  
4 wholly impartial method of examination of candidates to  
5 exercise the respective professions, trades, or  
6 occupations.

7 (3) To pass upon the qualifications of applicants for  
8 licenses, certificates, and authorities, whether by  
9 examination, by reciprocity, or by endorsement.

10 (4) To prescribe rules and regulations defining, for  
11 the respective professions, trades, and occupations, what  
12 shall constitute a school, college, or university, or  
13 department of a university, or other institution,  
14 reputable and in good standing, and to determine the  
15 reputability and good standing of a school, college, or  
16 university, or department of a university, or other  
17 institution, reputable and in good standing, by reference  
18 to a compliance with those rules and regulations; provided,  
19 that no school, college, or university, or department of a  
20 university, or other institution that refuses admittance  
21 to applicants solely on account of race, color, creed, sex,  
22 or national origin shall be considered reputable and in  
23 good standing.

24 (5) To conduct hearings on proceedings to revoke,  
25 suspend, refuse to renew, place on probationary status, or  
26 take other disciplinary action as authorized in any

1       licensing Act administered by the Department with regard to  
2       licenses, certificates, or authorities of persons  
3       exercising the respective professions, trades, or  
4       occupations and to revoke, suspend, refuse to renew, place  
5       on probationary status, or take other disciplinary action  
6       as authorized in any licensing Act administered by the  
7       Department with regard to those licenses, certificates, or  
8       authorities. The Department shall issue a monthly  
9       disciplinary report. The Department shall deny any license  
10      or renewal authorized by the Civil Administrative Code of  
11      Illinois to any person who has defaulted on an educational  
12      loan or scholarship provided by or guaranteed by the  
13      Illinois Student Assistance Commission or any governmental  
14      agency of this State; however, the Department may issue a  
15      license or renewal if the aforementioned persons have  
16      established a satisfactory repayment record as determined  
17      by the Illinois Student Assistance Commission or other  
18      appropriate governmental agency of this State.  
19      Additionally, beginning June 1, 1996, any license issued by  
20      the Department may be suspended or revoked if the  
21      Department, after the opportunity for a hearing under the  
22      appropriate licensing Act, finds that the licensee has  
23      failed to make satisfactory repayment to the Illinois  
24      Student Assistance Commission for a delinquent or  
25      defaulted loan. For the purposes of this Section,  
26      "satisfactory repayment record" shall be defined by rule.



1 The Department shall refuse to issue or renew a license to,  
2 or shall suspend or revoke a license of, any person who,  
3 after receiving notice, fails to comply with a subpoena or  
4 warrant relating to a paternity or child support  
5 proceeding. However, the Department may issue a license or  
6 renewal upon compliance with the subpoena or warrant.

7 The Department, without further process or hearings,  
8 shall revoke, suspend, or deny any license or renewal  
9 authorized by the Civil Administrative Code of Illinois to  
10 a person who is certified by the Department of Healthcare  
11 and Family Services (formerly Illinois Department of  
12 Public Aid) as being more than 30 days delinquent in  
13 complying with a child support order or who is certified by  
14 a court as being in violation of the Non-Support Punishment  
15 Act for more than 60 days. The Department may, however,  
16 issue a license or renewal if the person has established a  
17 satisfactory repayment record as determined by the  
18 Department of Healthcare and Family Services (formerly  
19 Illinois Department of Public Aid) or if the person is  
20 determined by the court to be in compliance with the  
21 Non-Support Punishment Act. The Department may implement  
22 this paragraph as added by Public Act 89-6 through the use  
23 of emergency rules in accordance with Section 5-45 of the  
24 Illinois Administrative Procedure Act. For purposes of the  
25 Illinois Administrative Procedure Act, the adoption of  
26 rules to implement this paragraph shall be considered an

1 emergency and necessary for the public interest, safety,  
2 and welfare.

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

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

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

19 Notwithstanding any provisions in this Code to the  
20 contrary, the Department of Professional Regulation shall  
21 not be liable under any federal or State law to any person  
22 for any disclosure of information to the Department of  
23 Healthcare and Family Services (formerly Illinois  
24 Department of Public Aid) under this paragraph (8) or for  
25 any other action taken in good faith to comply with the  
26 requirements of this paragraph (8).

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

2           (a-5) Except in cases involving default on an educational  
3 loan or scholarship provided by or guaranteed by the Illinois  
4 Student Assistance Commission or any governmental agency of  
5 this State or in cases involving delinquency in complying with  
6 a child support order or violation of the Non-Support  
7 Punishment Act, no person or entity whose license, certificate,  
8 or authority has been revoked as authorized in any licensing  
9 Act administered by the Department may apply for restoration of  
10 that license, certification, or authority until 3 years after  
11 the effective date of the revocation.

12           (b) The Department may, when a fee is payable to the  
13 Department for a wall certificate of registration provided by  
14 the Department of Central Management Services, require that  
15 portion of the payment for printing and distribution costs be  
16 made directly or through the Department to the Department of  
17 Central Management Services for deposit into the Paper and  
18 Printing Revolving Fund. The remainder shall be deposited into  
19 the General Revenue Fund.

20           (c) For the purpose of securing and preparing evidence, and  
21 for the purchase of controlled substances, professional  
22 services, and equipment necessary for enforcement activities,  
23 recoupment of investigative costs, and other activities  
24 directed at suppressing the misuse and abuse of controlled  
25 substances, including those activities set forth in Sections  
26 504 and 508 of the Illinois Controlled Substances Act, the

1 Director and agents appointed and authorized by the Director  
2 may expend sums from the Professional Regulation Evidence Fund  
3 that the Director deems necessary from the amounts appropriated  
4 for that purpose. Those sums may be advanced to the agent when  
5 the Director deems that procedure to be in the public interest.  
6 Sums for the purchase of controlled substances, professional  
7 services, and equipment necessary for enforcement activities  
8 and other activities as set forth in this Section shall be  
9 advanced to the agent who is to make the purchase from the  
10 Professional Regulation Evidence Fund on vouchers signed by the  
11 Director. The Director and those agents are authorized to  
12 maintain one or more commercial checking accounts with any  
13 State banking corporation or corporations organized under or  
14 subject to the Illinois Banking Act for the deposit and  
15 withdrawal of moneys to be used for the purposes set forth in  
16 this Section; provided, that no check may be written nor any  
17 withdrawal made from any such account except upon the written  
18 signatures of 2 persons designated by the Director to write  
19 those checks and make those withdrawals. Vouchers for those  
20 expenditures must be signed by the Director. All such  
21 expenditures shall be audited by the Director, and the audit  
22 shall be submitted to the Department of Central Management  
23 Services for approval.

24 (d) Whenever the Department is authorized or required by  
25 law to consider some aspect of criminal history record  
26 information for the purpose of carrying out its statutory

1 powers and responsibilities, then, upon request and payment of  
2 fees in conformance with the requirements of Section 2605-400  
3 of the Department of State Police Law (20 ILCS 2605/2605-400),  
4 the Department of State Police is authorized to furnish,  
5 pursuant to positive identification, the information contained  
6 in State files that is necessary to fulfill the request.

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

10 (f) Beginning July 1, 1995, this Section does not apply to  
11 those professions, trades, and occupations licensed under the  
12 Real Estate License Act of 2000, nor does it apply to any  
13 permits, certificates, or other authorizations to do business  
14 provided for in the Land Sales Registration Act of 1989 or the  
15 Illinois Real Estate Time-Share Act.

16 (g) Notwithstanding anything that may appear in any  
17 individual licensing statute or administrative rule, the  
18 Department shall deny any license application or renewal  
19 authorized under any licensing Act administered by the  
20 Department to any person who has failed to file a return, or to  
21 pay the tax, penalty, or interest shown in a filed return, or  
22 to pay any final assessment of tax, penalty, or interest, as  
23 required by any tax Act administered by the Illinois Department  
24 of Revenue, until such time as the requirement of any such tax  
25 Act are satisfied; however, the Department may issue a license  
26 or renewal if the person has established a satisfactory

1 repayment record as determined by the Illinois Department of  
2 Revenue. For the purpose of this Section, "satisfactory  
3 repayment record" shall be defined by rule.

4 In addition, a complaint filed with the Department by the  
5 Illinois Department of Revenue that includes a certification,  
6 signed by its Director or designee, attesting to the amount of  
7 the unpaid tax liability or the years for which a return was  
8 not filed, or both, is prima facia evidence of the licensee's  
9 failure to comply with the tax laws administered by the  
10 Illinois Department of Revenue. Upon receipt of that  
11 certification, the Department shall, without a hearing,  
12 immediately suspend all licenses held by the licensee.  
13 Enforcement of the Department's order shall be stayed for 60  
14 days. The Department shall provide notice of the suspension to  
15 the licensee by mailing a copy of the Department's order by  
16 certified and regular mail to the licensee's last known address  
17 as registered with the Department. The notice shall advise the  
18 licensee that the suspension shall be effective 60 days after  
19 the issuance of the Department's order unless the Department  
20 receives, from the licensee, a request for a hearing before the  
21 Department to dispute the matters contained in the order.

22 Any suspension imposed under this subsection (g) shall be  
23 terminated by the Department upon notification from the  
24 Illinois Department of Revenue that the licensee is in  
25 compliance with all tax laws administered by the Illinois  
26 Department of Revenue.

1           The Department shall promulgate rules for the  
2 administration of this subsection (g).

3           (h) The Department may grant the title "Retired", to be  
4 used immediately adjacent to the title of a profession  
5 regulated by the Department, to eligible retirees. The use of  
6 the title "Retired" shall not constitute representation of  
7 current licensure, registration, or certification. Any person  
8 without an active license, registration, or certificate in a  
9 profession that requires licensure, registration, or  
10 certification shall not be permitted to practice that  
11 profession.

12           (i) Within 180 days after December 23, 2009 (the effective  
13 date of Public Act 96-852), the Department shall promulgate  
14 rules which permit a person with a criminal record, who seeks a  
15 license or certificate in an occupation for which a criminal  
16 record is not expressly a per se bar, to apply to the  
17 Department for a non-binding, advisory opinion to be provided  
18 by the Board or body with the authority to issue the license or  
19 certificate as to whether his or her criminal record would bar  
20 the individual from the licensure or certification sought,  
21 should the individual meet all other licensure requirements  
22 including, but not limited to, the successful completion of the  
23 relevant examinations.

24           (Source: P.A. 96-459, eff. 8-14-09; 96-852, eff. 12-23-09;  
25 96-1000, eff. 7-2-10; 97-650, eff. 2-1-12.)

1           Section 953. The Department of Revenue Law of the Civil  
2 Administrative Code of Illinois is amended by changing Section  
3 2505-65 as follows:

4           (20 ILCS 2505/2505-65) (was 20 ILCS 2505/39b12)

5           Sec. 2505-65. Exchange of information.

6           (a) The Department has the power to exchange with any  
7 state, with any local subdivisions of any state, or with the  
8 federal government, except when specifically prohibited by  
9 law, any information that may be necessary to efficient tax  
10 administration and that may be acquired as a result of the  
11 administration of the laws set forth in the Sections following  
12 Section 95-10 and preceding Section 2505-60.

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



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

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

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

7 (55 ILCS 5/3-5036.5)

8 Sec. 3-5036.5. Exchange of information for child support  
9 enforcement.

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

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

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

2 Section 955. The Collection Agency Act is amended by  
3 changing Section 2.04 as follows:

4 (225 ILCS 425/2.04) (from Ch. 111, par. 2005.1)

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

6 Sec. 2.04. Child support indebtedness.

7 (a) Persons, associations, partnerships, corporations, or  
8 other legal entities engaged in the business of collecting  
9 child support indebtedness owing under a court order as  
10 provided under 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 Illinois Parentage Act of 1984, the Illinois Parentage Act of  
14 2013, or similar laws of other states are not restricted (i) in  
15 the frequency of contact with an obligor who is in arrears,  
16 whether by phone, mail, or other means, (ii) from contacting  
17 the employer of an obligor who is in arrears, (iii) from  
18 publishing or threatening to publish a list of obligors in  
19 arrears, (iv) from disclosing or threatening to disclose an  
20 arrearage that the obligor disputes, but for which a verified  
21 notice of delinquency has been served under the Income  
22 Withholding for Support Act (or any of its predecessors,  
23 Section 10-16.2 of the Illinois Public Aid Code, Section 706.1  
24 of the Illinois Marriage and Dissolution of Marriage Act,

1 Section 4.1 of the Non-Support of Spouse and Children Act,  
2 Section 26.1 of the Revised Uniform Reciprocal Enforcement of  
3 Support Act, or Section 20 of the Illinois Parentage Act of  
4 1984), or (v) from engaging in conduct that would not cause a  
5 reasonable person mental or physical illness. For purposes of  
6 this subsection, "obligor" means an individual who owes a duty  
7 to make periodic payments, under a court order, for the support  
8 of a child. "Arrearage" means the total amount of an obligor's  
9 unpaid child support obligations.

10 (a-5) A collection agency may not impose a fee or charge,  
11 including costs, for any child support payments collected  
12 through the efforts of a federal, State, or local government  
13 agency, including but not limited to child support collected  
14 from federal or State tax refunds, unemployment benefits, or  
15 Social Security benefits.

16 No collection agency that collects child support payments  
17 shall (i) impose a charge or fee, including costs, for  
18 collection of a current child support payment, (ii) fail to  
19 apply collections to current support as specified in the order  
20 for support before applying collection to arrears or other  
21 amounts, or (iii) designate a current child support payment as  
22 arrears or other amount owed. In all circumstances, the  
23 collection agency shall turn over to the obligee all support  
24 collected in a month up to the amount of current support  
25 required to be paid for that month.

26 As to any fees or charges, including costs, retained by the

1 collection agency, that agency shall provide documentation to  
2 the obligee demonstrating that the child support payments  
3 resulted from the actions of the agency.

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

7 (a-10) The Department of Professional Regulation shall  
8 determine a fee rate of not less than 25% but not greater than  
9 35%, based upon presentation by the licensees as to costs to  
10 provide the service and a fair rate of return. This rate shall  
11 be established by administrative rule.

12 Without prejudice to the determination by the Department of  
13 the appropriate rate through administrative rule, a collection  
14 agency shall impose a fee of not more than 29% of the amount of  
15 child support actually collected by the collection agency  
16 subject to the provisions of subsection (a-5). This interim  
17 rate is based upon the March 2002 General Account Office report  
18 "Child Support Enforcement", GAO-02-349. This rate shall apply  
19 until a fee rate is established by administrative rule.

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

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

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

1 (305 ILCS 5/10-3.1) (from Ch. 23, par. 10-3.1)

2 Sec. 10-3.1. Child and Spouse Support Unit. The Illinois  
3 Department shall establish within its administrative staff a  
4 Child and Spouse Support Unit to search for and locate absent  
5 parents and spouses liable for the support of persons resident  
6 in this State and to exercise the support enforcement powers  
7 and responsibilities assigned the Department by this Article.  
8 The unit shall cooperate with all law enforcement officials in  
9 this State and with the authorities of other States in locating  
10 persons responsible for the support of persons resident in  
11 other States and shall invite the cooperation of these  
12 authorities in the performance of its duties.

13 In addition to other duties assigned the Child and Spouse  
14 Support Unit by this Article, the Unit may refer to the  
15 Attorney General or units of local government with the approval  
16 of the Attorney General, any actions under Sections 10-10 and  
17 10-15 for judicial enforcement of the support liability. The  
18 Child and Spouse Support Unit shall act for the Department in  
19 referring to the Attorney General support matters requiring  
20 judicial enforcement under other laws. If requested by the  
21 Attorney General to so act, as provided in Section 12-16,  
22 attorneys of the Unit may assist the Attorney General or  
23 themselves institute actions on ~~in~~ behalf of the Illinois  
24 Department under the Revised Uniform Reciprocal Enforcement of  
25 Support Act; under the Illinois Parentage Act of 1984 or under

1 the Illinois Parentage Act of 2013; under the Non-Support of  
2 Spouse and Children Act; under the Non-Support Punishment Act;  
3 or under any other law, State or Federal, providing for support  
4 of a spouse or dependent child.

5 The Illinois Department shall also have the authority to  
6 enter into agreements with local governmental units or  
7 individuals, with the approval of the Attorney General, for the  
8 collection of moneys owing because of the failure of a parent  
9 to make child support payments for any child receiving services  
10 under this Article. Such agreements may be on a contingent fee  
11 basis, but such contingent fee shall not exceed 25% of the  
12 total amount collected.

13 An attorney who provides representation pursuant to this  
14 Section shall represent the Illinois Department exclusively.  
15 Regardless of the designation of the plaintiff in an action  
16 brought pursuant to this Section, an attorney-client  
17 relationship does not exist for purposes of that action between  
18 that attorney and (i) an applicant for or recipient of child  
19 support enforcement services or (ii) any other party to the  
20 action other than the Illinois Department. Nothing in this  
21 Section shall be construed to modify any power or duty  
22 (including a duty to maintain confidentiality) of the Child and  
23 Spouse Support Unit or the Illinois Department otherwise  
24 provided by law.

25 The Illinois Department may also enter into agreements with  
26 local governmental units for the Child and Spouse Support Unit

1 to exercise the investigative and enforcement powers  
2 designated in this Article, including the issuance of  
3 administrative orders under Section 10-11, in locating  
4 responsible relatives and obtaining support for persons  
5 applying for or receiving aid under Article VI. Payments for  
6 defrayment of administrative costs and support payments  
7 obtained shall be deposited into the DHS Recoveries Trust Fund.  
8 Support payments shall be paid over to the General Assistance  
9 Fund of the local governmental unit at such time or times as  
10 the agreement may specify.

11 With respect to those cases in which it has support  
12 enforcement powers and responsibilities under this Article,  
13 the Illinois Department may provide by rule for periodic or  
14 other review of each administrative and court order for support  
15 to determine whether a modification of the order should be  
16 sought. The Illinois Department shall provide for and conduct  
17 such review in accordance with any applicable federal law and  
18 regulation.

19 As part of its process for review of orders for support,  
20 the Illinois Department, through written notice, may require  
21 the responsible relative to disclose his or her Social Security  
22 Number and past and present information concerning the  
23 relative's address, employment, gross wages, deductions from  
24 gross wages, net wages, bonuses, commissions, number of  
25 dependent exemptions claimed, individual and dependent health  
26 insurance coverage, and any other information necessary to

1 determine the relative's ability to provide support in a case  
2 receiving child support enforcement services under this  
3 Article X.

4 The Illinois Department may send a written request for the  
5 same information to the relative's employer. The employer shall  
6 respond to the request for information within 15 days after the  
7 date the employer receives the request. If the employer  
8 willfully fails to fully respond within the 15-day period, the  
9 employer shall pay a penalty of \$100 for each day that the  
10 response is not provided to the Illinois Department after the  
11 15-day period has expired. The penalty may be collected in a  
12 civil action which may be brought against the employer in favor  
13 of the Illinois Department.

14 A written request for information sent to an employer  
15 pursuant to this Section shall consist of (i) a citation of  
16 this Section as the statutory authority for the request and for  
17 the employer's obligation to provide the requested  
18 information, (ii) a returnable form setting forth the  
19 employer's name and address and listing the name of the  
20 employee with respect to whom information is requested, and  
21 (iii) a citation of this Section as the statutory authority  
22 authorizing the employer to withhold a fee of up to \$20 from  
23 the wages or income to be paid to each responsible relative for  
24 providing the information to the Illinois Department within the  
25 15-day period. If the employer is withholding support payments  
26 from the responsible relative's income pursuant to an order for



1 withholding, the employer may withhold the fee provided for in  
2 this Section only after withholding support as required under  
3 the order. Any amounts withheld from the responsible relative's  
4 income for payment of support and the fee provided for in this  
5 Section shall not be in excess of the amounts permitted under  
6 the federal Consumer Credit Protection Act.

7 In a case receiving child support enforcement services, the  
8 Illinois Department may request and obtain information from a  
9 particular employer under this Section no more than once in any  
10 12-month period, unless the information is necessary to conduct  
11 a review of a court or administrative order for support at the  
12 request of the person receiving child support enforcement  
13 services.

14 The Illinois Department shall establish and maintain an  
15 administrative unit to receive and transmit to the Child and  
16 Spouse Support Unit information supplied by persons applying  
17 for or receiving child support enforcement services under  
18 Section 10-1. In addition, the Illinois Department shall  
19 address and respond to any alleged deficiencies that persons  
20 receiving or applying for services from the Child and Spouse  
21 Support Unit may identify concerning the Child and Spouse  
22 Support Unit's provision of child support enforcement  
23 services. Within 60 days after an action or failure to act by  
24 the Child and Spouse Support Unit that affects his or her case,  
25 a recipient of or applicant for child support enforcement  
26 services under Article X of this Code may request an

1 explanation of the Unit's handling of the case. At the  
2 requestor's option, the explanation may be provided either  
3 orally in an interview, in writing, or both. If the Illinois  
4 Department fails to respond to the request for an explanation  
5 or fails to respond in a manner satisfactory to the applicant  
6 or recipient within 30 days from the date of the request for an  
7 explanation, the applicant or recipient may request a  
8 conference for further review of the matter by the Office of  
9 the Administrator of the Child and Spouse Support Unit. A  
10 request for a conference may be submitted at any time within 60  
11 days after the explanation has been provided by the Child and  
12 Spouse Support Unit or within 60 days after the time for  
13 providing the explanation has expired.

14 The applicant or recipient may request a conference  
15 concerning any decision denying or terminating child support  
16 enforcement services under Article X of this Code, and the  
17 applicant or recipient may also request a conference concerning  
18 the Unit's failure to provide services or the provision of  
19 services in an amount or manner that is considered inadequate.  
20 For purposes of this Section, the Child and Spouse Support Unit  
21 includes all local governmental units or individuals with whom  
22 the Illinois Department has contracted under Section 10-3.1.

23 Upon receipt of a timely request for a conference, the  
24 Office of the Administrator shall review the case. The  
25 applicant or recipient requesting the conference shall be  
26 entitled, at his or her option, to appear in person or to

1 participate in the conference by telephone. The applicant or  
2 recipient requesting the conference shall be entitled to be  
3 represented and to be afforded a reasonable opportunity to  
4 review the Illinois Department's file before or at the  
5 conference. At the conference, the applicant or recipient  
6 requesting the conference shall be afforded an opportunity to  
7 present all relevant matters in support of his or her claim.  
8 Conferences shall be without cost to the applicant or recipient  
9 requesting the conference and shall be conducted by a  
10 representative of the Child or Spouse Support Unit who did not  
11 participate in the action or inaction being reviewed.

12 The Office of the Administrator shall conduct a conference  
13 and inform all interested parties, in writing, of the results  
14 of the conference within 60 days from the date of filing of the  
15 request for a conference.

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

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

23 (305 ILCS 5/10-16.7)

24 Sec. 10-16.7. Child support enforcement debit  
25 authorization.

1 (a) For purposes of this Section:

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

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

6 "Order for support" means any order for periodic payment of  
7 funds to the State Disbursement Unit for the support of a child  
8 or, where applicable, for support of a child and a parent with  
9 whom the child resides, that is entered or modified under this  
10 Code or under the Illinois Marriage and Dissolution of Marriage  
11 Act, the Non-Support of Spouse and Children Act, the  
12 Non-Support Punishment Act, ~~or~~ the Illinois Parentage Act of  
13 1984, or the Illinois Parentage Act of 2013, or that is entered  
14 or registered for modification or enforcement under the Uniform  
15 Interstate Family Support Act.

16 "Obligor" means an individual who owes a duty to make  
17 payments under an order for support in a case in which child  
18 support enforcement services are being provided under this  
19 Article X.

20 (b) The Department of Public Aid (now Healthcare and Family  
21 Services) shall adopt a child support enforcement debit  
22 authorization form that, upon being signed by an obligor,  
23 authorizes a financial institution holding an account on the  
24 obligor's behalf to debit the obligor's account periodically in  
25 an amount equal to the amount of child support that the obligor  
26 is required to pay periodically and transfer that amount to the

1 State Disbursement Unit. The form shall include instructions to  
2 the financial institution concerning the debiting of accounts  
3 held on behalf of obligors and the transfer of the debited  
4 amounts to the State Disbursement Unit. In adopting the form,  
5 the Department may consult with the Office of Banks and Real  
6 Estate and the Department of Financial Institutions. The  
7 Department must adopt the form within 6 months after the  
8 effective date of this amendatory Act of the 93rd General  
9 Assembly. Promptly after adopting the form, the Department must  
10 notify each financial institution conducting business in this  
11 State that the form has been adopted and is ready for use.

12 (c) An obligor who does not have a payor may sign a child  
13 support debit authorization form adopted by the Department  
14 under this Section. The obligor may sign a form in relation to  
15 any or all of the financial institutions holding an account on  
16 the obligor's behalf. Promptly after an obligor signs a child  
17 support debit authorization form, the Department shall send the  
18 original signed form to the appropriate financial institution.  
19 Subject to subsection (e), upon receiving the form, the  
20 financial institution shall debit the account and transfer the  
21 debited amounts to the State Disbursement Unit according to the  
22 instructions in the form. A financial institution that complies  
23 with a child support debit authorization form signed by an  
24 obligor and issued under this Section shall not be subject to  
25 civil liability with respect to any individual or any agency.

26 (d) The signing and issuance of a child support debit

1 authorization form under this Section does not relieve the  
2 obligor from responsibility for compliance with any  
3 requirement under the order for support.

4 (e) A financial institution is obligated to debit the  
5 account of an obligor pursuant to this Section only if or to  
6 the extent:

7 (1) the financial institution reasonably believes the  
8 debit authorization form is a true and authentic original  
9 document;

10 (2) there are finally collected funds in the account;  
11 and

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

16 To the extent the account of the obligor is pledged or held  
17 by the financial institution as security for a loan or other  
18 obligation, or that the financial institution has any other  
19 claim or lien against the account, the financial institution is  
20 entitled to retain the account.

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

22 (305 ILCS 5/10-17) (from Ch. 23, par. 10-17)

23 Sec. 10-17. Other Actions and Remedies for Support. The  
24 procedures, actions and remedies provided in this Article shall  
25 in no way be exclusive, but shall be available in addition to

1 other actions and remedies of support, including, but not by  
2 way of limitation, the remedies provided in (a) the Illinois  
3 Parentage Act of 2013 ~~"Paternity Act", approved July 5, 1957,~~  
4 ~~as amended;~~ (b) the "Non-Support of Spouse and Children Act",  
5 approved June 24, 1915, as amended; (b-5) the Non-Support  
6 Punishment Act; and (c) the "Revised Uniform Reciprocal  
7 Enforcement of Support Act", approved August 28, 1969, as  
8 amended.

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

10 (305 ILCS 5/10-17.7)

11 Sec. 10-17.7. Administrative determination of paternity.  
12 The Illinois Department may provide by rule for the  
13 administrative determination of paternity by the Child and  
14 Spouse Support Unit in cases involving applicants for or  
15 recipients of financial aid under Article IV of this Act and  
16 other persons who are given access to the child support  
17 enforcement services of this Article as provided in Section  
18 10-1, including persons similarly situated and receiving  
19 similar services in other states. The rules shall extend to  
20 cases in which the mother and alleged father voluntarily  
21 acknowledge paternity in the form required by the Illinois  
22 Department or agree to be bound by the results of genetic  
23 testing or in which the alleged father has failed to respond to  
24 a notification of support obligation issued under Section 10-4  
25 and to cases of contested paternity. The Illinois Department's

1 form for voluntary acknowledgement of paternity shall be the  
2 same form prepared by the Illinois Department for use under the  
3 requirements of Section 12 of the Vital Records Act. Any  
4 presumption provided for under the Illinois Parentage Act of  
5 1984 or under the Illinois Parentage Act of 2013 on and after  
6 the effective date of that Act shall apply to cases in which  
7 paternity is determined under the rules of the Illinois  
8 Department. The rules shall provide for notice and an  
9 opportunity to be heard by the responsible relative and the  
10 person receiving child support enforcement services under this  
11 Article if paternity is not voluntarily acknowledged, and any  
12 final administrative decision rendered by the Illinois  
13 Department shall be reviewed only under and in accordance with  
14 the Administrative Review Law. Determinations of paternity  
15 made by the Illinois Department under the rules authorized by  
16 this Section shall have the full force and effect of a court  
17 judgment of paternity entered under the Illinois Parentage Act  
18 of 1984 or under the Illinois Parentage Act of 2013.

19 In determining paternity in contested cases, the Illinois  
20 Department shall conduct the evidentiary hearing in accordance  
21 with Article 4 of the Illinois Parentage Act of 2013 ~~Section 11~~  
22 ~~of the Parentage Act of 1984~~, except that references in that  
23 Article ~~Section~~ to "the court" shall be deemed to mean the  
24 Illinois Department's hearing officer in cases in which  
25 paternity is determined administratively by the Illinois  
26 Department.



1           Notwithstanding any other provision of this Article, a  
2           default determination of paternity may be made if service of  
3           the notice under Section 10-4 was made by publication under the  
4           rules for administrative paternity determination authorized by  
5           this Section. The rules as they pertain to service by  
6           publication shall (i) be based on the provisions of Section  
7           2-206 and 2-207 of the Code of Civil Procedure, (ii) provide  
8           for service by publication in cases in which the whereabouts of  
9           the alleged father are unknown after diligent location efforts  
10          by the Child and Spouse Support Unit, and (iii) provide for  
11          publication of a notice of default paternity determination in  
12          the same manner that the notice under Section 10-4 was  
13          published.

14          The Illinois Department may implement this Section through  
15          the use of emergency rules in accordance with Section 5-45 of  
16          the Illinois Administrative Procedure Act. For purposes of the  
17          Illinois Administrative Procedure Act, the adoption of rules to  
18          implement this Section shall be considered an emergency and  
19          necessary for the public interest, safety, and welfare.

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

21           (305 ILCS 5/10-19) (from Ch. 23, par. 10-19)

22          Sec. 10-19. Support Payments Ordered Under Other Laws;  
23          where deposited. The Illinois Department and local  
24          governmental units are authorized to receive payments directed  
25          by court order for the support of recipients, as provided in

1 the following Acts:

2 1. "Non-Support of Spouse and Children Act", approved June  
3 24, 1915, as amended,

4 1.5. The Non-Support Punishment Act,

5 2. "Illinois Marriage and Dissolution of Marriage Act", as  
6 now or hereafter amended,

7 3. The Illinois Parentage Act, as amended,

8 3.5. The Illinois Parentage Act of 2013,

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

11 5. The Juvenile Court Act or the Juvenile Court Act of  
12 1987, as amended,

13 6. The "Unified Code of Corrections", approved July 26,  
14 1972, as amended,

15 7. Part 7 of Article XII of the Code of Civil Procedure, as  
16 amended,

17 8. Part 8 of Article XII of the Code of Civil Procedure, as  
18 amended, and

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

21 Payments under this Section to the Illinois Department  
22 pursuant to the Child Support Enforcement Program established  
23 by Title IV-D of the Social Security Act shall be paid into the  
24 Child Support Enforcement Trust Fund. All payments under this  
25 Section to the Illinois Department of Human Services shall be  
26 deposited in the DHS Recoveries Trust Fund. Disbursements from

1 these funds shall be as provided in Sections 12-9.1 and 12-10.2  
2 of this Code. Payments received by a local governmental unit  
3 shall be deposited in that unit's General Assistance Fund.

4 To the extent the provisions of this Section are  
5 inconsistent with the requirements pertaining to the State  
6 Disbursement Unit under Sections 10-10.4 and 10-26 of this  
7 Code, the requirements pertaining to the State Disbursement  
8 Unit shall apply.

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

11 (305 ILCS 5/10-25)

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

14 (a) Notwithstanding any other State or local law to the  
15 contrary, the State shall have a lien on all legal and  
16 equitable interests of responsible relatives in their real  
17 property in the amount of past-due child support owing pursuant  
18 to an order for child support entered under Sections 10-10 and  
19 10-11 of this Code, or under the Illinois Marriage and  
20 Dissolution of Marriage Act, the Non-Support of Spouse and  
21 Children Act, the Non-Support Punishment Act, the Uniform  
22 Interstate Family Support Act, ~~or~~ the Illinois Parentage Act of  
23 1984, or the Illinois Parentage Act of 2013.

24 (b) The Illinois Department shall provide by rule for  
25 notice to and an opportunity to be heard by each responsible

1 relative affected, and any final administrative decision  
2 rendered by the Illinois Department shall be reviewed only  
3 under and in accordance with the Administrative Review Law.

4 (c) When enforcing a lien under subsection (a) of this  
5 Section, the Illinois Department shall have the authority to  
6 execute notices of administrative liens and levies, which shall  
7 contain the name and address of the responsible relative, a  
8 legal description of the real property to be levied, the fact  
9 that a lien is being claimed for past-due child support, and  
10 such other information as the Illinois Department may by rule  
11 prescribe. The Illinois Department shall record the notice of  
12 lien with the recorder or registrar of titles of the county or  
13 counties in which the real estate is located.

14 (d) The State's lien under subsection (a) shall be  
15 enforceable upon the recording or filing of a notice of lien  
16 with the recorder or registrar of titles of the county or  
17 counties in which the real estate is located. The lien shall be  
18 prior to any lien thereafter recorded or filed and shall be  
19 notice to a subsequent purchaser, assignor, or encumbrancer of  
20 the existence and nature of the lien. The lien shall be  
21 inferior to the lien of general taxes, special assessment, and  
22 special taxes heretofore or hereafter levied by any political  
23 subdivision or municipal corporation of the State.

24 In the event that title to the land to be affected by the  
25 notice of lien is registered under the Registered Titles  
26 (Torrens) Act, the notice shall be filed in the office of the

1 registrar of titles as a memorial or charge upon each folium of  
2 the register of titles affected by the notice; but the State  
3 shall not have a preference over the rights of any bona fide  
4 purchaser, mortgagee, judgment creditor, or other lien holders  
5 registered prior to the registration of the notice.

6 (e) The recorder or registrar of titles of each county  
7 shall procure a file labeled "Child Support Lien Notices" and  
8 an index book labeled "Child Support Lien Notices". When notice  
9 of any lien is presented to the recorder or registrar of titles  
10 for filing, the recorder or registrar of titles shall file it  
11 in numerical order in the file and shall enter it  
12 alphabetically in the index. The entry shall show the name and  
13 last known address of the person named in the notice, the  
14 serial number of the notice, the date and hour of filing, and  
15 the amount of child support due at the time when the lien is  
16 filed.

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

21 (g) To protect the lien of the State for past-due child  
22 support, the Illinois Department may, from funds that are  
23 available for that purpose, pay or provide for the payment of  
24 necessary or essential repairs, purchase tax certificates, pay  
25 balances due on land contracts, or pay or cause to be satisfied  
26 any prior liens on the property to which the lien hereunder

1 applies.

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

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

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

11 (305 ILCS 5/10-25.5)

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

14 (a) Notwithstanding any other State or local law to the  
15 contrary, the State shall have a lien on all legal and  
16 equitable interests of responsible relatives in their personal  
17 property, including any account in a financial institution as  
18 defined in Section 10-24, or in the case of an insurance  
19 company or benefit association only in accounts as defined in  
20 Section 10-24, in the amount of past-due child support owing  
21 pursuant to an order for child support entered under Sections  
22 10-10 and 10-11 of this Code, or under the Illinois Marriage  
23 and Dissolution of Marriage Act, the Non-Support of Spouse and  
24 Children Act, the Non-Support Punishment Act, the Uniform  
25 Interstate Family Support Act, ~~or~~ the Illinois Parentage Act of

1 1984, or the Illinois Parentage Act of 2013.

2 (b) The Illinois Department shall provide by rule for  
3 notice to and an opportunity to be heard by each responsible  
4 relative affected, and any final administrative decision  
5 rendered by the Illinois Department shall be reviewed only  
6 under and in accordance with the Administrative Review Law.

7 (c) When enforcing a lien under subsection (a) of this  
8 Section, the Illinois Department shall have the authority to  
9 execute notices of administrative liens and levies, which shall  
10 contain the name and address of the responsible relative, a  
11 description of the property to be levied, the fact that a lien  
12 is being claimed for past-due child support, and such other  
13 information as the Illinois Department may by rule prescribe.  
14 The Illinois Department may serve the notice of lien or levy  
15 upon any financial institution where the accounts as defined in  
16 Section 10-24 of the responsible relative may be held, for  
17 encumbrance or surrender of the accounts as defined in Section  
18 10-24 by the financial institution.

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

25 (e) The Illinois Department shall not be required to  
26 furnish bond or make a deposit for or pay any costs or fees of

1 any court or officer thereof in any legal proceeding involving  
2 the lien.

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

9 (g) A lien on personal property under this Section shall be  
10 released in the manner provided under Article XII of the Code  
11 of Civil Procedure. Notwithstanding the foregoing, a lien under  
12 this Section on accounts as defined in Section 10-24 shall  
13 expire upon the passage of 120 days from the date of issuance  
14 of the Notice of Lien or Levy by the Illinois Department.  
15 However, the lien shall remain in effect during the pendency of  
16 any appeal or protest.

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

23 (i) A financial institution has no obligation under this  
24 Section to hold, encumber, or surrender the assets, or in the  
25 case of an insurance company or benefit association only the  
26 accounts as defined in Section 10-24, until the financial



1 institution has been properly served with a subpoena, summons,  
2 warrant, court or administrative order, or administrative lien  
3 and levy requiring that action.

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

5 (305 ILCS 5/10-27)

6 Sec. 10-27. State Case Registry.

7 (a) The Illinois Department shall establish an automated  
8 State Case Registry to contain records concerning child support  
9 orders for parties receiving child support enforcement  
10 services under this Article X, and for all child support orders  
11 entered or modified on or after October 1, 1998. The State Case  
12 Registry shall include (i) the information filed with the  
13 Illinois Department, or filed with the clerk of the circuit  
14 court and provided to the Illinois Department, under the  
15 provisions of Sections 10-10.5 and 10-11.2 of this Code,  
16 Section 505.3 of the Illinois Marriage and Dissolution of  
17 Marriage Act, Section 30 of the Non-Support Punishment Act, ~~and~~  
18 Section 803 of the Illinois Parentage Act of 2013, and Section  
19 14.1 of the Illinois Parentage Act of 1984, and (ii) any other  
20 information required under Title IV, Part D of the Social  
21 Security Act or by the federal Department of Health and Human  
22 Services.

23 (b) (Blank).

24 (c) The Illinois Department shall maintain the following  
25 payment information on child support orders for parties

1 receiving child support enforcement services under this  
2 Article X:

3 (1) the amount of monthly or other periodic support  
4 owed under the order and other amounts, including  
5 arrearages, interest or late payment penalties, and fees,  
6 due or overdue under the order;

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

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

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

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

17 (1) information on administrative actions and  
18 administrative and judicial proceedings and orders  
19 relating to paternity and support;

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

22 (3) information on support collections and  
23 distribution; and

24 (4) any other relevant information.

25 (e) The Illinois Department shall use the automated State  
26 Case Registry to share and compare information with, and

1 receive information from, other data bases and information  
2 comparison services in order to obtain (or provide) information  
3 necessary to enable the Illinois Department (or the federal  
4 Department of Health and Human Services or other State or  
5 federal agencies) to carry out the requirements of the child  
6 support enforcement program established under Title IV, Part D  
7 of the Social Security Act. Such information comparison  
8 activities shall include the following:

9 (1) Furnishing to the Federal Case Registry of Child  
10 Support Orders (and updating as necessary, with  
11 information including notice of expiration of orders) the  
12 information specified by the federal Department of Health  
13 and Human Services in regulations.

14 (2) Exchanging information with the Federal Parent  
15 Locator Service for the purposes specified in Section 453  
16 of the Social Security Act.

17 (3) Exchanging information with State agencies (of  
18 this State and of other states) administering programs  
19 funded under Title IV, Part A and Title XIX of the Social  
20 Security Act and other programs designated by the federal  
21 Department of Health and Human Services, as necessary to  
22 perform responsibilities under Title IV, Part D of the  
23 Social Security Act and under such other programs.

24 (4) Exchanging information with other agencies of this  
25 State, agencies of other states, and interstate  
26 information networks, as necessary and appropriate to

1 carry out (or assist other states to carry out) the  
2 purposes of Title IV, Part D of the Social Security Act.

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

5 (f) The Illinois Department shall adopt rules establishing  
6 safeguards, applicable to all confidential information  
7 included in the State Case Registry, that are designed to  
8 protect the privacy rights of persons concerning whom  
9 information is on record in the State Case Registry. Such  
10 safeguards shall include, but not be limited to the following:

11 (1) Prohibitions against the release of information on  
12 the whereabouts of one party or the child to another party  
13 against whom a protective order with respect to the former  
14 party or the child has been entered.

15 (2) Prohibitions against the release of information on  
16 the whereabouts of one party or the child to another party  
17 if the Illinois Department has reasonable evidence of  
18 domestic violence or child abuse (that is, allegations of  
19 domestic violence or child abuse, unless the Illinois  
20 Department has an independent, reasonable basis to find the  
21 person making the allegation not credible) to the former  
22 party or child by the party requesting information.

23 (3) Prohibitions against the release of information on  
24 the whereabouts of one party or the child to another person  
25 if the Illinois Department has reason to believe the  
26 release of information to that person may result in

1 physical or emotional harm to the party or child.

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

3 (305 ILCS 5/12-4.7c)

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

5 (a) The Department of Human Services shall exchange with  
6 the Department of Healthcare and Family Services information  
7 that may be necessary for the enforcement of child support  
8 orders entered pursuant to Sections 10-10 and 10-11 of this  
9 Code or pursuant to the Illinois Marriage and Dissolution of  
10 Marriage Act, the Non-Support of Spouse and Children Act, the  
11 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 (b) Notwithstanding any provisions in this Code to the  
16 contrary, the Department of Human Services shall not be liable  
17 to any person for any disclosure of information to the  
18 Department of Healthcare and Family Services (formerly  
19 Illinois Department of Public Aid) under subsection (a) or for  
20 any other action taken in good faith to comply with the  
21 requirements of subsection (a).

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

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

1 (410 ILCS 513/22)

2 Sec. 22. Tests to determine inherited characteristics in  
3 paternity proceedings. Nothing in this Act shall be construed  
4 to affect or restrict in any way the ordering of or use of  
5 results from deoxyribonucleic acid (DNA) testing or other tests  
6 to determine inherited characteristics by the court in a  
7 judicial proceeding under the Illinois Parentage Act of 1984 or  
8 under the Illinois Parentage Act of 2013 on and after the  
9 effective date of that Act or by the Department of Healthcare  
10 and Family Services in an administrative paternity proceeding  
11 under Article X of the Illinois Public Aid Code and rules  
12 promulgated under that Article.

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

14 (410 ILCS 513/30)

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

16 (a) No person may disclose or be compelled to disclose the  
17 identity of any person upon whom a genetic test is performed or  
18 the results of a genetic test in a manner that permits  
19 identification of the subject of the test, except to the  
20 following persons:

21 (1) The subject of the test or the subject's legally  
22 authorized representative. This paragraph does not create  
23 a duty or obligation under which a health care provider  
24 must notify the subject's spouse or legal guardian of the

1 test results, and no such duty or obligation shall be  
2 implied. No civil liability or criminal sanction under this  
3 Act shall be imposed for any disclosure or nondisclosure of  
4 a test result to a spouse by a physician acting in good  
5 faith under this paragraph. For the purpose of any  
6 proceedings, civil or criminal, the good faith of any  
7 physician acting under this paragraph shall be presumed.

8 (2) Any person designated in a specific written legally  
9 effective release of the test results executed by the  
10 subject of the test or the subject's legally authorized  
11 representative.

12 (3) An authorized agent or employee of a health  
13 facility or health care provider if the health facility or  
14 health care provider itself is authorized to obtain the  
15 test results, the agent or employee provides patient care,  
16 and the agent or employee has a need to know the  
17 information in order to conduct the tests or provide care  
18 or treatment.

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

21 (A) a human body part from a deceased person with  
22 respect to medical information regarding that person;  
23 or

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

26 (5) Health facility staff committees for the purposes

1 of conducting program monitoring, program evaluation, or  
2 service reviews.

3 (6) In the case of a minor under 18 years of age, the  
4 health care provider who ordered the test shall make a  
5 reasonable effort to notify the minor's parent or legal  
6 guardian if, in the professional judgment of the health  
7 care provider, notification would be in the best interest  
8 of the minor and the health care provider has first sought  
9 unsuccessfully to persuade the minor to notify the parent  
10 or legal guardian or after a reasonable time after the  
11 minor has agreed to notify the parent or legal guardian,  
12 the health care provider has reason to believe that the  
13 minor has not made the notification. This paragraph shall  
14 not create a duty or obligation under which a health care  
15 provider must notify the minor's parent or legal guardian  
16 of the test results, nor shall a duty or obligation be  
17 implied. No civil liability or criminal sanction under this  
18 Act shall be imposed for any notification or  
19 non-notification of a minor's test result by a health care  
20 provider acting in good faith under this paragraph. For the  
21 purpose of any proceeding, civil or criminal, the good  
22 faith of any health care provider acting under this  
23 paragraph shall be presumed.

24 (7) All information and records held by a State agency  
25 or local health authority pertaining to genetic  
26 information shall be strictly confidential and exempt from



1 copying and inspection under the Freedom of Information  
2 Act. The information and records shall not be released or  
3 made public by the State agency or local health authority  
4 and shall not be admissible as evidence nor discoverable in  
5 any action of any kind in any court or before any tribunal,  
6 board, agency, or person and shall be treated in the same  
7 manner as the information and those records subject to the  
8 provisions of Part 21 of Article VIII of the Code of Civil  
9 Procedure except under the following circumstances:

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

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

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

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

18 Disclosure shall be limited to those who have a need to  
19 know the information, and no additional disclosures may be  
20 made.

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

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

25 Section 958. The Vital Records Act is amended by changing

1 Sections 12 and 24 as follows:

2 (410 ILCS 535/12)

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

4 (1) Each live birth which occurs in this State shall be  
5 registered with the local or subregistrar of the district in  
6 which the birth occurred as provided in this Section, within 7  
7 days after the birth. When a birth occurs on a moving  
8 conveyance, the city, village, township, or road district in  
9 which the child is first removed from the conveyance shall be  
10 considered the place of birth and a birth certificate shall be  
11 filed in the registration district in which the place is  
12 located.

13 (2) When a birth occurs in an institution, the person in  
14 charge of the institution or his designated representative  
15 shall obtain and record all the personal and statistical  
16 particulars relative to the parents of the child that are  
17 required to properly complete the live birth certificate; shall  
18 secure the required personal signatures on the hospital  
19 worksheet; shall prepare the certificate from this worksheet;  
20 and shall file the certificate with the local registrar. The  
21 institution shall retain the hospital worksheet permanently or  
22 as otherwise specified by rule. The physician in attendance  
23 shall verify or provide the date of birth and medical  
24 information required by the certificate, within 24 hours after  
25 the birth occurs.

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

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

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

8           (c) The father, the mother, or in the absence of the  
9 father and the inability of the mother, the person in  
10 charge of the premises where the birth occurred.

11          (4) Unless otherwise provided in this Act, if the mother  
12 was not married to the father of the child at either the time  
13 of conception or the time of birth, the name of the father  
14 shall be entered on the child's birth certificate only if the  
15 mother and the person to be named as the father have signed an  
16 acknowledgment of parentage in accordance with subsection (5).

17          Unless otherwise provided in this Act, if the mother was  
18 married at the time of conception or birth and the presumed  
19 father (that is, the mother's husband) is not the biological  
20 father of the child, the name of the biological father shall be  
21 entered on the child's birth certificate only if, in accordance  
22 with subsection (5), (i) the mother and the person to be named  
23 as the father have signed an acknowledgment of parentage and  
24 (ii) the mother and presumed father have signed a denial of  
25 paternity.

26          (5) Upon the birth of a child to an unmarried woman, or

1 upon the birth of a child to a woman who was married at the time  
2 of conception or birth and whose husband is not the biological  
3 father of the child, the institution at the time of birth and  
4 the local registrar or county clerk after the birth shall do  
5 the following:

6 (a) Provide (i) an opportunity for the child's mother  
7 and father to sign an acknowledgment of parentage and (ii)  
8 if the presumed father is not the biological father, an  
9 opportunity for the mother and presumed father to sign a  
10 denial of paternity. The signing and witnessing of the  
11 acknowledgment of parentage or, if the presumed father of  
12 the child is not the biological father, the acknowledgment  
13 of parentage and denial of paternity conclusively  
14 establishes a parent and child relationship in accordance  
15 with Sections 5 and 6 of the Illinois Parentage Act of 1984  
16 and with the Illinois Parentage Act of 2013 on and after  
17 the effective date of that Act.

18 The Department of Healthcare and Family Services shall  
19 furnish the acknowledgment of parentage and denial of  
20 paternity form to institutions, county clerks, and State  
21 and local registrars' offices. The form shall include  
22 instructions to send the original signed and witnessed  
23 acknowledgment of parentage and denial of paternity to the  
24 Department of Healthcare and Family Services. The  
25 acknowledgement of paternity and denial of paternity form  
26 shall also include a statement informing the mother, the

1       alleged father, and the presumed father, if any, that they  
2       have the right to request deoxyribonucleic acid (DNA) tests  
3       regarding the issue of the child's paternity and that by  
4       signing the form, they expressly waive such tests. The  
5       statement shall be set forth in bold-face capital letters  
6       not less than 0.25 inches in height.

7       (b) Provide the following documents, furnished by the  
8       Department of Healthcare and Family Services, to the  
9       child's mother, biological father, and (if the person  
10      presumed to be the child's father is not the biological  
11      father) presumed father for their review at the time the  
12      opportunity is provided to establish a parent and child  
13      relationship:

14           (i) An explanation of the implications of,  
15           alternatives to, legal consequences of, and the rights  
16           and responsibilities that arise from signing an  
17           acknowledgment of parentage and, if necessary, a  
18           denial of paternity, including an explanation of the  
19           parental rights and responsibilities of child support,  
20           visitation, custody, retroactive support, health  
21           insurance coverage, and payment of birth expenses.

22           (ii) An explanation of the benefits of having a  
23           child's parentage established and the availability of  
24           parentage establishment and child support enforcement  
25           services.

26           (iii) A request for an application for child

1 support enforcement services from the Department of  
2 Healthcare and Family Services.

3 (iv) Instructions concerning the opportunity to  
4 speak, either by telephone or in person, with staff of  
5 the Department of Healthcare and Family Services who  
6 are trained to clarify information and answer  
7 questions about paternity establishment.

8 (v) Instructions for completing and signing the  
9 acknowledgment of parentage and denial of paternity.

10 (c) Provide an oral explanation of the documents and  
11 instructions set forth in subdivision (5) (b), including an  
12 explanation of the implications of, alternatives to, legal  
13 consequences of, and the rights and responsibilities that  
14 arise from signing an acknowledgment of parentage and, if  
15 necessary, a denial of paternity. The oral explanation may  
16 be given in person or through the use of video or audio  
17 equipment.

18 (6) The institution, State or local registrar, or county  
19 clerk shall provide an opportunity for the child's father or  
20 mother to sign a rescission of parentage. The signing and  
21 witnessing of the rescission of parentage voids the  
22 acknowledgment of parentage and nullifies the presumption of  
23 paternity if executed and filed with the Department of  
24 Healthcare and Family Services (formerly Illinois Department  
25 of Public Aid) within the time frame contained in Section 5 of  
26 the Illinois Parentage Act of 1984 or Section 307 of the

1 Illinois Parentage Act of 2013 on and after the effective date  
2 of that Act. The Department of Healthcare and Family Services  
3 shall furnish the rescission of parentage form to institutions,  
4 county clerks, and State and local registrars' offices. The  
5 form shall include instructions to send the original signed and  
6 witnessed rescission of parentage to the Department of  
7 Healthcare and Family Services.

8 (7) An acknowledgment of paternity signed pursuant to  
9 Section 6 of the Illinois Parentage Act of 1984 or Section 302  
10 of the Illinois Parentage Act of 2013 on and after the  
11 effective date of that Act may be challenged in court only on  
12 the basis of fraud, duress, or material mistake of fact, with  
13 the burden of proof upon the challenging party. Pending outcome  
14 of a challenge to the acknowledgment of paternity, the legal  
15 responsibilities of the signatories shall remain in full force  
16 and effect, except upon order of the court upon a showing of  
17 good cause.

18 (8) When the process for acknowledgment of parentage as  
19 provided for under subsection (5) establishes the paternity of  
20 a child whose certificate of birth is on file in another state,  
21 the Department of Healthcare and Family Services shall forward  
22 a copy of the acknowledgment of parentage, the denial of  
23 paternity, if applicable, and the rescission of parentage, if  
24 applicable, to the birth record agency of the state where the  
25 child's certificate of birth is on file.

26 (9) In the event the parent-child relationship has been

1 established in accordance with subdivision (a)(1) of Section 6  
2 of the Parentage Act of 1984, the names of the biological  
3 mother and biological father so established shall be entered on  
4 the child's birth certificate, and the names of the surrogate  
5 mother and surrogate mother's husband, if any, shall not be on  
6 the birth certificate.

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

9 (410 ILCS 535/24) (from Ch. 111 1/2, par. 73-24)

10 Sec. 24. (1) To protect the integrity of vital records, to  
11 insure their proper use, and to insure the efficient and proper  
12 administration of the vital records system, access to vital  
13 records, and indexes thereof, including vital records in the  
14 custody of local registrars and county clerks originating prior  
15 to January 1, 1916, is limited to the custodian and his  
16 employees, and then only for administrative purposes, except  
17 that the indexes of those records in the custody of local  
18 registrars and county clerks, originating prior to January 1,  
19 1916, shall be made available to persons for the purpose of  
20 genealogical research. Original, photographic or  
21 microphotographic reproductions of original records of births  
22 100 years old and older and deaths 50 years old and older, and  
23 marriage records 75 years old and older on file in the State  
24 Office of Vital Records and in the custody of the county clerks  
25 may be made available for inspection in the Illinois State



1 Archives reference area, Illinois Regional Archives  
2 Depositories, and other libraries approved by the Illinois  
3 State Registrar and the Director of the Illinois State  
4 Archives, provided that the photographic or microphotographic  
5 copies are made at no cost to the county or to the State of  
6 Illinois. It is unlawful for any custodian to permit inspection  
7 of, or to disclose information contained in, vital records, or  
8 to copy or permit to be copied, all or part of any such record  
9 except as authorized by this Act or regulations adopted  
10 pursuant thereto.

11 (2) The State Registrar of Vital Records, or his agent, and  
12 any municipal, county, multi-county, public health district,  
13 or regional health officer recognized by the Department may  
14 examine vital records for the purpose only of carrying out the  
15 public health programs and responsibilities under his  
16 jurisdiction.

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

21 This amendatory Act of 1973 does not apply to any home rule  
22 unit.

23 (4) The State Registrar shall exchange with the Department  
24 of Healthcare and Family Services information that may be  
25 necessary for the establishment of paternity and the  
26 establishment, modification, and enforcement of child support

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

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

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

17 (625 ILCS 5/2-109.1)

18 Sec. 2-109.1. Exchange of information.

19 (a) The Secretary of State shall exchange information with  
20 the Department of Healthcare and Family Services which may be  
21 necessary for the establishment of paternity and the  
22 establishment, modification, and enforcement of child support  
23 orders pursuant to the Illinois Public Aid Code, the Illinois  
24 Marriage and Dissolution of Marriage Act, the Non-Support of

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

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

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

13 (625 ILCS 5/7-703)

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

16 (a) The clerk of the circuit court, as provided in  
17 subsection (b) of Section 505 of the Illinois Marriage and  
18 Dissolution of Marriage Act or as provided in Section 15 of the  
19 Illinois Parentage Act of 2013 ~~1984~~, shall forward to the  
20 Secretary of State, on a form prescribed by the Secretary, an  
21 authenticated document certifying the court's order suspending  
22 the driving privileges of the obligor. For any such  
23 certification, the clerk of the court shall charge the obligor  
24 a fee of \$5 as provided in the Clerks of Courts Act.

25 (b) If an obligor has been adjudicated in arrears in court

1 ordered child support payments in an amount equal to 90 days  
2 obligation or more but has not been held in contempt of court,  
3 the circuit court may order that the obligor's driving  
4 privileges be suspended. If the circuit court orders that the  
5 obligor's driving privileges be suspended, it shall forward to  
6 the Secretary of State, on a form prescribed by the Secretary,  
7 an authenticated document certifying the court's order  
8 suspending the driving privileges of the obligor. The  
9 authenticated document shall be forwarded to the Secretary of  
10 State by the court no later than 45 days after entry of the  
11 order suspending the obligor's driving privileges.

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

20 (d) If a party has been adjudicated to have engaged in  
21 visitation abuse, the circuit court may order that the party's  
22 driving privileges be suspended. If the circuit court orders  
23 that the party's driving privileges be suspended, it shall  
24 forward to the Secretary of State, on a form prescribed by the  
25 Secretary, an authenticated document certifying the court's  
26 order suspending the driving privileges of the party. The

1 authenticated document shall be forwarded to the Secretary of  
2 State by the court no later than 45 days after entry of the  
3 order suspending the party's driving privileges.

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

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

7 (705 ILCS 105/27.1a) (from Ch. 25, par. 27.1a)

8 Sec. 27.1a. The fees of the clerks of the circuit court in  
9 all counties having a population of not more than 500,000  
10 inhabitants in the instances described in this Section shall be  
11 as provided in this Section. In those instances where a minimum  
12 and maximum fee is stated, the clerk of the circuit court must  
13 charge the minimum fee listed and may charge up to the maximum  
14 fee if the county board has by resolution increased the fee.  
15 The fees shall be paid in advance and shall be as follows:

16 (a) Civil Cases.

17 The fee for filing a complaint, petition, or other  
18 pleading initiating a civil action, with the following  
19 exceptions, shall be a minimum of \$40 and a maximum of  
20 \$160.

21 (A) When the amount of money or damages or the  
22 value of personal property claimed does not exceed  
23 \$250, \$10.

24 (B) When that amount exceeds \$250 but does not

1 exceed \$500, a minimum of \$10 and a maximum of \$20.

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

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

6 (E) For the exercise of eminent domain, a minimum  
7 of \$45 and a maximum of \$150. For each additional lot  
8 or tract of land or right or interest therein subject  
9 to be condemned, the damages in respect to which shall  
10 require separate assessment by a jury, a minimum of \$45  
11 and a maximum of \$150.

12 (a-1) Family.

13 For filing a petition under the Juvenile Court Act of  
14 1987, \$25.

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

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

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

19 (b) Forcible Entry and Detainer.

20 In each forcible entry and detainer case when the  
21 plaintiff seeks possession only or unites with his or her  
22 claim for possession of the property a claim for rent or  
23 damages or both in the amount of \$15,000 or less, a minimum  
24 of \$10 and a maximum of \$50. When the plaintiff unites his  
25 or her claim for possession with a claim for rent or  
26 damages or both exceeding \$15,000, a minimum of \$40 and a

1 maximum of \$160.

2 (c) Counterclaim or Joining Third Party Defendant.

3 When any defendant files a counterclaim as part of his  
4 or her answer or otherwise or joins another party as a  
5 third party defendant, or both, the defendant shall pay a  
6 fee for each counterclaim or third party action in an  
7 amount equal to the fee he or she would have had to pay had  
8 he or she brought a separate action for the relief sought  
9 in the counterclaim or against the third party defendant,  
10 less the amount of the appearance fee, if that has been  
11 paid.

12 (d) Confession of Judgment.

13 In a confession of judgment when the amount does not  
14 exceed \$1500, a minimum of \$20 and a maximum of \$50. When  
15 the amount exceeds \$1500, but does not exceed \$15,000, a  
16 minimum of \$40 and a maximum of \$115. When the amount  
17 exceeds \$15,000, a minimum of \$40 and a maximum of \$200.

18 (e) Appearance.

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

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

25 (B) When the amount in the case does not exceed  
26 \$1500, a minimum of \$10 and a maximum of \$30.

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

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

4 In garnishment affidavit, wage deduction affidavit,  
5 and citation petition when the amount does not exceed  
6 \$1,000, a minimum of \$5 and a maximum of \$15; when the  
7 amount exceeds \$1,000 but does not exceed \$5,000, a minimum  
8 of \$5 and a maximum of \$30; and when the amount exceeds  
9 \$5,000, a minimum of \$5 and a maximum of \$50.

10 (g) Petition to Vacate or Modify.

11 (1) Petition to vacate or modify any final judgment or  
12 order of court, except in forcible entry and detainer cases  
13 and small claims cases or a petition to reopen an estate,  
14 to modify, terminate, or enforce a judgment or order for  
15 child or spousal support, or to modify, suspend, or  
16 terminate an order for withholding, if filed before 30 days  
17 after the entry of the judgment or order, a minimum of \$20  
18 and a maximum of \$50.

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

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



1 (h) Mailing.

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

5 (i) Certified Copies.

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

9 (j) Habeas Corpus.

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

12 (k) Certification, Authentication, and Reproduction.

13 (1) Each certification or authentication for taking  
14 the acknowledgment of a deed or other instrument in writing  
15 with the seal of office, a minimum of \$2 and a maximum of  
16 \$6.

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

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

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

26 (5) For reproduction of any document contained in the

1 clerk's files:

2 (A) First page, a minimum of \$1 and a maximum of  
3 \$2.

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

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

6 (l) Remands.

7 In any cases remanded to the Circuit Court from the  
8 Supreme Court or the Appellate Court for a new trial, the  
9 clerk shall file the remanding order and reinstate the case  
10 with either its original number or a new number. The Clerk  
11 shall not charge any new or additional fee for the  
12 reinstatement. Upon reinstatement the Clerk shall advise  
13 the parties of the reinstatement. A party shall have the  
14 same right to a jury trial on remand and reinstatement as  
15 he or she had before the appeal, and no additional or new  
16 fee or charge shall be made for a jury trial after remand.

17 (m) Record Search.

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

21 (n) Hard Copy.

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

26 (o) Index Inquiry and Other Records.

1           No fee shall be charged for a single  
2           plaintiff/defendant index inquiry or single case record  
3           inquiry when this request is made in person and the records  
4           are maintained in a current automated medium, and when no  
5           hard copy print output is requested. The fees to be charged  
6           for management records, multiple case records, and  
7           multiple journal records may be specified by the Chief  
8           Judge pursuant to the guidelines for access and  
9           dissemination of information approved by the Supreme  
10          Court.

11       (p) (Blank).

12       (q) Alias Summons.

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

15       (r) Other Fees.

16           Any fees not covered in this Section shall be set by  
17           rule or administrative order of the Circuit Court with the  
18           approval of the Administrative Office of the Illinois  
19           Courts.

20           The clerk of the circuit court may provide additional  
21           services for which there is no fee specified by statute in  
22           connection with the operation of the clerk's office as may  
23           be requested by the public and agreed to by the clerk and  
24           approved by the chief judge of the circuit court. Any  
25           charges for additional services shall be as agreed to  
26           between the clerk and the party making the request and

1 approved by the chief judge of the circuit court. Nothing  
2 in this subsection shall be construed to require any clerk  
3 to provide any service not otherwise required by law.

4 (s) Jury Services.

5 The clerk shall be entitled to receive, in addition to  
6 other fees allowed by law, the sum of a minimum of \$62.50  
7 and a maximum of \$212.50, as a fee for the services of a  
8 jury in every civil action not quasi-criminal in its nature  
9 and not a proceeding for the exercise of the right of  
10 eminent domain and in every other action wherein the right  
11 of trial by jury is or may be given by law. The jury fee  
12 shall be paid by the party demanding a jury at the time of  
13 filing the jury demand. If the fee is not paid by either  
14 party, no jury shall be called in the action or proceeding,  
15 and the same shall be tried by the court without a jury.

16 (t) Voluntary Assignment.

17 For filing each deed of voluntary assignment, a minimum  
18 of \$10 and a maximum of \$20; for recording the same, a  
19 minimum of 25 cents and a maximum of 50 cents for each 100  
20 words. Exceptions filed to claims presented to an assignee  
21 of a debtor who has made a voluntary assignment for the  
22 benefit of creditors shall be considered and treated, for  
23 the purpose of taxing costs therein, as actions in which  
24 the party or parties filing the exceptions shall be  
25 considered as party or parties plaintiff, and the claimant  
26 or claimants as party or parties defendant, and those

1 parties respectively shall pay to the clerk the same fees  
2 as provided by this Section to be paid in other actions.

3 (u) Expungement Petition.

4 The clerk shall be entitled to receive a fee of a  
5 minimum of \$15 and a maximum of \$60 for each expungement  
6 petition filed and an additional fee of a minimum of \$2 and  
7 a maximum of \$4 for each certified copy of an order to  
8 expunge arrest records.

9 (v) Probate.

10 The clerk is entitled to receive the fees specified in  
11 this subsection (v), which shall be paid in advance, except  
12 that, for good cause shown, the court may suspend, reduce,  
13 or release the costs payable under this subsection:

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

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

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

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

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

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

8 (B) When (i) letters of office are issued to a  
9 guardian of the person or persons, but not of the  
10 estate or (ii) letters of office are issued in the  
11 estate of a ward without administration of the estate,  
12 including filing or joining in the filing of a tax  
13 return or releasing a mortgage or consenting to the  
14 marriage of the ward, the fee shall be a minimum of \$10  
15 and a maximum of \$20.

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

17 (3) In addition to the fees payable under subsection  
18 (v) (1) or (v) (2) of this Section, the following fees are  
19 payable:

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

23 (B) For filing a claim in an estate when the amount  
24 claimed is \$150 or more but less than \$500, a minimum  
25 of \$10 and a maximum of \$25; when the amount claimed is  
26 \$500 or more but less than \$10,000, a minimum of \$10

1           and a maximum of \$40; when the amount claimed is  
2           \$10,000 or more, a minimum of \$10 and a maximum of \$60;  
3           provided that the court in allowing a claim may add to  
4           the amount allowed the filing fee paid by the claimant.

5           (C) For filing in an estate a claim, petition, or  
6           supplemental proceeding based upon an action seeking  
7           equitable relief including the construction or contest  
8           of a will, enforcement of a contract to make a will,  
9           and proceedings involving testamentary trusts or the  
10          appointment of testamentary trustees, a minimum of \$40  
11          and a maximum of \$60.

12          (D) For filing in an estate (i) the appearance of  
13          any person for the purpose of consent or (ii) the  
14          appearance of an executor, administrator,  
15          administrator to collect, guardian, guardian ad litem,  
16          or special administrator, no fee.

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

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

22          (G) For disposition of the collection of a judgment  
23          or settlement of an action or claim for wrongful death  
24          of a decedent or of any cause of action of a ward, when  
25          there is no other administration of the estate, a  
26          minimum of \$30 and a maximum of \$50, less any amount

1           paid under subsection (v) (1) (B) or (v) (2) (B) except  
2           that if the amount involved does not exceed \$5,000, the  
3           fee, including any amount paid under subsection  
4           (v) (1) (B) or (v) (2) (B), shall be a minimum of \$10 and a  
5           maximum of \$20.

6           (H) For each certified copy of letters of office,  
7           of court order or other certification, a minimum of \$1  
8           and a maximum of \$2, plus a minimum of 50 cents and a  
9           maximum of \$1 per page in excess of 3 pages for the  
10          document certified.

11          (I) For each exemplification, a minimum of \$1 and a  
12          maximum of \$2, plus the fee for certification.

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

17          (5) The person on whose behalf a charge is incurred for  
18          witness, court reporter, appraiser, or other miscellaneous  
19          fee shall pay the same directly to the person entitled  
20          thereto.

21          (6) The executor, administrator, guardian, petitioner,  
22          or other interested person or his or her attorney shall pay  
23          to the clerk all postage charges incurred by the clerk in  
24          mailing petitions, orders, notices, or other documents  
25          pursuant to the provisions of the Probate Act of 1975.

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



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

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

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

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

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

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

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

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

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

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

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

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

25           (2) In counties having a population of not more than  
26 500,000 inhabitants, when the violation complaint is

1 issued by a municipal police department, the clerk shall be  
2 entitled to costs from each person convicted therein as  
3 follows:

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

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

6 (3) In ordinance violation cases punishable by fine  
7 only, the clerk of the circuit court shall be entitled to  
8 receive, unless the fee is excused upon a finding by the  
9 court that the defendant is indigent, in addition to other  
10 fees or costs allowed or imposed by law, the sum of a  
11 minimum of \$62.50 and a maximum of \$137.50 as a fee for the  
12 services of a jury. The jury fee shall be paid by the  
13 defendant at the time of filing his or her jury demand. If  
14 the fee is not so paid by the defendant, no jury shall be  
15 called, and the case shall be tried by the court without a  
16 jury.

17 (x) Transcripts of Judgment.

18 For the filing of a transcript of judgment, the clerk  
19 shall be entitled to the same fee as if it were the  
20 commencement of a new suit.

21 (y) Change of Venue.

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

25 (2) The fee for the preparation and certification of a  
26 record on a change of venue to another jurisdiction, when

1 original documents are forwarded, a minimum of \$10 and a  
2 maximum of \$40.

3 (z) Tax objection complaints.

4 For each tax objection complaint containing one or more  
5 tax objections, regardless of the number of parcels  
6 involved or the number of taxpayers joining on the  
7 complaint, a minimum of \$10 and a maximum of \$50.

8 (aa) Tax Deeds.

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

11 (2) For each additional parcel, add a fee of a minimum  
12 of \$10 and a maximum of \$60.

13 (bb) Collections.

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

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

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

24 (4) In child support and maintenance cases, the clerk,  
25 if authorized by an ordinance of the county board, may  
26 collect an annual fee of up to \$36 from the person making

1 payment for maintaining child support records and the  
2 processing of support orders to the State of Illinois KIDS  
3 system and the recording of payments issued by the State  
4 Disbursement Unit for the official record of the Court.  
5 This fee shall be in addition to and separate from amounts  
6 ordered to be paid as maintenance or child support and  
7 shall be deposited into a Separate Maintenance and Child  
8 Support Collection Fund, of which the clerk shall be the  
9 custodian, ex-officio, to be used by the clerk to maintain  
10 child support orders and record all payments issued by the  
11 State Disbursement Unit for the official record of the  
12 Court. The clerk may recover from the person making the  
13 maintenance or child support payment any additional cost  
14 incurred in the collection of this annual fee.

15 The clerk shall also be entitled to a fee of \$5 for  
16 certifications made to the Secretary of State as provided  
17 in Section 7-703 of the Family Financial Responsibility Law  
18 and these fees shall also be deposited into the Separate  
19 Maintenance and Child Support Collection Fund.

20 (cc) Corrections of Numbers.

21 For correction of the case number, case title, or  
22 attorney computer identification number, if required by  
23 rule of court, on any document filed in the clerk's office,  
24 to be charged against the party that filed the document, a  
25 minimum of \$10 and a maximum of \$25.

26 (dd) Exceptions.

1           (1) The fee requirements of this Section shall not  
 2           apply to police departments or other law enforcement  
 3           agencies. In this Section, "law enforcement agency" means  
 4           an agency of the State or a unit of local government which  
 5           is vested by law or ordinance with the duty to maintain  
 6           public order and to enforce criminal laws or ordinances.  
 7           "Law enforcement agency" also means the Attorney General or  
 8           any state's attorney.

9           (2) No fee provided herein shall be charged to any unit  
 10          of local government or school district.

11          (3) The fee requirements of this Section shall not  
 12          apply to any action instituted under subsection (b) of  
 13          Section 11-31-1 of the Illinois Municipal Code by a private  
 14          owner or tenant of real property within 1200 feet of a  
 15          dangerous or unsafe building seeking an order compelling  
 16          the owner or owners of the building to take any of the  
 17          actions authorized under that subsection.

18          (4) The fee requirements of this Section shall not  
 19          apply to the filing of any commitment petition or petition  
 20          for an order authorizing the administration of  
 21          psychotropic medication or electroconvulsive therapy under  
 22          the Mental Health and Developmental Disabilities Code.

23          (ee) Adoptions.

24                 (1) For an adoption ..... \$65

25                 (2) Upon good cause shown, the court may waive the  
 26                 adoption filing fee in a special needs adoption. The term

1 "special needs adoption" shall have the meaning ascribed to  
2 it by the Illinois Department of Children and Family  
3 Services.

4 (ff) Adoption exemptions.

5 No fee other than that set forth in subsection (ee)  
6 shall be charged to any person in connection with an  
7 adoption proceeding nor may any fee be charged for  
8 proceedings for the appointment of a confidential  
9 intermediary under the Adoption Act.

10 (Source: P.A. 95-172, eff. 8-14-07; 95-331, eff. 8-21-07.)

11 Section 961. The Juvenile Court Act of 1987 is amended by  
12 changing Sections 1-3 and 6-9 as follows:

13 (705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

14 Sec. 1-3. Definitions. Terms used in this Act, unless the  
15 context otherwise requires, have the following meanings  
16 ascribed to them:

17 (1) "Adjudicatory hearing" means a hearing to determine  
18 whether the allegations of a petition under Section 2-13, 3-15  
19 or 4-12 that a minor under 18 years of age is abused, neglected  
20 or dependent, or requires authoritative intervention, or  
21 addicted, respectively, are supported by a preponderance of the  
22 evidence or whether the allegations of a petition under Section  
23 5-520 that a minor is delinquent are proved beyond a reasonable  
24 doubt.

1 (2) "Adult" means a person 21 years of age or older.

2 (3) "Agency" means a public or private child care facility  
3 legally authorized or licensed by this State for placement or  
4 institutional care or for both placement and institutional  
5 care.

6 (4) "Association" means any organization, public or  
7 private, engaged in welfare functions which include services to  
8 or on behalf of children but does not include "agency" as  
9 herein defined.

10 (4.05) Whenever a "best interest" determination is  
11 required, the following factors shall be considered in the  
12 context of the child's age and developmental needs:

13 (a) the physical safety and welfare of the child,  
14 including food, shelter, health, and clothing;

15 (b) the development of the child's identity;

16 (c) the child's background and ties, including  
17 familial, cultural, and religious;

18 (d) the child's sense of attachments, including:

19 (i) where the child actually feels love,  
20 attachment, and a sense of being valued (as opposed to  
21 where adults believe the child should feel such love,  
22 attachment, and a sense of being valued);

23 (ii) the child's sense of security;

24 (iii) the child's sense of familiarity;

25 (iv) continuity of affection for the child;

26 (v) the least disruptive placement alternative for

1 the child;

2 (e) the child's wishes and long-term goals;

3 (f) the child's community ties, including church,  
4 school, and friends;

5 (g) the child's need for permanence which includes the  
6 child's need for stability and continuity of relationships  
7 with parent figures and with siblings and other relatives;

8 (h) the uniqueness of every family and child;

9 (i) the risks attendant to entering and being in  
10 substitute care; and

11 (j) the preferences of the persons available to care  
12 for the child.

13 (4.1) "Chronic truant" shall have the definition ascribed  
14 to it in Section 26-2a of the School Code.

15 (5) "Court" means the circuit court in a session or  
16 division assigned to hear proceedings under this Act.

17 (6) "Dispositional hearing" means a hearing to determine  
18 whether a minor should be adjudged to be a ward of the court,  
19 and to determine what order of disposition should be made in  
20 respect to a minor adjudged to be a ward of the court.

21 (7) "Emancipated minor" means any minor 16 years of age or  
22 over who has been completely or partially emancipated under the  
23 Emancipation of Minors Act or under this Act.

24 (8) "Guardianship of the person" of a minor means the duty  
25 and authority to act in the best interests of the minor,  
26 subject to residual parental rights and responsibilities, to



1 make important decisions in matters having a permanent effect  
2 on the life and development of the minor and to be concerned  
3 with his or her general welfare. It includes but is not  
4 necessarily limited to:

5 (a) the authority to consent to marriage, to enlistment  
6 in the armed forces of the United States, or to a major  
7 medical, psychiatric, and surgical treatment; to represent  
8 the minor in legal actions; and to make other decisions of  
9 substantial legal significance concerning the minor;

10 (b) the authority and duty of reasonable visitation,  
11 except to the extent that these have been limited in the  
12 best interests of the minor by court order;

13 (c) the rights and responsibilities of legal custody  
14 except where legal custody has been vested in another  
15 person or agency; and

16 (d) the power to consent to the adoption of the minor,  
17 but only if expressly conferred on the guardian in  
18 accordance with Section 2-29, 3-30, or 4-27.

19 (9) "Legal custody" means the relationship created by an  
20 order of court in the best interests of the minor which imposes  
21 on the custodian the responsibility of physical possession of a  
22 minor and the duty to protect, train and discipline him and to  
23 provide him with food, shelter, education and ordinary medical  
24 care, except as these are limited by residual parental rights  
25 and responsibilities and the rights and responsibilities of the  
26 guardian of the person, if any.

1           (9.1) "Mentally capable adult relative" means a person 21  
2 years of age or older who is not suffering from a mental  
3 illness that prevents him or her from providing the care  
4 necessary to safeguard the physical safety and welfare of a  
5 minor who is left in that person's care by the parent or  
6 parents or other person responsible for the minor's welfare.

7           (10) "Minor" means a person under the age of 21 years  
8 subject to this Act.

9           (11) "Parent" means the father or mother of a child and  
10 includes any adoptive parent. It also includes a man (i) whose  
11 paternity is presumed or has been established under the law of  
12 this or another jurisdiction or (ii) who has registered with  
13 the Putative Father Registry in accordance with Section 12.1 of  
14 the Adoption Act and whose paternity has not been ruled out  
15 under the law of this or another jurisdiction. It does not  
16 include a parent whose rights in respect to the minor have been  
17 terminated in any manner provided by law. It does not include a  
18 person who has been or could be determined to be a parent under  
19 the Illinois Parentage Act of 1984 or the Illinois Parentage  
20 Act of 2013, or similar parentage law in any other state, if  
21 that person has been convicted of or pled nolo contendere to a  
22 crime that resulted in the conception of the child under  
23 Section 11-1.20, 11-1.30, 11-1.40, 11-11, 12-13, 12-14,  
24 12-14.1, subsection (a) or (b) (but not subsection (c)) of  
25 Section 11-1.50 or 12-15, or subsection (a), (b), (c), (e), or  
26 (f) (but not subsection (d)) of Section 11-1.60 or 12-16 of the

1 Criminal Code of 1961 or the Criminal Code of 2012, or similar  
2 statute in another jurisdiction unless upon motion of any  
3 party, other than the offender, to the juvenile court  
4 proceedings the court finds it is in the child's best interest  
5 to deem the offender a parent for purposes of the juvenile  
6 court proceedings.

7 (11.1) "Permanency goal" means a goal set by the court as  
8 defined in subdivision (2) of Section 2-28.

9 (11.2) "Permanency hearing" means a hearing to set the  
10 permanency goal and to review and determine (i) the  
11 appropriateness of the services contained in the plan and  
12 whether those services have been provided, (ii) whether  
13 reasonable efforts have been made by all the parties to the  
14 service plan to achieve the goal, and (iii) whether the plan  
15 and goal have been achieved.

16 (12) "Petition" means the petition provided for in Section  
17 2-13, 3-15, 4-12 or 5-520, including any supplemental petitions  
18 thereunder in Section 3-15, 4-12 or 5-520.

19 (12.1) "Physically capable adult relative" means a person  
20 21 years of age or older who does not have a severe physical  
21 disability or medical condition, or is not suffering from  
22 alcoholism or drug addiction, that prevents him or her from  
23 providing the care necessary to safeguard the physical safety  
24 and welfare of a minor who is left in that person's care by the  
25 parent or parents or other person responsible for the minor's  
26 welfare.

1           (12.2) "Post Permanency Sibling Contact Agreement" has the  
2 meaning ascribed to the term in Section 7.4 of the Children and  
3 Family Services Act.

4           (13) "Residual parental rights and responsibilities" means  
5 those rights and responsibilities remaining with the parent  
6 after the transfer of legal custody or guardianship of the  
7 person, including, but not necessarily limited to, the right to  
8 reasonable visitation (which may be limited by the court in the  
9 best interests of the minor as provided in subsection (8) (b) of  
10 this Section), the right to consent to adoption, the right to  
11 determine the minor's religious affiliation, and the  
12 responsibility for his support.

13           (14) "Shelter" means the temporary care of a minor in  
14 physically unrestricting facilities pending court disposition  
15 or execution of court order for placement.

16           (14.1) "Sibling Contact Support Plan" has the meaning  
17 ascribed to the term in Section 7.4 of the Children and Family  
18 Services Act.

19           (15) "Station adjustment" means the informal handling of an  
20 alleged offender by a juvenile police officer.

21           (16) "Ward of the court" means a minor who is so adjudged  
22 under Section 2-22, 3-23, 4-20 or 5-705, after a finding of the  
23 requisite jurisdictional facts, and thus is subject to the  
24 dispositional powers of the court under this Act.

25           (17) "Juvenile police officer" means a sworn police officer  
26 who has completed a Basic Recruit Training Course, has been

1 assigned to the position of juvenile police officer by his or  
2 her chief law enforcement officer and has completed the  
3 necessary juvenile officers training as prescribed by the  
4 Illinois Law Enforcement Training Standards Board, or in the  
5 case of a State police officer, juvenile officer training  
6 approved by the Director of the Department of State Police.

7 (18) "Secure child care facility" means any child care  
8 facility licensed by the Department of Children and Family  
9 Services to provide secure living arrangements for children  
10 under 18 years of age who are subject to placement in  
11 facilities under the Children and Family Services Act and who  
12 are not subject to placement in facilities for whom standards  
13 are established by the Department of Corrections under Section  
14 3-15-2 of the Unified Code of Corrections. "Secure child care  
15 facility" also means a facility that is designed and operated  
16 to ensure that all entrances and exits from the facility, a  
17 building, or a distinct part of the building are under the  
18 exclusive control of the staff of the facility, whether or not  
19 the child has the freedom of movement within the perimeter of  
20 the facility, building, or distinct part of the building.

21 (Source: P.A. 96-168, eff. 8-10-09; 97-568, eff. 8-25-11;  
22 97-1076, eff. 8-24-12; 97-1150, eff. 1-25-13.)

23 (705 ILCS 405/6-9) (from Ch. 37, par. 806-9)

24 Sec. 6-9. Enforcement of liability of parents and others.

25 (1) If parentage is at issue in any proceeding under this

1 Act, other than cases involving those exceptions to the  
2 definition of parent set out in item (11) in Section 1-3, then  
3 the Illinois Parentage Act of 2013 ~~1984~~ shall apply and the  
4 court shall enter orders consistent with that Act. If it  
5 appears at any hearing that a parent or any other person named  
6 in the petition, liable under the law for the support of the  
7 minor, is able to contribute to his or her support, the court  
8 shall enter an order requiring that parent or other person to  
9 pay the clerk of the court, or to the guardian or custodian  
10 appointed under Sections 2-27, 3-28, 4-25 or 5-740, a  
11 reasonable sum from time to time for the care, support and  
12 necessary special care or treatment, of the minor. If the court  
13 determines at any hearing that a parent or any other person  
14 named in the petition, liable under the law for the support of  
15 the minor, is able to contribute to help defray the costs  
16 associated with the minor's detention in a county or regional  
17 detention center, the court shall enter an order requiring that  
18 parent or other person to pay the clerk of the court a  
19 reasonable sum for the care and support of the minor. The court  
20 may require reasonable security for the payments. Upon failure  
21 to pay, the court may enforce obedience to the order by a  
22 proceeding as for contempt of court.

23 If it appears that the person liable for the support of the  
24 minor is able to contribute to legal fees for representation of  
25 the minor, the court shall enter an order requiring that person  
26 to pay a reasonable sum for the representation, to the attorney

1 providing the representation or to the clerk of the court for  
2 deposit in the appropriate account or fund. The sum may be paid  
3 as the court directs, and the payment thereof secured and  
4 enforced as provided in this Section for support.

5 If it appears at the detention or shelter care hearing of a  
6 minor before the court under Section 5-501 that a parent or any  
7 other person liable for support of the minor is able to  
8 contribute to his or her support, that parent or other person  
9 shall be required to pay a fee for room and board at a rate not  
10 to exceed \$10 per day established, with the concurrence of the  
11 chief judge of the judicial circuit, by the county board of the  
12 county in which the minor is detained unless the court  
13 determines that it is in the best interest and welfare of the  
14 minor to waive the fee. The concurrence of the chief judge  
15 shall be in the form of an administrative order. Each week, on  
16 a day designated by the clerk of the circuit court, that parent  
17 or other person shall pay the clerk for the minor's room and  
18 board. All fees for room and board collected by the circuit  
19 court clerk shall be disbursed into the separate county fund  
20 under Section 6-7.

21 Upon application, the court shall waive liability for  
22 support or legal fees under this Section if the parent or other  
23 person establishes that he or she is indigent and unable to pay  
24 the incurred liability, and the court may reduce or waive  
25 liability if the parent or other person establishes  
26 circumstances showing that full payment of support or legal

1 fees would result in financial hardship to the person or his or  
2 her family.

3 (2) When a person so ordered to pay for the care and  
4 support of a minor is employed for wages, salary or commission,  
5 the court may order him to make the support payments for which  
6 he is liable under this Act out of his wages, salary or  
7 commission and to assign so much thereof as will pay the  
8 support. The court may also order him to make discovery to the  
9 court as to his place of employment and the amounts earned by  
10 him. Upon his failure to obey the orders of court he may be  
11 punished as for contempt of court.

12 (3) If the minor is a recipient of public aid under the  
13 Illinois Public Aid Code, the court shall order that payments  
14 made by a parent or through assignment of his wages, salary or  
15 commission be made directly to (a) the Department of Healthcare  
16 and Family Services if the minor is a recipient of aid under  
17 Article V of the Code, (b) the Department of Human Services if  
18 the minor is a recipient of aid under Article IV of the Code,  
19 or (c) the local governmental unit responsible for the support  
20 of the minor if he is a recipient under Articles VI or VII of  
21 the Code. The order shall permit the Department of Healthcare  
22 and Family Services, the Department of Human Services, or the  
23 local governmental unit, as the case may be, to direct that  
24 subsequent payments be made directly to the guardian or  
25 custodian of the minor, or to some other person or agency in  
26 the minor's behalf, upon removal of the minor from the public



1 aid rolls; and upon such direction and removal of the minor  
2 from the public aid rolls, the Department of Healthcare and  
3 Family Services, Department of Human Services, or local  
4 governmental unit, as the case requires, shall give written  
5 notice of such action to the court. Payments received by the  
6 Department of Healthcare and Family Services, Department of  
7 Human Services, or local governmental unit are to be covered,  
8 respectively, into the General Revenue Fund of the State  
9 Treasury or General Assistance Fund of the governmental unit,  
10 as provided in Section 10-19 of the Illinois Public Aid Code.

11 (Source: P.A. 97-568, eff. 8-25-11.)

12 Section 962. The Code of Criminal Procedure of 1963 is  
13 amended by changing Section 112A-14 as follows:

14 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

15 Sec. 112A-14. Order of protection; remedies.

16 (a) Issuance of order. If the court finds that petitioner  
17 has been abused by a family or household member, as defined in  
18 this Article, an order of protection prohibiting such abuse  
19 shall issue; provided that petitioner must also satisfy the  
20 requirements of one of the following Sections, as appropriate:  
21 Section 112A-17 on emergency orders, Section 112A-18 on interim  
22 orders, or Section 112A-19 on plenary orders. Petitioner shall  
23 not be denied an order of protection because petitioner or  
24 respondent is a minor. The court, when determining whether or

1 not to issue an order of protection, shall not require physical  
2 manifestations of abuse on the person of the victim.  
3 Modification and extension of prior orders of protection shall  
4 be in accordance with this Article.

5 (b) Remedies and standards. The remedies to be included in  
6 an order of protection shall be determined in accordance with  
7 this Section and one of the following Sections, as appropriate:  
8 Section 112A-17 on emergency orders, Section 112A-18 on interim  
9 orders, and Section 112A-19 on plenary orders. The remedies  
10 listed in this subsection shall be in addition to other civil  
11 or criminal remedies available to petitioner.

12 (1) Prohibition of abuse. Prohibit respondent's  
13 harassment, interference with personal liberty,  
14 intimidation of a dependent, physical abuse or willful  
15 deprivation, as defined in this Article, if such abuse has  
16 occurred or otherwise appears likely to occur if not  
17 prohibited.

18 (2) Grant of exclusive possession of residence.  
19 Prohibit respondent from entering or remaining in any  
20 residence, household, or premises of the petitioner,  
21 including one owned or leased by respondent, if petitioner  
22 has a right to occupancy thereof. The grant of exclusive  
23 possession of the residence, household, or premises shall  
24 not affect title to real property, nor shall the court be  
25 limited by the standard set forth in Section 701 of the  
26 Illinois Marriage and Dissolution of Marriage Act.

1           (A) Right to occupancy. A party has a right to  
2 occupancy of a residence or household if it is solely  
3 or jointly owned or leased by that party, that party's  
4 spouse, a person with a legal duty to support that  
5 party or a minor child in that party's care, or by any  
6 person or entity other than the opposing party that  
7 authorizes that party's occupancy (e.g., a domestic  
8 violence shelter). Standards set forth in subparagraph  
9 (B) shall not preclude equitable relief.

10           (B) Presumption of hardships. If petitioner and  
11 respondent each has the right to occupancy of a  
12 residence or household, the court shall balance (i) the  
13 hardships to respondent and any minor child or  
14 dependent adult in respondent's care resulting from  
15 entry of this remedy with (ii) the hardships to  
16 petitioner and any minor child or dependent adult in  
17 petitioner's care resulting from continued exposure to  
18 the risk of abuse (should petitioner remain at the  
19 residence or household) or from loss of possession of  
20 the residence or household (should petitioner leave to  
21 avoid the risk of abuse). When determining the balance  
22 of hardships, the court shall also take into account  
23 the accessibility of the residence or household.  
24 Hardships need not be balanced if respondent does not  
25 have a right to occupancy.

26           The balance of hardships is presumed to favor

1           possession by petitioner unless the presumption is  
2           rebutted by a preponderance of the evidence, showing  
3           that the hardships to respondent substantially  
4           outweigh the hardships to petitioner and any minor  
5           child or dependent adult in petitioner's care. The  
6           court, on the request of petitioner or on its own  
7           motion, may order respondent to provide suitable,  
8           accessible, alternate housing for petitioner instead  
9           of excluding respondent from a mutual residence or  
10          household.

11          (3) Stay away order and additional prohibitions. Order  
12          respondent to stay away from petitioner or any other person  
13          protected by the order of protection, or prohibit  
14          respondent from entering or remaining present at  
15          petitioner's school, place of employment, or other  
16          specified places at times when petitioner is present, or  
17          both, if reasonable, given the balance of hardships.  
18          Hardships need not be balanced for the court to enter a  
19          stay away order or prohibit entry if respondent has no  
20          right to enter the premises.

21          If an order of protection grants petitioner exclusive  
22          possession of the residence, or prohibits respondent from  
23          entering the residence, or orders respondent to stay away  
24          from petitioner or other protected persons, then the court  
25          may allow respondent access to the residence to remove  
26          items of clothing and personal adornment used exclusively

1 by respondent, medications, and other items as the court  
2 directs. The right to access shall be exercised on only one  
3 occasion as the court directs and in the presence of an  
4 agreed-upon adult third party or law enforcement officer.

5 (4) Counseling. Require or recommend the respondent to  
6 undergo counseling for a specified duration with a social  
7 worker, psychologist, clinical psychologist, psychiatrist,  
8 family service agency, alcohol or substance abuse program,  
9 mental health center guidance counselor, agency providing  
10 services to elders, program designed for domestic violence  
11 abusers or any other guidance service the court deems  
12 appropriate. The court may order the respondent in any  
13 intimate partner relationship to report to an Illinois  
14 Department of Human Services protocol approved partner  
15 abuse intervention program for an assessment and to follow  
16 all recommended treatment.

17 (5) Physical care and possession of the minor child. In  
18 order to protect the minor child from abuse, neglect, or  
19 unwarranted separation from the person who has been the  
20 minor child's primary caretaker, or to otherwise protect  
21 the well-being of the minor child, the court may do either  
22 or both of the following: (i) grant petitioner physical  
23 care or possession of the minor child, or both, or (ii)  
24 order respondent to return a minor child to, or not remove  
25 a minor child from, the physical care of a parent or person  
26 in loco parentis.

1           If a court finds, after a hearing, that respondent has  
2 committed abuse (as defined in Section 112A-3) of a minor  
3 child, there shall be a rebuttable presumption that  
4 awarding physical care to respondent would not be in the  
5 minor child's best interest.

6           (6) Temporary legal custody. Award temporary legal  
7 custody to petitioner in accordance with this Section, the  
8 Illinois Marriage and Dissolution of Marriage Act, the  
9 Illinois Parentage Act of 2013 ~~1984~~, and this State's  
10 Uniform Child-Custody Jurisdiction and Enforcement Act.

11           If a court finds, after a hearing, that respondent has  
12 committed abuse (as defined in Section 112A-3) of a minor  
13 child, there shall be a rebuttable presumption that  
14 awarding temporary legal custody to respondent would not be  
15 in the child's best interest.

16           (7) Visitation. Determine the visitation rights, if  
17 any, of respondent in any case in which the court awards  
18 physical care or temporary legal custody of a minor child  
19 to petitioner. The court shall restrict or deny  
20 respondent's visitation with a minor child if the court  
21 finds that respondent has done or is likely to do any of  
22 the following: (i) abuse or endanger the minor child during  
23 visitation; (ii) use the visitation as an opportunity to  
24 abuse or harass petitioner or petitioner's family or  
25 household members; (iii) improperly conceal or detain the  
26 minor child; or (iv) otherwise act in a manner that is not

1 in the best interests of the minor child. The court shall  
2 not be limited by the standards set forth in Section 607.1  
3 of the Illinois Marriage and Dissolution of Marriage Act.  
4 If the court grants visitation, the order shall specify  
5 dates and times for the visitation to take place or other  
6 specific parameters or conditions that are appropriate. No  
7 order for visitation shall refer merely to the term  
8 "reasonable visitation".

9 Petitioner may deny respondent access to the minor  
10 child if, when respondent arrives for visitation,  
11 respondent is under the influence of drugs or alcohol and  
12 constitutes a threat to the safety and well-being of  
13 petitioner or petitioner's minor children or is behaving in  
14 a violent or abusive manner.

15 If necessary to protect any member of petitioner's  
16 family or household from future abuse, respondent shall be  
17 prohibited from coming to petitioner's residence to meet  
18 the minor child for visitation, and the parties shall  
19 submit to the court their recommendations for reasonable  
20 alternative arrangements for visitation. A person may be  
21 approved to supervise visitation only after filing an  
22 affidavit accepting that responsibility and acknowledging  
23 accountability to the court.

24 (8) Removal or concealment of minor child. Prohibit  
25 respondent from removing a minor child from the State or  
26 concealing the child within the State.

1           (9) Order to appear. Order the respondent to appear in  
2 court, alone or with a minor child, to prevent abuse,  
3 neglect, removal or concealment of the child, to return the  
4 child to the custody or care of the petitioner or to permit  
5 any court-ordered interview or examination of the child or  
6 the respondent.

7           (10) Possession of personal property. Grant petitioner  
8 exclusive possession of personal property and, if  
9 respondent has possession or control, direct respondent to  
10 promptly make it available to petitioner, if:

11                 (i) petitioner, but not respondent, owns the  
12 property; or

13                 (ii) the parties own the property jointly; sharing  
14 it would risk abuse of petitioner by respondent or is  
15 impracticable; and the balance of hardships favors  
16 temporary possession by petitioner.

17           If petitioner's sole claim to ownership of the property  
18 is that it is marital property, the court may award  
19 petitioner temporary possession thereof under the  
20 standards of subparagraph (ii) of this paragraph only if a  
21 proper proceeding has been filed under the Illinois  
22 Marriage and Dissolution of Marriage Act, as now or  
23 hereafter amended.

24           No order under this provision shall affect title to  
25 property.

26           (11) Protection of property. Forbid the respondent



1 from taking, transferring, encumbering, concealing,  
2 damaging or otherwise disposing of any real or personal  
3 property, except as explicitly authorized by the court, if:

4 (i) petitioner, but not respondent, owns the  
5 property; or

6 (ii) the parties own the property jointly, and the  
7 balance of hardships favors granting this remedy.

8 If petitioner's sole claim to ownership of the property  
9 is that it is marital property, the court may grant  
10 petitioner relief under subparagraph (ii) of this  
11 paragraph only if a proper proceeding has been filed under  
12 the Illinois Marriage and Dissolution of Marriage Act, as  
13 now or hereafter amended.

14 The court may further prohibit respondent from  
15 improperly using the financial or other resources of an  
16 aged member of the family or household for the profit or  
17 advantage of respondent or of any other person.

18 (11.5) Protection of animals. Grant the petitioner the  
19 exclusive care, custody, or control of any animal owned,  
20 possessed, leased, kept, or held by either the petitioner  
21 or the respondent or a minor child residing in the  
22 residence or household of either the petitioner or the  
23 respondent and order the respondent to stay away from the  
24 animal and forbid the respondent from taking,  
25 transferring, encumbering, concealing, harming, or  
26 otherwise disposing of the animal.

1           (12) Order for payment of support. Order respondent to  
2 pay temporary support for the petitioner or any child in  
3 the petitioner's care or custody, when the respondent has a  
4 legal obligation to support that person, in accordance with  
5 the Illinois Marriage and Dissolution of Marriage Act,  
6 which shall govern, among other matters, the amount of  
7 support, payment through the clerk and withholding of  
8 income to secure payment. An order for child support may be  
9 granted to a petitioner with lawful physical care or  
10 custody of a child, or an order or agreement for physical  
11 care or custody, prior to entry of an order for legal  
12 custody. Such a support order shall expire upon entry of a  
13 valid order granting legal custody to another, unless  
14 otherwise provided in the custody order.

15           (13) Order for payment of losses. Order respondent to  
16 pay petitioner for losses suffered as a direct result of  
17 the abuse. Such losses shall include, but not be limited  
18 to, medical expenses, lost earnings or other support,  
19 repair or replacement of property damaged or taken,  
20 reasonable attorney's fees, court costs and moving or other  
21 travel expenses, including additional reasonable expenses  
22 for temporary shelter and 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 firearms in the possession of the respondent,  
13          except as provided in subsection (b), shall be ordered  
14          by the court to be turned over to the local law  
15          enforcement agency for safekeeping. The court shall  
16          issue an order that the respondent's Firearm Owner's  
17          Identification Card be turned over to the local law  
18          enforcement agency, which in turn shall immediately  
19          mail the card to the Department of State Police Firearm  
20          Owner's Identification Card Office for safekeeping.  
21          The period of safekeeping shall be for the duration of  
22          the order of protection. The firearm or firearms and  
23          Firearm Owner's Identification Card, if unexpired,  
24          shall at the respondent's request be returned to the  
25          respondent at expiration of the order of protection.

26          (b) If the respondent is a peace officer as defined

1 in Section 2-13 of the Criminal Code of 2012, the court  
2 shall order that any firearms used by the respondent in  
3 the performance of his or her duties as a peace officer  
4 be surrendered to the chief law enforcement executive  
5 of the agency in which the respondent is employed, who  
6 shall retain the firearms for safekeeping for the  
7 duration of the order of protection.

8 (c) Upon expiration of the period of safekeeping,  
9 if the firearms or Firearm Owner's Identification Card  
10 cannot be returned to respondent because respondent  
11 cannot be located, fails to respond to requests to  
12 retrieve the firearms, or is not lawfully eligible to  
13 possess a firearm, upon petition from the local law  
14 enforcement agency, the court may order the local law  
15 enforcement agency to destroy the firearms, use the  
16 firearms for training purposes, or for any other  
17 application as deemed appropriate by the local law  
18 enforcement agency; or that the firearms be turned over  
19 to a third party who is lawfully eligible to possess  
20 firearms, and who does not reside with respondent.

21 (15) Prohibition of access to records. If an order of  
22 protection prohibits respondent from having contact with  
23 the minor child, or if petitioner's address is omitted  
24 under subsection (b) of Section 112A-5, or if necessary to  
25 prevent abuse or wrongful removal or concealment of a minor  
26 child, the order shall deny respondent access to, and

1 prohibit respondent from inspecting, obtaining, or  
2 attempting to inspect or obtain, school or any other  
3 records of the minor child who is in the care of  
4 petitioner.

5 (16) Order for payment of shelter services. Order  
6 respondent to reimburse a shelter providing temporary  
7 housing and counseling services to the petitioner for the  
8 cost of the services, as certified by the shelter and  
9 deemed reasonable by the court.

10 (17) Order for injunctive relief. Enter injunctive  
11 relief necessary or appropriate to prevent further abuse of  
12 a family or household member or to effectuate one of the  
13 granted remedies, if supported by the balance of hardships.  
14 If the harm to be prevented by the injunction is abuse or  
15 any other harm that one of the remedies listed in  
16 paragraphs (1) through (16) of this subsection is designed  
17 to prevent, no further evidence is necessary to establish  
18 that the harm is an irreparable injury.

19 (c) Relevant factors; findings.

20 (1) In determining whether to grant a specific remedy,  
21 other than payment of support, the court shall consider  
22 relevant factors, including but not limited to the  
23 following:

24 (i) the nature, frequency, severity, pattern and  
25 consequences of the respondent's past abuse of the  
26 petitioner or any family or household member,

1 including the concealment of his or her location in  
2 order to evade service of process or notice, and the  
3 likelihood of danger of future abuse to petitioner or  
4 any member of petitioner's or respondent's family or  
5 household; and

6 (ii) the danger that any minor child will be abused  
7 or neglected or improperly removed from the  
8 jurisdiction, improperly concealed within the State or  
9 improperly separated from the child's primary  
10 caretaker.

11 (2) In comparing relative hardships resulting to the  
12 parties from loss of possession of the family home, the  
13 court shall consider relevant factors, including but not  
14 limited to the following:

15 (i) availability, accessibility, cost, safety,  
16 adequacy, location and other characteristics of  
17 alternate housing for each party and any minor child or  
18 dependent adult in the party's care;

19 (ii) the effect on the party's employment; and

20 (iii) the effect on the relationship of the party,  
21 and any minor child or dependent adult in the party's  
22 care, to family, school, church and community.

23 (3) Subject to the exceptions set forth in paragraph  
24 (4) of this subsection, the court shall make its findings  
25 in an official record or in writing, and shall at a minimum  
26 set forth the following:

1           (i) That the court has considered the applicable  
2 relevant factors described in paragraphs (1) and (2) of  
3 this subsection.

4           (ii) Whether the conduct or actions of respondent,  
5 unless prohibited, will likely cause irreparable harm  
6 or continued abuse.

7           (iii) Whether it is necessary to grant the  
8 requested relief in order to protect petitioner or  
9 other alleged abused persons.

10          (4) For purposes of issuing an ex parte emergency order  
11 of protection, the court, as an alternative to or as a  
12 supplement to making the findings described in paragraphs  
13 (c)(3)(i) through (c)(3)(iii) of this subsection, may use  
14 the following procedure:

15          When a verified petition for an emergency order of  
16 protection in accordance with the requirements of Sections  
17 112A-5 and 112A-17 is presented to the court, the court  
18 shall examine petitioner on oath or affirmation. An  
19 emergency order of protection shall be issued by the court  
20 if it appears from the contents of the petition and the  
21 examination of petitioner that the averments are  
22 sufficient to indicate abuse by respondent and to support  
23 the granting of relief under the issuance of the emergency  
24 order of protection.

25          (5) Never married parties. No rights or  
26 responsibilities for a minor child born outside of marriage



1 attach to a putative father until a father and child  
2 relationship has been established under the Illinois  
3 Parentage Act of 1984 or under the Illinois Parentage Act  
4 of 2013 on and after the effective date of that Act. Absent  
5 such an adjudication, no putative father shall be granted  
6 temporary custody of the minor child, visitation with the  
7 minor child, or physical care and possession of the minor  
8 child, nor shall an order of payment for support of the  
9 minor child be entered.

10 (d) Balance of hardships; findings. If the court finds that  
11 the balance of hardships does not support the granting of a  
12 remedy governed by paragraph (2), (3), (10), (11), or (16) of  
13 subsection (b) of this Section, which may require such  
14 balancing, the court's findings shall so indicate and shall  
15 include a finding as to whether granting the remedy will result  
16 in hardship to respondent that would substantially outweigh the  
17 hardship to petitioner from denial of the remedy. The findings  
18 shall be an official record or in writing.

19 (e) Denial of remedies. Denial of any remedy shall not be  
20 based, in whole or in part, on evidence that:

21 (1) Respondent has cause for any use of force, unless  
22 that cause satisfies the standards for justifiable use of  
23 force provided by Article 7 of the Criminal Code of 2012;

24 (2) Respondent was voluntarily intoxicated;

25 (3) Petitioner acted in self-defense or defense of  
26 another, provided that, if petitioner utilized force, such

1 force was justifiable under Article 7 of the Criminal Code  
2 of 2012;

3 (4) Petitioner did not act in self-defense or defense  
4 of another;

5 (5) Petitioner left the residence or household to avoid  
6 further abuse by respondent;

7 (6) Petitioner did not leave the residence or household  
8 to avoid further abuse by respondent;

9 (7) Conduct by any family or household member excused  
10 the abuse by respondent, unless that same conduct would  
11 have excused such abuse if the parties had not been family  
12 or household members.

13 (Source: P.A. 96-701, eff. 1-1-10; 96-1239, eff. 1-1-11;  
14 97-158, eff. 1-1-12; 97-1131, eff. 1-1-13; 97-1150, eff.  
15 1-25-13.)

16 Section 963. The Unified Code of Corrections is amended by  
17 changing Section 3-5-4 as follows:

18 (730 ILCS 5/3-5-4)

19 Sec. 3-5-4. Exchange of information for child support  
20 enforcement.

21 (a) The Department shall exchange with the Department of  
22 Healthcare and Family Services information that may be  
23 necessary for the enforcement of child support orders entered  
24 pursuant to the Illinois Public Aid Code, the Illinois Marriage

1 and 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 Uniform  
4 Interstate Family Support Act, ~~or~~ the Illinois Parentage Act of  
5 1984, or the Illinois Parentage Act of 2013.

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

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

13 Section 964. The Code of Civil Procedure is amended by  
14 changing Sections 2-209, 2-1401, 12-112, and 12-819 as follows:

15 (735 ILCS 5/2-209) (from Ch. 110, par. 2-209)

16 Sec. 2-209. Act submitting to jurisdiction - Process.

17 (a) Any person, whether or not a citizen or resident of  
18 this State, who in person or through an agent does any of the  
19 acts hereinafter enumerated, thereby submits such person, and,  
20 if an individual, his or her personal representative, to the  
21 jurisdiction of the courts of this State as to any cause of  
22 action arising from the doing of any of such acts:

23 (1) The transaction of any business within this State;

24 (2) The commission of a tortious act within this State;

1           (3) The ownership, use, or possession of any real  
2 estate situated in this State;

3           (4) Contracting to insure any person, property or risk  
4 located within this State at the time of contracting;

5           (5) With respect to actions of dissolution of marriage,  
6 declaration of invalidity of marriage and legal  
7 separation, the maintenance in this State of a matrimonial  
8 domicile at the time this cause of action arose or the  
9 commission in this State of any act giving rise to the  
10 cause of action;

11           (6) With respect to actions brought under the Illinois  
12 Parentage Act of 1984, as now or hereafter amended, or  
13 under the Illinois Parentage Act of 2013 on and after the  
14 effective date of that Act, the performance of an act of  
15 sexual intercourse within this State during the possible  
16 period of conception;

17           (7) The making or performance of any contract or  
18 promise substantially connected with this State;

19           (8) The performance of sexual intercourse within this  
20 State which is claimed to have resulted in the conception  
21 of a child who resides in this State;

22           (9) The failure to support a child, spouse or former  
23 spouse who has continued to reside in this State since the  
24 person either formerly resided with them in this State or  
25 directed them to reside in this State;

26           (10) The acquisition of ownership, possession or

1 control of any asset or thing of value present within this  
2 State when ownership, possession or control was acquired;

3 (11) The breach of any fiduciary duty within this  
4 State;

5 (12) The performance of duties as a director or officer  
6 of a corporation organized under the laws of this State or  
7 having its principal place of business within this State;

8 (13) The ownership of an interest in any trust  
9 administered within this State; or

10 (14) The exercise of powers granted under the authority  
11 of this State as a fiduciary.

12 (b) A court may exercise jurisdiction in any action arising  
13 within or without this State against any person who:

14 (1) Is a natural person present within this State when  
15 served;

16 (2) Is a natural person domiciled or resident within  
17 this State when the cause of action arose, the action was  
18 commenced, or process was served;

19 (3) Is a corporation organized under the laws of this  
20 State; or

21 (4) Is a natural person or corporation doing business  
22 within this State.

23 (b-5) Foreign defamation judgment. The courts of this State  
24 shall have personal jurisdiction over any person who obtains a  
25 judgment in a defamation proceeding outside the United States  
26 against any person who is a resident of Illinois or, if not a

1 natural person, has its principal place of business in  
2 Illinois, for the purposes of rendering declaratory relief with  
3 respect to that resident's liability for the judgment, or for  
4 the purpose of determining whether said judgment should be  
5 deemed non-recognizable pursuant to this Code, to the fullest  
6 extent permitted by the United States Constitution, provided:

7 (1) the publication at issue was published in Illinois,  
8 and

9 (2) that resident (i) has assets in Illinois which  
10 might be used to satisfy the foreign defamation judgment,  
11 or (ii) may have to take actions in Illinois to comply with  
12 the foreign defamation judgment.

13 The provisions of this subsection (b-5) shall apply to  
14 persons who obtained judgments in defamation proceedings  
15 outside the United States prior to, on, or after the effective  
16 date of this amendatory Act of the 95th General Assembly.

17 (c) A court may also exercise jurisdiction on any other  
18 basis now or hereafter permitted by the Illinois Constitution  
19 and the Constitution of the United States.

20 (d) Service of process upon any person who is subject to  
21 the jurisdiction of the courts of this State, as provided in  
22 this Section, may be made by personally serving the summons  
23 upon the defendant outside this State, as provided in this Act,  
24 with the same force and effect as though summons had been  
25 personally served within this State.

26 (e) Service of process upon any person who resides or whose

1 business address is outside the United States and who is  
2 subject to the jurisdiction of the courts of this State, as  
3 provided in this Section, in any action based upon product  
4 liability may be made by serving a copy of the summons with a  
5 copy of the complaint attached upon the Secretary of State. The  
6 summons shall be accompanied by a \$5 fee payable to the  
7 Secretary of State. The plaintiff shall forthwith mail a copy  
8 of the summons, upon which the date of service upon the  
9 Secretary is clearly shown, together with a copy of the  
10 complaint to the defendant at his or her last known place of  
11 residence or business address. Plaintiff shall file with the  
12 circuit clerk an affidavit of the plaintiff or his or her  
13 attorney stating the last known place of residence or the last  
14 known business address of the defendant and a certificate of  
15 mailing a copy of the summons and complaint to the defendant at  
16 such address as required by this subsection (e). The  
17 certificate of mailing shall be prima facie evidence that the  
18 plaintiff or his or her attorney mailed a copy of the summons  
19 and complaint to the defendant as required. Service of the  
20 summons shall be deemed to have been made upon the defendant on  
21 the date it is served upon the Secretary and shall have the  
22 same force and effect as though summons had been personally  
23 served upon the defendant within this State.

24 (f) Only causes of action arising from acts enumerated  
25 herein may be asserted against a defendant in an action in  
26 which jurisdiction over him or her is based upon subsection

1 (a).

2 (g) Nothing herein contained limits or affects the right to  
3 serve any process in any other manner now or hereafter provided  
4 by law.

5 (Source: P.A. 95-865, eff. 8-19-08.)

6 (735 ILCS 5/2-1401) (from Ch. 110, par. 2-1401)

7 Sec. 2-1401. Relief from judgments.

8 (a) Relief from final orders and judgments, after 30 days  
9 from the entry thereof, may be had upon petition as provided in  
10 this Section. Writs of error coram nobis and coram vobis, bills  
11 of review and bills in the nature of bills of review are  
12 abolished. All relief heretofore obtainable and the grounds for  
13 such relief heretofore available, whether by any of the  
14 foregoing remedies or otherwise, shall be available in every  
15 case, by proceedings hereunder, regardless of the nature of the  
16 order or judgment from which relief is sought or of the  
17 proceedings in which it was entered. Except as provided in  
18 ~~Section 6~~ of the Illinois Parentage Act of 2013 ~~1984~~, there  
19 shall be no distinction between actions and other proceedings,  
20 statutory or otherwise, as to availability of relief, grounds  
21 for relief or the relief obtainable.

22 (b) The petition must be filed in the same proceeding in  
23 which the order or judgment was entered but is not a  
24 continuation thereof. The petition must be supported by  
25 affidavit or other appropriate showing as to matters not of



1 record. All parties to the petition shall be notified as  
2 provided by rule.

3 (c) Except as provided in Section 20b of the Adoption Act  
4 and Section 2-32 of the Juvenile Court Act of 1987 or in a  
5 petition based upon Section 116-3 of the Code of Criminal  
6 Procedure of 1963, the petition must be filed not later than 2  
7 years after the entry of the order or judgment. Time during  
8 which the person seeking relief is under legal disability or  
9 duress or the ground for relief is fraudulently concealed shall  
10 be excluded in computing the period of 2 years.

11 (d) The filing of a petition under this Section does not  
12 affect the order or judgment, or suspend its operation.

13 (e) Unless lack of jurisdiction affirmatively appears from  
14 the record proper, the vacation or modification of an order or  
15 judgment pursuant to the provisions of this Section does not  
16 affect the right, title or interest in or to any real or  
17 personal property of any person, not a party to the original  
18 action, acquired for value after the entry of the order or  
19 judgment but before the filing of the petition, nor affect any  
20 right of any person not a party to the original action under  
21 any certificate of sale issued before the filing of the  
22 petition, pursuant to a sale based on the order or judgment.

23 (f) Nothing contained in this Section affects any existing  
24 right to relief from a void order or judgment, or to employ any  
25 existing method to procure that relief.

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

1 (735 ILCS 5/12-112) (from Ch. 110, par. 12-112)

2 Sec. 12-112. What liable to enforcement. All the lands,  
3 tenements, real estate, goods and chattels (except such as is  
4 by law declared to be exempt) of every person against whom any  
5 judgment has been or shall be hereafter entered in any court,  
6 for any debt, damages, costs, or other sum of money, shall be  
7 liable to be sold upon such judgment. Any real property, any  
8 beneficial interest in a land trust, or any interest in real  
9 property held in a revocable inter vivos trust or revocable  
10 inter vivos trusts created for estate planning purposes, held  
11 in tenancy by the entirety shall not be liable to be sold upon  
12 judgment entered on or after October 1, 1990 against only one  
13 of the tenants, except if the property was transferred into  
14 tenancy by the entirety with the sole intent to avoid the  
15 payment of debts existing at the time of the transfer beyond  
16 the transferor's ability to pay those debts as they become due.  
17 However, any income from such property shall be subject to  
18 garnishment as provided in Part 7 of this Article XII, whether  
19 judgment has been entered against one or both of the tenants.

20 If the court authorizes the piercing of the ownership veil  
21 pursuant to Section 505 of the Illinois Marriage and  
22 Dissolution of Marriage Act or Section 805 ~~15~~ of the Illinois  
23 Parentage Act of 2013 ~~1984~~, any assets determined to be those  
24 of the non-custodial parent, although not held in name of the  
25 non-custodial parent, shall be subject to attachment or other

1 provisional remedy in accordance with the procedure prescribed  
2 by this Code. The court may not authorize attachment of  
3 property or any other provisional remedy under this paragraph  
4 unless it has obtained jurisdiction over the entity holding  
5 title to the property by proper service on that entity. With  
6 respect to assets which are real property, no order entered as  
7 described in this paragraph shall affect the rights of bona  
8 fide purchasers, mortgagees, judgment creditors, or other lien  
9 holders who acquire their interests in the property prior to  
10 the time a notice of lis pendens pursuant to this Code or a  
11 copy of the order is placed of record in the office of the  
12 recorder of deeds for the county in which the real property is  
13 located.

14 This amendatory Act of 1995 (P.A. 89-438) is declarative of  
15 existing law.

16 This amendatory Act of 1997 (P.A. 90-514) is intended as a  
17 clarification of existing law and not as a new enactment.

18 (Source: P.A. 96-1145, eff. 1-1-11.)

19 (735 ILCS 5/12-819) (from Ch. 110, par. 12-819)

20 Sec. 12-819. Limitations on part 8 of Article XII. The  
21 provisions of this Part 8 of Article XII of this Act do not  
22 apply to orders for withholding of income entered by the court  
23 under provisions of The Illinois Public Aid Code, the Illinois  
24 Marriage and Dissolution of Marriage Act, the Non-Support of  
25 Spouse and Children Act, the Non-Support Punishment Act, the

1 Revised Uniform Reciprocal Enforcement of Support Act, the  
2 Illinois Parentage Act of 1984, and the Illinois Parentage Act  
3 of 2013 ~~and the Paternity Act~~ for support of a child or  
4 maintenance of a spouse.

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

6 Section 965. The Illinois Wage Assignment Act is amended by  
7 changing Section 11 as follows:

8 (740 ILCS 170/11) (from Ch. 48, par. 39.12)

9 Sec. 11. The provisions of this Act do not apply to orders  
10 for withholding of income entered by the court under provisions  
11 of The Illinois Public Aid Code, the Illinois Marriage and  
12 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 Illinois  
15 Parentage Act of 1984, and the Illinois Parentage Act of 2013  
16 ~~and the Paternity Act~~ for support of a child or maintenance of  
17 a spouse.

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

19 Section 966. The Illinois Marriage and Dissolution of  
20 Marriage Act is amended by changing Section 713 as follows:

21 (750 ILCS 5/713) (from Ch. 40, par. 713)

22 Sec. 713. Attachment of the Body. As used in this Section,

1 "obligor" has the same meaning ascribed to such term in the  
2 Income Withholding for Support Act.

3 (a) In any proceeding to enforce an order for support,  
4 where the obligor has failed to appear in court pursuant to  
5 order of court and after due notice thereof, the court may  
6 enter an order for the attachment of the body of the obligor.  
7 Notices under this Section shall be served upon the obligor by  
8 any means authorized under subsection (a-5) of Section 505. The  
9 attachment order shall fix an amount of escrow which is equal  
10 to a minimum of 20% of the total child support arrearage  
11 alleged by the obligee in sworn testimony to be due and owing.  
12 The attachment order shall direct the Sheriff of any county in  
13 Illinois to take the obligor into custody and shall set the  
14 number of days following release from custody for a hearing to  
15 be held at which the obligor must appear, if he is released  
16 under subsection (b) of this Section.

17 (b) If the obligor is taken into custody, the Sheriff shall  
18 take the obligor before the court which entered the attachment  
19 order. However, the Sheriff may release the person after he or  
20 she has deposited the amount of escrow ordered by the court  
21 pursuant to local procedures for the posting of bond. The  
22 Sheriff shall advise the obligor of the hearing date at which  
23 the obligor is required to appear.

24 (c) Any escrow deposited pursuant to this Section shall be  
25 transmitted to the Clerk of the Circuit Court for the county in  
26 which the order for attachment of the body of the obligor was

1 entered. Any Clerk who receives money deposited into escrow  
2 pursuant to this Section shall notify the obligee, public  
3 office or legal counsel whose name appears on the attachment  
4 order of the court date at which the obligor is required to  
5 appear and the amount deposited into escrow. The Clerk shall  
6 disburse such money to the obligee only under an order from the  
7 court that entered the attachment order pursuant to this  
8 Section.

9 (d) Whenever an obligor is taken before the court by the  
10 Sheriff, or appears in court after the court has ordered the  
11 attachment of his body, the court shall:

12 (1) hold a hearing on the complaint or petition that  
13 gave rise to the attachment order. For purposes of  
14 determining arrearages that are due and owing by the  
15 obligor, the court shall accept the previous sworn  
16 testimony of the obligee as true and the appearance of the  
17 obligee shall not be required. The court shall require  
18 sworn testimony of the obligor as to his or her Social  
19 Security number, income, employment, bank accounts,  
20 property and any other assets. If there is a dispute as to  
21 the total amount of arrearages, the court shall proceed as  
22 in any other case as to the undisputed amounts; and

23 (2) order the Clerk of the Circuit Court to disburse to  
24 the obligee or public office money held in escrow pursuant  
25 to this Section if the court finds that the amount of  
26 arrearages exceeds the amount of the escrow. Amounts

1 received by the obligee or public office shall be deducted  
2 from the amount of the arrearages.

3 (e) If the obligor fails to appear in court after being  
4 notified of the court date by the Sheriff upon release from  
5 custody, the court shall order any monies deposited into escrow  
6 to be immediately released to the obligee or public office and  
7 shall proceed under subsection (a) of this Section by entering  
8 another order for the attachment of the body of the obligor.

9 (f) This Section shall apply to any order for support  
10 issued under the "Illinois Marriage and Dissolution of Marriage  
11 Act", approved September 22, 1977, as amended; the Illinois  
12 Parentage Act of 2013; the "Illinois Parentage Act of 1984",  
13 effective July 1, 1985, as amended; the "Revised Uniform  
14 Reciprocal Enforcement of Support Act", approved August 28,  
15 1969, as amended; "The Illinois Public Aid Code", approved  
16 April 11, 1967, as amended; the Non-Support Punishment Act; and  
17 the "Non-support of Spouse and Children Act", approved June 8,  
18 1953, as amended.

19 (g) Any escrow established pursuant to this Section for the  
20 purpose of providing support shall not be subject to fees  
21 collected by the Clerk of the Circuit Court for any other  
22 escrow.

23 (Source: P.A. 91-113, eff. 7-15-99; 91-613, eff. 10-1-99;  
24 92-16, eff. 6-28-01.)

25 Section 967. The Non-Support Punishment Act is amended by

1 changing Section 50 as follows:

2 (750 ILCS 16/50)

3 Sec. 50. Community service; work alternative program.

4 (a) In addition to any other penalties imposed against an  
5 offender under this Act, the court may order the offender to  
6 perform community service for not less than 30 and not more  
7 than 120 hours per month, if community service is available in  
8 the jurisdiction and is funded and approved by the county board  
9 of the county where the offense was committed. In addition,  
10 whenever any person is placed on supervision for committing an  
11 offense under this Act, the supervision shall be conditioned on  
12 the performance of the community service.

13 (b) In addition to any other penalties imposed against an  
14 offender under this Act, the court may sentence the offender to  
15 service in a work alternative program administered by the  
16 sheriff. The conditions of the program are that the offender  
17 obtain or retain employment and participate in a work  
18 alternative program administered by the sheriff during  
19 non-working hours. A person may not be required to participate  
20 in a work alternative program under this subsection if the  
21 person is currently participating in a work program pursuant to  
22 another provision of this Act, Section 10-11.1 of the Illinois  
23 Public Aid Code, Section 505.1 of the Illinois Marriage and  
24 Dissolution of Marriage Act, or Section 806 ~~15.1~~ of the  
25 Illinois Parentage Act of 2013 ~~1984~~.



1           (c) In addition to any other penalties imposed against an  
2 offender under this Act, the court may order, in cases where  
3 the offender has been in violation of this Act for 90 days or  
4 more, that the offender's Illinois driving privileges be  
5 suspended until the court determines that the offender is in  
6 compliance with this Act.

7           The court may determine that the offender is in compliance  
8 with this Act if the offender has agreed (i) to pay all  
9 required amounts of support and maintenance as determined by  
10 the court or (ii) to the garnishment of his or her income for  
11 the purpose of paying those amounts.

12           The court may also order that the offender be issued a  
13 family financial responsibility driving permit that would  
14 allow limited driving privileges for employment and medical  
15 purposes in accordance with Section 7-702.1 of the Illinois  
16 Vehicle Code. The clerk of the circuit court shall certify the  
17 order suspending the driving privileges of the offender or  
18 granting the issuance of a family financial responsibility  
19 driving permit to the Secretary of State on forms prescribed by  
20 the Secretary. Upon receipt of the authenticated documents, the  
21 Secretary of State shall suspend the offender's driving  
22 privileges until further order of the court and shall, if  
23 ordered by the court, subject to the provisions of Section  
24 7-702.1 of the Illinois Vehicle Code, issue a family financial  
25 responsibility driving permit to the offender.

26           (d) If the court determines that the offender has been in

1 violation of this Act for more than 60 days, the court may  
2 determine whether the offender has applied for or been issued a  
3 professional license by the Department of Professional  
4 Regulation or another licensing agency. If the court determines  
5 that the offender has applied for or been issued such a  
6 license, the court may certify to the Department of  
7 Professional Regulation or other licensing agency that the  
8 offender has been in violation of this Act for more than 60  
9 days so that the Department or other agency may take  
10 appropriate steps with respect to the license or application as  
11 provided in Section 10-65 of the Illinois Administrative  
12 Procedure Act and Section 2105-15 of the Department of  
13 Professional Regulation Law of the Civil Administrative Code of  
14 Illinois. The court may take the actions required under this  
15 subsection in addition to imposing any other penalty authorized  
16 under this Act.

17 (Source: P.A. 91-613, eff. 10-1-99; 92-651, eff. 7-11-02.)

18 Section 968. The Uniform Interstate Family Support Act is  
19 amended by changing Section 102 as follows:

20 (750 ILCS 22/102) (was 750 ILCS 22/101)

21 Sec. 102. Definitions. In this Act:

22 "Child" means an individual, whether over or under the age  
23 of 18, who is or is alleged to be owed a duty of support by the  
24 individual's parent or who is or is alleged to be the

1 beneficiary of a support order directed to the parent.

2 "Child-support order" means a support order for a child,  
3 including a child who has attained the age of 18.

4 "Duty of support" means an obligation imposed or imposable  
5 by law to provide support for a child, spouse, or former spouse  
6 including an unsatisfied obligation to provide support.

7 "Home state" means the state in which a child lived with a  
8 parent or a person acting as parent for at least 6 consecutive  
9 months immediately preceding the time of filing of a petition  
10 or comparable pleading for support, and if a child is less than  
11 6 months old, the state in which the child lived from birth  
12 with any of them. A period of temporary absence of any of them  
13 is counted as part of the 6-month or other period.

14 "Income" includes earnings or other periodic entitlements  
15 to money from any source and any other property subject to  
16 withholding for support under the law of this State.

17 "Income-withholding order" means an order or other legal  
18 process directed to an obligor's employer or other debtor, as  
19 defined by the Illinois Marriage and Dissolution of Marriage  
20 Act, the Non-Support of Spouse and Children Act, the  
21 Non-Support Punishment Act the Illinois Public Aid Code, and  
22 the Illinois Parentage Act of 2013 ~~1984~~, to withhold support  
23 from the income of the obligor.

24 "Initiating state" means a state from which a proceeding is  
25 forwarded or in which a proceeding is filed for forwarding to a  
26 responding state under this Act or a law or procedure

1 substantially similar to this Act.

2 "Initiating tribunal" means the authorized tribunal in an  
3 initiating state.

4 "Issuing state" means the state in which a tribunal issues  
5 a support order or renders a judgment determining parentage.

6 "Issuing tribunal" means the tribunal that issues a support  
7 order or renders a judgment determining parentage.

8 "Obligee" means:

9 (A) an individual to whom a duty of support is or is  
10 alleged to be owed or in whose favor a support order has  
11 been issued or a judgment determining parentage has been  
12 rendered;

13 (B) a state or political subdivision to which the  
14 rights under a duty of support or support order have been  
15 assigned or which has independent claims based on financial  
16 assistance provided to an individual obligee; or

17 (C) an individual seeking a judgment determining  
18 parentage of the individual's child.

19 "Obligor" means an individual, or the estate of a decedent:

20 (i) who owes or is alleged to owe a duty of  
21 support;

22 (ii) who is alleged but has not been adjudicated to  
23 be a parent of a child; or

24 (iii) who is liable under a support order.

25 "Person means an individual, corporation, business trust,  
26 estate, trust, partnership, limited liability company,

1 association, joint venture, government, governmental  
2 subdivision, agency, instrumentality, public corporation, or  
3 any other legal or commercial entity.

4 "Record" means information that is inscribed on a tangible  
5 medium or that is stored in an electronic or other medium and  
6 is retrievable in perceivable form.

7 "Register" means to record a support order or judgment  
8 determining parentage in the appropriate Registry of Foreign  
9 Support Orders.

10 "Registering tribunal" means a tribunal in which a support  
11 order is registered.

12 "Responding state" means a state in which a proceeding is  
13 filed or to which a proceeding is forwarded for filing from an  
14 initiating state under this Act or a law or procedure  
15 substantially similar to this Act.

16 "Responding tribunal" means the authorized tribunal in a  
17 responding state.

18 "Spousal-support order" means a support order for a spouse  
19 or former spouse of the obligor.

20 "State" means a state of the United States, the District of  
21 Columbia, Puerto Rico, the United States Virgin Islands, or any  
22 territory or insular possession subject to the jurisdiction of  
23 the United States. The term includes:

24 (A) an Indian tribe; and

25 (B) a foreign country or political subdivision that:

26 (i) has been declared to be a foreign reciprocating

1 country or political subdivision under federal law;

2 (ii) has established a reciprocal arrangement for  
3 child support with this State as provided in Section  
4 308; or

5 (iii) has enacted a law or established procedures  
6 for issuance and enforcement of support orders which  
7 are substantially similar to the procedures under this  
8 Act.

9 "Support enforcement agency" means a public official or  
10 agency authorized to seek:

11 (A) enforcement of support orders or laws relating to  
12 the duty of support;

13 (B) establishment or modification of child support;

14 (C) determination of parentage;

15 (D) to locate obligors or their assets; or

16 (E) determination of the controlling child support  
17 order.

18 "Support order" means a judgment, decree, order, or  
19 directive, whether temporary, final, or subject to  
20 modification, issued by a tribunal for the benefit of a child,  
21 a spouse, or a former spouse, which provides for monetary  
22 support, health care, arrearages, or reimbursement, and may  
23 include related costs and fees, interest, income withholding,  
24 attorney's fees, and other relief.

25 "Tribunal" means a court, administrative agency, or  
26 quasi-judicial entity authorized to establish, enforce, or

1 modify support orders or to determine parentage.

2 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

3 Section 969. The Expedited Child Support Act of 1990 is  
4 amended by changing Section 6 as follows:

5 (750 ILCS 25/6) (from Ch. 40, par. 2706)

6 Sec. 6. Authority of hearing officers.

7 (a) With the exception of judicial functions exclusively  
8 retained by the court in Section 8 of this Act and in  
9 accordance with Supreme Court rules promulgated pursuant to  
10 this Act, Administrative Hearing Officers shall be authorized  
11 to:

12 (1) Accept voluntary agreements reached by the parties  
13 setting the amount of child support to be paid and medical  
14 support liability and recommend the entry of orders  
15 incorporating such agreements.

16 (2) Accept voluntary acknowledgments of parentage and  
17 recommend entry of an order establishing parentage based on  
18 such acknowledgement. Prior to accepting such  
19 acknowledgment, the Administrative Hearing Officer shall  
20 advise the putative father of his rights and obligations in  
21 accordance with Supreme Court rules promulgated pursuant  
22 to this Act.

23 (3) Manage all stages of discovery, including setting  
24 deadlines by which discovery must be completed; and

1 directing the parties to submit to appropriate tests  
2 pursuant to ~~Section 11~~ of the Illinois Parentage Act of  
3 2013 ~~1984~~.

4 (4) Cause notices to be issued requiring the Obligor to  
5 appear either before the Administrative Hearing Officer or  
6 in court.

7 (5) Administer the oath or affirmation and take  
8 testimony under oath or affirmation.

9 (6) Analyze the evidence and prepare written  
10 recommendations based on such evidence, including but not  
11 limited to: (i) proposed findings as to the amount of the  
12 Obligor's income; (ii) proposed findings as to the amount  
13 and nature of appropriate deductions from the Obligor's  
14 income to determine the Obligor's net income; (iii)  
15 proposed findings as to the existence of relevant factors  
16 as set forth in subsection (a)(2) of Section 505 of the  
17 Illinois Marriage and Dissolution of Marriage Act, which  
18 justify setting child support payment levels above or below  
19 the guidelines; (iv) recommended orders for temporary  
20 child support; (v) recommended orders setting the amount of  
21 current child support to be paid; (vi) proposed findings as  
22 to the existence and amount of any arrearages; (vii)  
23 recommended orders reducing any arrearages to judgement  
24 and for the payment of amounts towards such arrearages;  
25 (viii) proposed findings as to whether there has been a  
26 substantial change of circumstances since the entry of the



1 last child support order, or other circumstances  
2 justifying a modification of the child support order; and  
3 (ix) proposed findings as to whether the Obligor is  
4 employed.

5 (7) With respect to any unemployed Obligor who is not  
6 making child support payments or is otherwise unable to  
7 provide support, recommend that the Obligor be ordered to  
8 seek employment and report periodically of his or her  
9 efforts in accordance with such order. Additionally, the  
10 Administrative Hearing Officer may recommend that the  
11 Obligor be ordered to report to the Department of  
12 Employment Security for job search services or to make  
13 application with the local Job Training Partnership Act  
14 provider for participation in job search, training or work  
15 programs and, where the duty of support is owed to a child  
16 receiving child support enforcement services under Article  
17 X of the Illinois Public Aid Code, the Administrative  
18 Hearing Officer may recommend that the Obligor be ordered  
19 to report to the Department of Healthcare and Family  
20 Services for participation in the job search, training or  
21 work programs established under Section 9-6 of the Illinois  
22 Public Aid Code.

23 (8) Recommend the registration of any foreign support  
24 judgments or orders as the judgments or orders of Illinois.

25 (b) In any case in which the Obligee is not participating  
26 in the IV-D program or has not applied to participate in the

1 IV-D program, the Administrative Hearing Officer shall:

2 (1) inform the Obligee of the existence of the IV-D  
3 program and provide applications on request; and

4 (2) inform the Obligee and the Obligor of the option of  
5 requesting payment to be made through the Clerk of the  
6 Circuit Court.

7 If a request for payment through the Clerk is made, the  
8 Administrative Hearing Officer shall note this fact in the  
9 recommendations to the court.

10 (c) The Administrative Hearing Officer may make  
11 recommendations in addition to the proposed findings of fact  
12 and recommended order to which the parties have agreed.

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

14 Section 970. The Income Withholding for Support Act is  
15 amended by changing Section 15 as follows:

16 (750 ILCS 28/15)

17 Sec. 15. Definitions.

18 (a) "Order for support" means any order of the court which  
19 provides for periodic payment of funds for the support of a  
20 child or maintenance of a spouse, whether temporary or final,  
21 and includes any such order which provides for:

22 (1) modification or resumption of, or payment of  
23 arrearage, including interest, accrued under, a previously  
24 existing order;

1 (2) reimbursement of support;

2 (3) payment or reimbursement of the expenses of  
3 pregnancy and delivery (for orders for support entered  
4 under the Illinois Parentage Act of 1984 or its predecessor  
5 the Paternity Act or under the Illinois Parentage Act of  
6 2013); or

7 (4) enrollment in a health insurance plan that is  
8 available to the obligor through an employer or labor union  
9 or trade union.

10 (b) "Arrearage" means the total amount of unpaid support  
11 obligations, including interest, as determined by the court and  
12 incorporated into an order for support.

13 (b-5) "Business day" means a day on which State offices are  
14 open for regular business.

15 (c) "Delinquency" means any payment, including a payment of  
16 interest, under an order for support which becomes due and  
17 remains unpaid after entry of the order for support.

18 (d) "Income" means any form of periodic payment to an  
19 individual, regardless of source, including, but not limited  
20 to: wages, salary, commission, compensation as an independent  
21 contractor, workers' compensation, disability, annuity,  
22 pension, and retirement benefits, lottery prize awards,  
23 insurance proceeds, vacation pay, bonuses, profit-sharing  
24 payments, severance pay, interest, and any other payments, made  
25 by any person, private entity, federal or state government, any  
26 unit of local government, school district or any entity created

1 by Public Act; however, "income" excludes:

2 (1) any amounts required by law to be withheld, other  
3 than creditor claims, including, but not limited to,  
4 federal, State and local taxes, Social Security and other  
5 retirement and disability contributions;

6 (2) union dues;

7 (3) any amounts exempted by the federal Consumer Credit  
8 Protection Act;

9 (4) public assistance payments; and

10 (5) unemployment insurance benefits except as provided  
11 by law.

12 Any other State or local laws which limit or exempt income  
13 or the amount or percentage of income that can be withheld  
14 shall not apply.

15 (e) "Obligor" means the individual who owes a duty to make  
16 payments under an order for support.

17 (f) "Obligee" means the individual to whom a duty of  
18 support is owed or the individual's legal representative.

19 (g) "Payor" means any payor of income to an obligor.

20 (h) "Public office" means any elected official or any State  
21 or local agency which is or may become responsible by law for  
22 enforcement of, or which is or may become authorized to  
23 enforce, an order for support, including, but not limited to:  
24 the Attorney General, the Illinois Department of Healthcare and  
25 Family Services, the Illinois Department of Human Services, the  
26 Illinois Department of Children and Family Services, and the

1 various State's Attorneys, Clerks of the Circuit Court and  
2 supervisors of general assistance.

3 (i) "Premium" means the dollar amount for which the obligor  
4 is liable to his employer or labor union or trade union and  
5 which must be paid to enroll or maintain a child in a health  
6 insurance plan that is available to the obligor through an  
7 employer or labor union or trade union.

8 (j) "State Disbursement Unit" means the unit established to  
9 collect and disburse support payments in accordance with the  
10 provisions of Section 10-26 of the Illinois Public Aid Code.

11 (k) "Title IV-D Agency" means the agency of this State  
12 charged by law with the duty to administer the child support  
13 enforcement program established under Title IV, Part D of the  
14 Social Security Act and Article X of the Illinois Public Aid  
15 Code.

16 (l) "Title IV-D case" means a case in which an obligee or  
17 obligor is receiving child support enforcement services under  
18 Title IV, Part D of the Social Security Act and Article X of  
19 the Illinois Public Aid Code.

20 (m) "National Medical Support Notice" means the notice  
21 required for enforcement of orders for support providing for  
22 health insurance coverage of a child under Title IV, Part D of  
23 the Social Security Act, the Employee Retirement Income  
24 Security Act of 1974, and federal regulations promulgated under  
25 those Acts.

26 (n) "Employer" means a payor or labor union or trade union

1 with an employee group health insurance plan and, for purposes  
2 of the National Medical Support Notice, also includes but is  
3 not limited to:

4 (1) any State or local governmental agency with a group  
5 health plan; and

6 (2) any payor with a group health plan or "church plan"  
7 covered under the Employee Retirement Income Security Act  
8 of 1974.

9 (Source: P.A. 94-90, eff. 1-1-06; 95-331, eff. 8-21-07; 95-685,  
10 eff. 10-23-07.)

11 Section 971. The Gestational Surrogacy Act is amended by  
12 changing Section 35 as follows:

13 (750 ILCS 47/35)

14 Sec. 35. Establishment of the parent-child relationship.

15 (a) For purposes of the Illinois Parentage Act of 2013  
16 ~~1984~~, a parent-child relationship shall be established prior to  
17 the birth of a child born through gestational surrogacy if, in  
18 addition to satisfying the requirements of Articles 2 and 3  
19 ~~Sections 5 and 6~~ of the Illinois Parentage Act of 2013 ~~1984~~,  
20 the attorneys representing both the gestational surrogate and  
21 the intended parent or parents certify that the parties entered  
22 into a gestational surrogacy contract intended to satisfy the  
23 requirements of Section 25 of this Act with respect to the  
24 child.

1 (b) The attorneys' certifications required by subsection  
2 (a) of this Section shall be filed on forms prescribed by the  
3 Illinois Department of Public Health and in a manner consistent  
4 with the requirement of the Illinois Parentage Act of 2013  
5 ~~1984~~.

6 (Source: P.A. 93-921, eff. 1-1-05.)

7 Section 972. The Adoption Act is amended by changing  
8 Sections 1, 8, 12a, and 18.06 as follows:

9 (750 ILCS 50/1) (from Ch. 40, par. 1501)

10 Sec. 1. Definitions. When used in this Act, unless the  
11 context otherwise requires:

12 A. "Child" means a person under legal age subject to  
13 adoption under this Act.

14 B. "Related child" means a child subject to adoption where  
15 either or both of the adopting parents stands in any of the  
16 following relationships to the child by blood or marriage:  
17 parent, grand-parent, brother, sister, step-parent,  
18 step-grandparent, step-brother, step-sister, uncle, aunt,  
19 great-uncle, great-aunt, or cousin of first degree. A child  
20 whose parent has executed a final irrevocable consent to  
21 adoption or a final irrevocable surrender for purposes of  
22 adoption, or whose parent has had his or her parental rights  
23 terminated, is not a related child to that person, unless the  
24 consent is determined to be void or is void pursuant to

1 subsection O of Section 10.

2 C. "Agency" for the purpose of this Act means a public  
3 child welfare agency or a licensed child welfare agency.

4 D. "Unfit person" means any person whom the court shall  
5 find to be unfit to have a child, without regard to the  
6 likelihood that the child will be placed for adoption. The  
7 grounds of unfitness are any one or more of the following,  
8 except that a person shall not be considered an unfit person  
9 for the sole reason that the person has relinquished a child in  
10 accordance with the Abandoned Newborn Infant Protection Act:

11 (a) Abandonment of the child.

12 (a-1) Abandonment of a newborn infant in a hospital.

13 (a-2) Abandonment of a newborn infant in any setting  
14 where the evidence suggests that the parent intended to  
15 relinquish his or her parental rights.

16 (b) Failure to maintain a reasonable degree of  
17 interest, concern or responsibility as to the child's  
18 welfare.

19 (c) Desertion of the child for more than 3 months next  
20 preceding the commencement of the Adoption proceeding.

21 (d) Substantial neglect of the child if continuous or  
22 repeated.

23 (d-1) Substantial neglect, if continuous or repeated,  
24 of any child residing in the household which resulted in  
25 the death of that child.

26 (e) Extreme or repeated cruelty to the child.



1           (f) There is a rebuttable presumption, which can be  
2 overcome only by clear and convincing evidence, that a  
3 parent is unfit if:

4           (1) Two or more findings of physical abuse have  
5 been entered regarding any children under Section 2-21  
6 of the Juvenile Court Act of 1987, the most recent of  
7 which was determined by the juvenile court hearing the  
8 matter to be supported by clear and convincing  
9 evidence; or

10           (2) The parent has been convicted or found not  
11 guilty by reason of insanity and the conviction or  
12 finding resulted from the death of any child by  
13 physical abuse; or

14           (3) There is a finding of physical child abuse  
15 resulting from the death of any child under Section  
16 2-21 of the Juvenile Court Act of 1987.

17           No conviction or finding of delinquency pursuant  
18 to Article 5 of the Juvenile Court Act of 1987 shall be  
19 considered a criminal conviction for the purpose of  
20 applying any presumption under this item (f).

21           (g) Failure to protect the child from conditions within  
22 his environment injurious to the child's welfare.

23           (h) Other neglect of, or misconduct toward the child;  
24 provided that in making a finding of unfitness the court  
25 hearing the adoption proceeding shall not be bound by any  
26 previous finding, order or judgment affecting or

1 determining the rights of the parents toward the child  
2 sought to be adopted in any other proceeding except such  
3 proceedings terminating parental rights as shall be had  
4 under either this Act, the Juvenile Court Act or the  
5 Juvenile Court Act of 1987.

6 (i) Depravity. Conviction of any one of the following  
7 crimes shall create a presumption that a parent is depraved  
8 which can be overcome only by clear and convincing  
9 evidence: (1) first degree murder in violation of paragraph  
10 1 or 2 of subsection (a) of Section 9-1 of the Criminal  
11 Code of 1961 or the Criminal Code of 2012 or conviction of  
12 second degree murder in violation of subsection (a) of  
13 Section 9-2 of the Criminal Code of 1961 or the Criminal  
14 Code of 2012 of a parent of the child to be adopted; (2)  
15 first degree murder or second degree murder of any child in  
16 violation of the Criminal Code of 1961 or the Criminal Code  
17 of 2012; (3) attempt or conspiracy to commit first degree  
18 murder or second degree murder of any child in violation of  
19 the Criminal Code of 1961 or the Criminal Code of 2012; (4)  
20 solicitation to commit murder of any child, solicitation to  
21 commit murder of any child for hire, or solicitation to  
22 commit second degree murder of any child in violation of  
23 the Criminal Code of 1961 or the Criminal Code of 2012; (5)  
24 predatory criminal sexual assault of a child in violation  
25 of Section 11-1.40 or 12-14.1 of the Criminal Code of 1961  
26 or the Criminal Code of 2012; (6) heinous battery of any

1 child in violation of the Criminal Code of 1961; or (7)  
2 aggravated battery of any child in violation of the  
3 Criminal Code of 1961 or the Criminal Code of 2012.

4 There is a rebuttable presumption that a parent is  
5 deprived if the parent has been criminally convicted of at  
6 least 3 felonies under the laws of this State or any other  
7 state, or under federal law, or the criminal laws of any  
8 United States territory; and at least one of these  
9 convictions took place within 5 years of the filing of the  
10 petition or motion seeking termination of parental rights.

11 There is a rebuttable presumption that a parent is  
12 deprived if that parent has been criminally convicted of  
13 either first or second degree murder of any person as  
14 defined in the Criminal Code of 1961 or the Criminal Code  
15 of 2012 within 10 years of the filing date of the petition  
16 or motion to terminate parental rights.

17 No conviction or finding of delinquency pursuant to  
18 Article 5 of the Juvenile Court Act of 1987 shall be  
19 considered a criminal conviction for the purpose of  
20 applying any presumption under this item (i).

21 (j) Open and notorious adultery or fornication.

22 (j-1) (Blank).

23 (k) Habitual drunkenness or addiction to drugs, other  
24 than those prescribed by a physician, for at least one year  
25 immediately prior to the commencement of the unfitness  
26 proceeding.

1           There is a rebuttable presumption that a parent is  
2           unfit under this subsection with respect to any child to  
3           which that parent gives birth where there is a confirmed  
4           test result that at birth the child's blood, urine, or  
5           meconium contained any amount of a controlled substance as  
6           defined in subsection (f) of Section 102 of the Illinois  
7           Controlled Substances Act or metabolites of such  
8           substances, the presence of which in the newborn infant was  
9           not the result of medical treatment administered to the  
10          mother or the newborn infant; and the biological mother of  
11          this child is the biological mother of at least one other  
12          child who was adjudicated a neglected minor under  
13          subsection (c) of Section 2-3 of the Juvenile Court Act of  
14          1987.

15           (1) Failure to demonstrate a reasonable degree of  
16           interest, concern or responsibility as to the welfare of a  
17           new born child during the first 30 days after its birth.

18           (m) Failure by a parent (i) to make reasonable efforts  
19           to correct the conditions that were the basis for the  
20           removal of the child from the parent, or (ii) to make  
21           reasonable progress toward the return of the child to the  
22           parent within 9 months after an adjudication of neglected  
23           or abused minor under Section 2-3 of the Juvenile Court Act  
24           of 1987 or dependent minor under Section 2-4 of that Act,  
25           or (iii) to make reasonable progress toward the return of  
26           the child to the parent during any 9-month period after the

1 end of the initial 9-month period following the  
2 adjudication of neglected or abused minor under Section 2-3  
3 of the Juvenile Court Act of 1987 or dependent minor under  
4 Section 2-4 of that Act. If a service plan has been  
5 established as required under Section 8.2 of the Abused and  
6 Neglected Child Reporting Act to correct the conditions  
7 that were the basis for the removal of the child from the  
8 parent and if those services were available, then, for  
9 purposes of this Act, "failure to make reasonable progress  
10 toward the return of the child to the parent" includes (I)  
11 the parent's failure to substantially fulfill his or her  
12 obligations under the service plan and correct the  
13 conditions that brought the child into care within 9 months  
14 after the adjudication under Section 2-3 or 2-4 of the  
15 Juvenile Court Act of 1987 and (II) the parent's failure to  
16 substantially fulfill his or her obligations under the  
17 service plan and correct the conditions that brought the  
18 child into care during any 9-month period after the end of  
19 the initial 9-month period following the adjudication  
20 under Section 2-3 or 2-4 of the Juvenile Court Act of 1987.  
21 Notwithstanding any other provision, when a petition or  
22 motion seeks to terminate parental rights on the basis of  
23 item (iii) of this subsection (m), the petitioner shall  
24 file with the court and serve on the parties a pleading  
25 that specifies the 9-month period or periods relied on. The  
26 pleading shall be filed and served on the parties no later

1 than 3 weeks before the date set by the court for closure  
2 of discovery, and the allegations in the pleading shall be  
3 treated as incorporated into the petition or motion.  
4 Failure of a respondent to file a written denial of the  
5 allegations in the pleading shall not be treated as an  
6 admission that the allegations are true.

7 (m-1) Pursuant to the Juvenile Court Act of 1987, a  
8 child has been in foster care for 15 months out of any 22  
9 month period which begins on or after the effective date of  
10 this amendatory Act of 1998 unless the child's parent can  
11 prove by a preponderance of the evidence that it is more  
12 likely than not that it will be in the best interests of  
13 the child to be returned to the parent within 6 months of  
14 the date on which a petition for termination of parental  
15 rights is filed under the Juvenile Court Act of 1987. The  
16 15 month time limit is tolled during any period for which  
17 there is a court finding that the appointed custodian or  
18 guardian failed to make reasonable efforts to reunify the  
19 child with his or her family, provided that (i) the finding  
20 of no reasonable efforts is made within 60 days of the  
21 period when reasonable efforts were not made or (ii) the  
22 parent filed a motion requesting a finding of no reasonable  
23 efforts within 60 days of the period when reasonable  
24 efforts were not made. For purposes of this subdivision  
25 (m-1), the date of entering foster care is the earlier of:  
26 (i) the date of a judicial finding at an adjudicatory

1 hearing that the child is an abused, neglected, or  
2 dependent minor; or (ii) 60 days after the date on which  
3 the child is removed from his or her parent, guardian, or  
4 legal custodian.

5 (n) Evidence of intent to forgo his or her parental  
6 rights, whether or not the child is a ward of the court,  
7 (1) as manifested by his or her failure for a period of 12  
8 months: (i) to visit the child, (ii) to communicate with  
9 the child or agency, although able to do so and not  
10 prevented from doing so by an agency or by court order, or  
11 (iii) to maintain contact with or plan for the future of  
12 the child, although physically able to do so, or (2) as  
13 manifested by the father's failure, where he and the mother  
14 of the child were unmarried to each other at the time of  
15 the child's birth, (i) to commence legal proceedings to  
16 establish his paternity under the Illinois Parentage Act of  
17 1984, the Illinois Parentage Act of 2013, or the law of the  
18 jurisdiction of the child's birth within 30 days of being  
19 informed, pursuant to Section 12a of this Act, that he is  
20 the father or the likely father of the child or, after  
21 being so informed where the child is not yet born, within  
22 30 days of the child's birth, or (ii) to make a good faith  
23 effort to pay a reasonable amount of the expenses related  
24 to the birth of the child and to provide a reasonable  
25 amount for the financial support of the child, the court to  
26 consider in its determination all relevant circumstances,

1 including the financial condition of both parents;  
2 provided that the ground for termination provided in this  
3 subparagraph (n)(2)(ii) shall only be available where the  
4 petition is brought by the mother or the husband of the  
5 mother.

6 Contact or communication by a parent with his or her  
7 child that does not demonstrate affection and concern does  
8 not constitute reasonable contact and planning under  
9 subdivision (n). In the absence of evidence to the  
10 contrary, the ability to visit, communicate, maintain  
11 contact, pay expenses and plan for the future shall be  
12 presumed. The subjective intent of the parent, whether  
13 expressed or otherwise, unsupported by evidence of the  
14 foregoing parental acts manifesting that intent, shall not  
15 preclude a determination that the parent has intended to  
16 forgo his or her parental rights. In making this  
17 determination, the court may consider but shall not require  
18 a showing of diligent efforts by an authorized agency to  
19 encourage the parent to perform the acts specified in  
20 subdivision (n).

21 It shall be an affirmative defense to any allegation  
22 under paragraph (2) of this subsection that the father's  
23 failure was due to circumstances beyond his control or to  
24 impediments created by the mother or any other person  
25 having legal custody. Proof of that fact need only be by a  
26 preponderance of the evidence.



1           (o) Repeated or continuous failure by the parents,  
2 although physically and financially able, to provide the  
3 child with adequate food, clothing, or shelter.

4           (p) Inability to discharge parental responsibilities  
5 supported by competent evidence from a psychiatrist,  
6 licensed clinical social worker, or clinical psychologist  
7 of mental impairment, mental illness or an intellectual  
8 disability as defined in Section 1-116 of the Mental Health  
9 and Developmental Disabilities Code, or developmental  
10 disability as defined in Section 1-106 of that Code, and  
11 there is sufficient justification to believe that the  
12 inability to discharge parental responsibilities shall  
13 extend beyond a reasonable time period. However, this  
14 subdivision (p) shall not be construed so as to permit a  
15 licensed clinical social worker to conduct any medical  
16 diagnosis to determine mental illness or mental  
17 impairment.

18           (q) (Blank).

19           (r) The child is in the temporary custody or  
20 guardianship of the Department of Children and Family  
21 Services, the parent is incarcerated as a result of  
22 criminal conviction at the time the petition or motion for  
23 termination of parental rights is filed, prior to  
24 incarceration the parent had little or no contact with the  
25 child or provided little or no support for the child, and  
26 the parent's incarceration will prevent the parent from

1 discharging his or her parental responsibilities for the  
2 child for a period in excess of 2 years after the filing of  
3 the petition or motion for termination of parental rights.

4 (s) The child is in the temporary custody or  
5 guardianship of the Department of Children and Family  
6 Services, the parent is incarcerated at the time the  
7 petition or motion for termination of parental rights is  
8 filed, the parent has been repeatedly incarcerated as a  
9 result of criminal convictions, and the parent's repeated  
10 incarceration has prevented the parent from discharging  
11 his or her parental responsibilities for the child.

12 (t) A finding that at birth the child's blood, urine,  
13 or meconium contained any amount of a controlled substance  
14 as defined in subsection (f) of Section 102 of the Illinois  
15 Controlled Substances Act, or a metabolite of a controlled  
16 substance, with the exception of controlled substances or  
17 metabolites of such substances, the presence of which in  
18 the newborn infant was the result of medical treatment  
19 administered to the mother or the newborn infant, and that  
20 the biological mother of this child is the biological  
21 mother of at least one other child who was adjudicated a  
22 neglected minor under subsection (c) of Section 2-3 of the  
23 Juvenile Court Act of 1987, after which the biological  
24 mother had the opportunity to enroll in and participate in  
25 a clinically appropriate substance abuse counseling,  
26 treatment, and rehabilitation program.

1           E. "Parent" means the father or mother of a lawful child of  
2 the parties or child born out of wedlock. For the purpose of  
3 this Act, a person who has executed a final and irrevocable  
4 consent to adoption or a final and irrevocable surrender for  
5 purposes of adoption, or whose parental rights have been  
6 terminated by a court, is not a parent of the child who was the  
7 subject of the consent or surrender, unless the consent is void  
8 pursuant to subsection O of Section 10.

9           F. A person is available for adoption when the person is:

10           (a) a child who has been surrendered for adoption to an  
11 agency and to whose adoption the agency has thereafter  
12 consented;

13           (b) a child to whose adoption a person authorized by  
14 law, other than his parents, has consented, or to whose  
15 adoption no consent is required pursuant to Section 8 of  
16 this Act;

17           (c) a child who is in the custody of persons who intend  
18 to adopt him through placement made by his parents;

19           (c-1) a child for whom a parent has signed a specific  
20 consent pursuant to subsection O of Section 10;

21           (d) an adult who meets the conditions set forth in  
22 Section 3 of this Act; or

23           (e) a child who has been relinquished as defined in  
24 Section 10 of the Abandoned Newborn Infant Protection Act.

25           A person who would otherwise be available for adoption  
26 shall not be deemed unavailable for adoption solely by reason

1 of his or her death.

2 G. The singular includes the plural and the plural includes  
3 the singular and the "male" includes the "female", as the  
4 context of this Act may require.

5 H. "Adoption disruption" occurs when an adoptive placement  
6 does not prove successful and it becomes necessary for the  
7 child to be removed from placement before the adoption is  
8 finalized.

9 I. "Foreign placing agency" is an agency or individual  
10 operating in a country or territory outside the United States  
11 that is authorized by its country to place children for  
12 adoption either directly with families in the United States or  
13 through United States based international agencies.

14 J. "Immediate relatives" means the biological parents, the  
15 parents of the biological parents and siblings of the  
16 biological parents.

17 K. "Intercountry adoption" is a process by which a child  
18 from a country other than the United States is adopted.

19 L. "Intercountry Adoption Coordinator" is a staff person of  
20 the Department of Children and Family Services appointed by the  
21 Director to coordinate the provision of services by the public  
22 and private sector to prospective parents of foreign-born  
23 children.

24 M. "Interstate Compact on the Placement of Children" is a  
25 law enacted by most states for the purpose of establishing  
26 uniform procedures for handling the interstate placement of

1 children in foster homes, adoptive homes, or other child care  
2 facilities.

3 N. "Non-Compact state" means a state that has not enacted  
4 the Interstate Compact on the Placement of Children.

5 O. "Preadoption requirements" are any conditions  
6 established by the laws or regulations of the Federal  
7 Government or of each state that must be met prior to the  
8 placement of a child in an adoptive home.

9 P. "Abused child" means a child whose parent or immediate  
10 family member, or any person responsible for the child's  
11 welfare, or any individual residing in the same home as the  
12 child, or a paramour of the child's parent:

13 (a) inflicts, causes to be inflicted, or allows to be  
14 inflicted upon the child physical injury, by other than  
15 accidental means, that causes death, disfigurement,  
16 impairment of physical or emotional health, or loss or  
17 impairment of any bodily function;

18 (b) creates a substantial risk of physical injury to  
19 the child by other than accidental means which would be  
20 likely to cause death, disfigurement, impairment of  
21 physical or emotional health, or loss or impairment of any  
22 bodily function;

23 (c) commits or allows to be committed any sex offense  
24 against the child, as sex offenses are defined in the  
25 Criminal Code of 2012 and extending those definitions of  
26 sex offenses to include children under 18 years of age;

1 (d) commits or allows to be committed an act or acts of  
2 torture upon the child; or

3 (e) inflicts excessive corporal punishment.

4 Q. "Neglected child" means any child whose parent or other  
5 person responsible for the child's welfare withholds or denies  
6 nourishment or medically indicated treatment including food or  
7 care denied solely on the basis of the present or anticipated  
8 mental or physical impairment as determined by a physician  
9 acting alone or in consultation with other physicians or  
10 otherwise does not provide the proper or necessary support,  
11 education as required by law, or medical or other remedial care  
12 recognized under State law as necessary for a child's  
13 well-being, or other care necessary for his or her well-being,  
14 including adequate food, clothing and shelter; or who is  
15 abandoned by his or her parents or other person responsible for  
16 the child's welfare.

17 A child shall not be considered neglected or abused for the  
18 sole reason that the child's parent or other person responsible  
19 for his or her welfare depends upon spiritual means through  
20 prayer alone for the treatment or cure of disease or remedial  
21 care as provided under Section 4 of the Abused and Neglected  
22 Child Reporting Act. A child shall not be considered neglected  
23 or abused for the sole reason that the child's parent or other  
24 person responsible for the child's welfare failed to vaccinate,  
25 delayed vaccination, or refused vaccination for the child due  
26 to a waiver on religious or medical grounds as permitted by

1 law.

2 R. "Putative father" means a man who may be a child's  
3 father, but who (1) is not married to the child's mother on or  
4 before the date that the child was or is to be born and (2) has  
5 not established paternity of the child in a court proceeding  
6 before the filing of a petition for the adoption of the child.  
7 The term includes a male who is less than 18 years of age.  
8 "Putative father" does not mean a man who is the child's father  
9 as a result of criminal sexual abuse or assault as defined  
10 under Article 11 of the Criminal Code of 2012.

11 S. "Standby adoption" means an adoption in which a parent  
12 consents to custody and termination of parental rights to  
13 become effective upon the occurrence of a future event, which  
14 is either the death of the parent or the request of the parent  
15 for the entry of a final judgment of adoption.

16 T. (Blank).

17 (Source: P.A. 96-1551, eff. 7-1-11; 97-227, eff. 1-1-12;  
18 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13.)

19 (750 ILCS 50/8) (from Ch. 40, par. 1510)

20 Sec. 8. Consents to adoption and surrenders for purposes of  
21 adoption.

22 (a) Except as hereinafter provided in this Section consents  
23 or surrenders shall be required in all cases, unless the person  
24 whose consent or surrender would otherwise be required shall be  
25 found by the court:

1           (1) to be an unfit person as defined in Section 1 of  
2 this Act, by clear and convincing evidence; or

3           (2) not to be the biological or adoptive father of the  
4 child; or

5           (3) to have waived his parental rights to the child  
6 under Section 12a or 12.1 or subsection S of Section 10 of  
7 this Act; or

8           (4) to be the parent of an adult sought to be adopted;  
9 or

10           (5) to be the father of the child as a result of  
11 criminal sexual abuse or assault as defined under Article  
12 11 of the Criminal Code of 2012; or

13           (6) to be the father of a child who:

14               (i) is a family member of the mother of the child,  
15 and the mother is under the age of 18 at the time of  
16 the child's conception; for purposes of this  
17 subsection, a "family member" is a parent,  
18 step-parent, grandparent, step-grandparent, sibling,  
19 or cousin of the first degree, whether by whole blood,  
20 half-blood, or adoption, as well as a person age 18 or  
21 over at the time of the child's conception who has  
22 resided in the household with the mother continuously  
23 for at least one year; or

24               (ii) is at least 5 years older than the child's  
25 mother, and the mother was under the age of 17 at the  
26 time of the child's conception, unless the mother and



1 father voluntarily acknowledge the father's paternity  
2 of the child by marrying or by establishing the  
3 father's paternity by consent of the parties pursuant  
4 to the Illinois Parentage Act of 2013 ~~1984~~ or pursuant  
5 to a substantially similar statute in another state.

6 A criminal conviction of any offense pursuant to  
7 Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,  
8 11-1.70, 12C-5, 12C-10, 12C-35, 12C-40, 12C-45, 18-6,  
9 19-6, or Article 12 of the Criminal Code of 1961 or the  
10 Criminal Code of 2012 is not required.

11 (b) Where consents are required in the case of an adoption  
12 of a minor child, the consents of the following persons shall  
13 be sufficient:

14 (1) (A) The mother of the minor child; and

15 (B) The father of the minor child, if the father:

16 (i) was married to the mother on the date of  
17 birth of the child or within 300 days before the  
18 birth of the child, except for a husband or former  
19 husband who has been found by a court of competent  
20 jurisdiction not to be the biological father of the  
21 child; or

22 (ii) is the father of the child under a  
23 judgment for adoption, an order of parentage, or an  
24 acknowledgment of parentage or paternity pursuant  
25 to subsection (a) of Section 5 of the Illinois  
26 Parentage Act of 1984 or pursuant to Article 3 of

1           the Illinois Parentage Act of 2013; or

2           (iii) in the case of a child placed with the  
3           adopting parents less than 6 months after birth,  
4           openly lived with the child, the child's  
5           biological mother, or both, and held himself out to  
6           be the child's biological father during the first  
7           30 days following the birth of the child; or

8           (iv) in the case of a child placed with the  
9           adopting parents less than 6 months after birth,  
10          made a good faith effort to pay a reasonable amount  
11          of the expenses related to the birth of the child  
12          and to provide a reasonable amount for the  
13          financial support of the child before the  
14          expiration of 30 days following the birth of the  
15          child, provided that the court may consider in its  
16          determination all relevant circumstances,  
17          including the financial condition of both  
18          biological parents; or

19          (v) in the case of a child placed with the  
20          adopting parents more than 6 months after birth,  
21          has maintained substantial and continuous or  
22          repeated contact with the child as manifested by:  
23          (I) the payment by the father toward the support of  
24          the child of a fair and reasonable sum, according  
25          to the father's means, and either (II) the father's  
26          visiting the child at least monthly when

1 physically and financially able to do so and not  
2 prevented from doing so by the person or authorized  
3 agency having lawful custody of the child, or (III)  
4 the father's regular communication with the child  
5 or with the person or agency having the care or  
6 custody of the child, when physically and  
7 financially unable to visit the child or prevented  
8 from doing so by the person or authorized agency  
9 having lawful custody of the child. The subjective  
10 intent of the father, whether expressed or  
11 otherwise unsupported by evidence of acts  
12 specified in this sub-paragraph as manifesting  
13 such intent, shall not preclude a determination  
14 that the father failed to maintain substantial and  
15 continuous or repeated contact with the child; or

16 (vi) in the case of a child placed with the  
17 adopting parents more than six months after birth,  
18 openly lived with the child for a period of six  
19 months within the one year period immediately  
20 preceding the placement of the child for adoption  
21 and openly held himself out to be the father of the  
22 child; or

23 (vii) has timely registered with Putative  
24 Father Registry, as provided in Section 12.1 of  
25 this Act, and prior to the expiration of 30 days  
26 from the date of such registration, commenced

1 legal proceedings to establish paternity under the  
2 Illinois Parentage Act of 1984, under the Illinois  
3 Parentage Act of 2013, or under the law of the  
4 jurisdiction of the child's birth; or

5 (2) The legal guardian of the person of the child, if  
6 there is no surviving parent; or

7 (3) An agency, if the child has been surrendered for  
8 adoption to such agency; or

9 (4) Any person or agency having legal custody of a  
10 child by court order if the parental rights of the parents  
11 have been judicially terminated, and the court having  
12 jurisdiction of the guardianship of the child has  
13 authorized the consent to the adoption; or

14 (5) The execution and verification of the petition by  
15 any petitioner who is also a parent of the child sought to  
16 be adopted shall be sufficient evidence of such parent's  
17 consent to the adoption.

18 (c) Where surrenders to an agency are required in the case  
19 of a placement for adoption of a minor child by an agency, the  
20 surrenders of the following persons shall 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 a 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 six 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 the 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.

12 (d) In making a determination under subparagraphs (b) (1)  
13 and (c) (1), no showing shall be required of diligent efforts by  
14 a person or agency to encourage the father to perform the acts  
15 specified therein.

16 (e) In the case of the adoption of an adult, only the  
17 consent of such adult shall be required.

18 (Source: P.A. 97-493, eff. 8-22-11; 97-1150, eff. 1-25-13.)

19 (750 ILCS 50/12a) (from Ch. 40, par. 1515)

20 Sec. 12a. Notice to putative father.

21 1. Upon the written request to any Clerk of any Circuit  
22 Court, and upon the payment of a filing fee of \$10.00, by any  
23 interested party, including persons intending to adopt a child,  
24 a child welfare agency with whom the mother has placed or has  
25 given written notice of her intention to place a child for

1 adoption, the mother of a child, or any attorney representing  
2 an interested party, a notice, the declaration of paternity and  
3 the disclaimer of paternity may be served on a putative father  
4 in the same manner as Summons is served in other civil  
5 proceedings, or, in lieu of personal service, service may be  
6 made as follows:

7 (a) The person requesting notice shall pay to the Clerk  
8 of the Court a mailing fee of \$2 plus the cost of U. S.  
9 postage for certified or registered mail and furnish to the  
10 Clerk an original and one copy of a notice, the declaration  
11 of paternity and the disclaimer of paternity together with  
12 an Affidavit setting forth the putative father's last known  
13 address. The original notice, the declaration of paternity  
14 and the disclaimer of paternity shall be retained by the  
15 Clerk.

16 (b) The Clerk shall forthwith mail to the putative  
17 father, at the address appearing in the Affidavit, the copy  
18 of the notice, the declaration of paternity and the  
19 disclaimer of paternity, by certified mail, return receipt  
20 requested; the envelope and return receipt shall bear the  
21 return address of the Clerk. The receipt for certified mail  
22 shall state the name and address of the addressee, and the  
23 date of mailing, and shall be attached to the original  
24 notice.

25 (c) The return receipt, when returned to the Clerk,  
26 shall be attached to the original notice, the declaration



1 of paternity and the disclaimer of paternity, and shall  
2 constitute proof of service.

3 (d) The Clerk shall note the fact of service in a  
4 permanent record.

5 2. The notice shall be signed by the Clerk, and may be  
6 served on the putative father at any time after conception, and  
7 shall read as follows:

8 "IN THE MATTER OF NOTICE TO ....., PUTATIVE FATHER.

9 You have been identified as the father of a child born or  
10 expected to be born on or about (insert date).

11 The mother of the child is.....

12 The mother has indicated that she intends to place the  
13 child for adoption.

14 As the alleged father of the child, you have certain legal  
15 rights with respect to the child, including the right to notice  
16 of the filing of proceedings instituted for the adoption of the  
17 child. If you wish to retain your rights with respect to the  
18 child, you must file with the Clerk of this Circuit Court of  
19 .... County, Illinois, whose address is ....., Illinois, within  
20 30 days after the date of receipt of this notice, the  
21 declaration of paternity enclosed herewith stating that you  
22 are, in fact, the father of the child and that you intend to  
23 retain your legal rights with respect to the child, or request  
24 to be notified of any further proceedings with respect to  
25 custody or adoption of the child.

26 If you do not file such a declaration of paternity, or a

1 request for notice, then whatever legal rights you have with  
 2 respect to the child, including the right to notice of any  
 3 future proceedings for the adoption of the child, may be  
 4 terminated without any further notice to you. When your legal  
 5 rights with respect to the child are so terminated, you will  
 6 not be entitled to notice of any proceeding instituted for the  
 7 adoption of the child.

8 If you are not the father of the child, you may file with  
 9 the Clerk of this Court the disclaimer of paternity enclosed  
 10 herewith which will be noted in the Clerk's file and you will  
 11 receive no further notice with respect to the child."

12 The declaration of paternity shall be substantially as  
 13 follows:

14 "IN THE CIRCUIT COURT OF THE  
 15 ..... JUDICIAL CIRCUIT, ILLINOIS  
 16 ..... County  
 17 )  
 18 )  
 19 ) No. )  
 20 )

21 DECLARATION OF PATERNITY WITH ENTRY OF APPEARANCE

22 I, ....., state as follows:

23 (1) That I am ..... years of age; and I reside at  
 24 ..... in the County of ....., State of .....

25 (2) That I have been advised that ..... is the mother of  
 26 a ...male child named ..... born or expected to be born on

1 or about ..... and that such mother has stated that I am  
2 the father of this child.

3 (3) I declare that I am the father of this child.

4 (4) I understand that the mother of this child wishes to  
5 consent to the adoption of this child. I do not consent to the  
6 adoption of this child, and I understand that I must return  
7 this initial declaration of parentage form to the Clerk of the  
8 Circuit Court of ..... County, located at ....., within  
9 30 days of receipt of this notice.

10 (5) I further understand that I am also obligated to  
11 establish my paternity pursuant to the Illinois Parentage Act  
12 of 2013 ~~1984~~ within 30 days of my receiving this notice or, if  
13 the child is not yet born, within 30 days after the birth of  
14 the child. This proceeding is separate and distinct from the  
15 above mailing of initial declaration of paternity; in this  
16 second notice, I must state that I am, in fact, the father of  
17 said child, and that I intend to retain my legal rights with  
18 respect to said child, and request to be notified of any  
19 further proceedings with respect to custody or adoption of the  
20 child.

21 (6) I hereby enter my appearance in the above entitled  
22 cause.

23 OATH

24 I have been duly sworn and I say under oath that I have  
25 read and understand this Declaration of Paternity With Entry of  
26 Appearance. The facts that it contains are true and correct to

1 the best of my knowledge, and I understand that by signing this  
2 document I admit my paternity. I have signed this document as  
3 my free and voluntary act.

4 .....  
5 (signature)

6 Dated (insert date).

7 Signed and sworn before me on (insert date).

8 .....  
9 (notary public)".

10

11 The disclaimer of paternity shall be substantially as  
12 follows:

13 "IN THE CIRCUIT COURT OF THE  
14 ..... JUDICIAL CIRCUIT, ILLINOIS  
15 ..... County  
16 )  
17 )  
18 ) No. )  
19 )

20 DENIAL OF PATERNITY WITH ENTRY OF APPEARANCE  
21 AND CONSENT TO ADOPTION

22 I, ....., state as follows:

23 (1) That I am ..... years of age; and I reside at  
24 ..... in the County of ....., State of .....

25 (2) That I have been advised that ..... is the mother

1 of a .....male child named ..... born or expected to be born on  
2 or about ..... and that such mother has stated that I am the  
3 father of this child.

4 (3) I deny that I am the father of this child.

5 (4) I further understand that the mother of this child  
6 wishes to consent to the adoption of the child. I hereby  
7 consent to the adoption of this child, and waive any rights,  
8 remedies and defenses that I may now or in the future have as a  
9 result of the mother's allegation of the paternity of this  
10 child. This consent is being given in order to facilitate the  
11 adoption of the child and so that the court may terminate what  
12 rights I may have to the child as a result of being named the  
13 father by the mother. This consent is not in any manner an  
14 admission of paternity.

15 (5) I hereby enter my appearance in the above entitled  
16 cause and waive service of summons and other pleading.

17 OATH

18 I have been duly sworn and I say under oath that I have  
19 read and understood this Denial of Paternity With Entry of  
20 Appearance and Consent to Adoption. The facts it contains are  
21 true and correct to the best of my knowledge, and I understand  
22 that by signing this document I have not admitted paternity. I  
23 have signed this document as my free and voluntary act in order  
24 to facilitate the adoption of the child.

25 .....

26 (signature)

1 Dated (insert date).

2 Signed and sworn before me on (insert date).

3 .....

4 (notary public)".

5

6 The names of adoptive parents shall not be included in the  
7 notice.

8 3. If the putative father files a disclaimer of paternity,  
9 he shall be deemed not to be the father of the child with  
10 respect to any adoption or other proceeding held to terminate  
11 the rights of parents as respects such child.

12 4. In the event the putative father does not file a  
13 declaration of paternity of the child or request for notice  
14 within 30 days of service of the above notice, he need not be  
15 made a party to or given notice of any proceeding brought for  
16 the adoption of the child. An Order or judgment may be entered  
17 in such proceeding terminating all of his rights with respect  
18 to the child without further notice to him.

19 5. If the putative father files a declaration of paternity  
20 or a request for notice in accordance with subsection 2, with  
21 respect to the child, he shall be given notice in event any  
22 proceeding is brought for the adoption of the child.

23 6. The Clerk shall maintain separate numbered files and  
24 records of requests and proofs of service and all other  
25 documents filed pursuant to this article. All such records

1 shall be impounded.

2 (Source: P.A. 91-357, eff. 7-29-99.)

3 (750 ILCS 50/18.06)

4 Sec. 18.06. Definitions. When used in Sections 18.05  
5 through Section 18.6, for the purposes of the Registry:

6 "Adopted person" means a person who was adopted pursuant to  
7 the laws in effect at the time of the adoption.

8 "Adoptive parent" means a person who has become a parent  
9 through the legal process of adoption.

10 "Adult child" means the biological child 21 years of age or  
11 over of a deceased adopted or surrendered person.

12 "Adult Adopted or Surrendered Person" means an adopted or  
13 surrendered person 21 years of age or over.

14 "Agency" means a public child welfare agency or a licensed  
15 child welfare agency.

16 "Birth aunt" means the adult full or half sister of a  
17 deceased birth parent.

18 "Birth father" means the biological father of an adopted or  
19 surrendered person who is named on the original certificate of  
20 live birth or on a consent or surrender document, or a  
21 biological father whose paternity has been established by a  
22 judgment or order of the court, pursuant to the Illinois  
23 Parentage Act of 1984 or the Illinois Parentage Act of 2013.

24 "Birth mother" means the biological mother of an adopted or  
25 surrendered person.

1 "Birth parent" means a birth mother or birth father of an  
2 adopted or surrendered person.

3 "Birth Parent Preference Form" means the form prepared by  
4 the Department of Public Health pursuant to Section 18.2  
5 completed by a birth parent registrant and filed with the  
6 Registry that indicates the birth parent's preferences  
7 regarding contact and, if applicable, the release of his or her  
8 identifying information on the non-certified copy of the  
9 original birth certificate released to an adult adopted or  
10 surrendered person or to the surviving adult child or surviving  
11 spouse of a deceased adopted or surrendered person who has  
12 filed a Request for a Non-Certified Copy of an Original Birth  
13 Certificate.

14 "Birth relative" means a birth mother, birth father, birth  
15 sibling, birth aunt, or birth uncle.

16 "Birth sibling" means the adult full or half sibling of an  
17 adopted or surrendered person.

18 "Birth uncle" means the adult full or half brother of a  
19 deceased birth parent.

20 "Confidential intermediary" means an individual certified  
21 by the Department of Children and Family Services pursuant to  
22 Section 18.3a(e).

23 "Denial of Information Exchange" means an affidavit  
24 completed by a registrant with the Illinois Adoption Registry  
25 and Medical Information Exchange denying the release of  
26 identifying information which has been filed with the Registry.



1 "Information Exchange Authorization" means an affidavit  
2 completed by a registrant with the Illinois Adoption Registry  
3 and Medical Information Exchange authorizing the release of  
4 identifying information which has been filed with the Registry.

5 "Medical Information Exchange Questionnaire" means the  
6 medical history questionnaire completed by a registrant of the  
7 Illinois Adoption Registry and Medical Information Exchange.

8 "Non-certified Copy of the Original Birth Certificate"  
9 means a non-certified copy of the original certificate of live  
10 birth of an adult adopted or surrendered person who was born in  
11 Illinois.

12 "Proof of death" means a death certificate.

13 "Registrant" or "Registered Party" means a birth parent,  
14 birth sibling, birth aunt, birth uncle, adopted or surrendered  
15 person 21 years of age or over, adoptive parent or legal  
16 guardian of an adopted or surrendered person under the age of  
17 21, or adoptive parent, surviving spouse, or adult child of a  
18 deceased adopted or surrendered person who has filed an  
19 Illinois Adoption Registry Application or Registration  
20 Identification Form with the Registry.

21 "Registry" means the Illinois Adoption Registry and  
22 Medical Information Exchange.

23 "Request for a Non-Certified Copy of an Original Birth  
24 Certificate" means an affidavit completed by an adult adopted  
25 or surrendered person or by the surviving adult child or  
26 surviving spouse of a deceased adopted or surrendered person

1 and filed with the Registry requesting a non-certified copy of  
2 an adult adopted or surrendered person's original certificate  
3 of live birth in Illinois.

4 "Surrendered person" means a person whose parents' rights  
5 have been surrendered or terminated but who has not been  
6 adopted.

7 "Surviving spouse" means the wife or husband, 21 years of  
8 age or older, of a deceased adopted or surrendered person who  
9 would be 21 years of age or older if still alive and who has one  
10 or more surviving biological children who are under the age of  
11 21.

12 "18.3 Statement" means a statement regarding the  
13 disclosure of identifying information signed by a birth parent  
14 under Section 18.3 of this Act as it existed immediately prior  
15 to the effective date of this amendatory Act of the 96th  
16 General Assembly.

17 (Source: P.A. 96-895, eff. 5-21-10; 97-110, eff. 7-14-11.)

18 Section 973. The Illinois Domestic Violence Act of 1986 is  
19 amended by changing Sections 202 and 214 as follows:

20 (750 ILCS 60/202) (from Ch. 40, par. 2312-2)

21 Sec. 202. Commencement of action; filing fees; dismissal.

22 (a) How to commence action. Actions for orders of  
23 protection are commenced:

24 (1) Independently: By filing a petition for an order of

1 protection in any civil court, unless specific courts are  
2 designated by local rule or order.

3 (2) In conjunction with another civil proceeding: By  
4 filing a petition for an order of protection under the same  
5 case number as another civil proceeding involving the  
6 parties, including but not limited to: (i) any proceeding  
7 under the Illinois Marriage and Dissolution of Marriage  
8 Act, Illinois Parentage Act of 2013 ~~1984~~, Nonsupport of  
9 Spouse and Children Act, Revised Uniform Reciprocal  
10 Enforcement of Support Act or an action for nonsupport  
11 brought under Article 10 of the Illinois Public Aid Code,  
12 provided that a petitioner and the respondent are a party  
13 to or the subject of that proceeding or (ii) a guardianship  
14 proceeding under the Probate Act of 1975, or a proceeding  
15 for involuntary commitment under the Mental Health and  
16 Developmental Disabilities Code, or any proceeding, other  
17 than a delinquency petition, under the Juvenile Court Act  
18 of 1987, provided that a petitioner or the respondent is a  
19 party to or the subject of such proceeding.

20 (3) In conjunction with a delinquency petition or a  
21 criminal prosecution: By filing a petition for an order of  
22 protection, under the same case number as the delinquency  
23 petition or criminal prosecution, to be granted during  
24 pre-trial release of a defendant, with any dispositional  
25 order issued under Section 5-710 of the Juvenile Court Act  
26 of 1987 or as a condition of release, supervision,

1 conditional discharge, probation, periodic imprisonment,  
2 parole or mandatory supervised release, or in conjunction  
3 with imprisonment or a bond forfeiture warrant; provided  
4 that:

5 (i) the violation is alleged in an information,  
6 complaint, indictment or delinquency petition on file,  
7 and the alleged offender and victim are family or  
8 household members or persons protected by this Act; and

9 (ii) the petition, which is filed by the State's  
10 Attorney, names a victim of the alleged crime as a  
11 petitioner.

12 (b) Filing, certification, and service fees. No fee shall  
13 be charged by the clerk for filing, amending, vacating,  
14 certifying, or photocopying petitions or orders; or for issuing  
15 alias summons; or for any related filing service. No fee shall  
16 be charged by the sheriff for service by the sheriff of a  
17 petition, rule, motion, or order in an action commenced under  
18 this Section.

19 (c) Dismissal and consolidation. Withdrawal or dismissal  
20 of any petition for an order of protection prior to  
21 adjudication where the petitioner is represented by the State  
22 shall operate as a dismissal without prejudice. No action for  
23 an order of protection shall be dismissed because the  
24 respondent is being prosecuted for a crime against the  
25 petitioner. An independent action may be consolidated with  
26 another civil proceeding, as provided by paragraph (2) of

1 subsection (a) of this Section. For any action commenced under  
2 paragraph (2) or (3) of subsection (a) of this Section,  
3 dismissal of the conjoined case (or a finding of not guilty)  
4 shall not require dismissal of the action for the order of  
5 protection; instead, it may be treated as an independent action  
6 and, if necessary and appropriate, transferred to a different  
7 court or division. Dismissal of any conjoined case shall not  
8 affect the validity of any previously issued order of  
9 protection, and thereafter subsections (b) (1) and (b) (2) of  
10 Section 220 shall be inapplicable to such order.

11 (d) Pro se petitions. The court shall provide, through the  
12 office of the clerk of the court, simplified forms and clerical  
13 assistance to help with the writing and filing of a petition  
14 under this Section by any person not represented by counsel. In  
15 addition, that assistance may be provided by the state's  
16 attorney.

17 (Source: P.A. 93-458, eff. 1-1-04.)

18 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

19 Sec. 214. Order of protection; remedies.

20 (a) Issuance of order. If the court finds that petitioner  
21 has been abused by a family or household member or that  
22 petitioner is a high-risk adult who has been abused, neglected,  
23 or exploited, as defined in this Act, an order of protection  
24 prohibiting the abuse, neglect, or exploitation shall issue;  
25 provided that petitioner must also satisfy the requirements of

1 one of the following Sections, as appropriate: Section 217 on  
2 emergency orders, Section 218 on interim orders, or Section 219  
3 on plenary orders. Petitioner shall not be denied an order of  
4 protection because petitioner or respondent is a minor. The  
5 court, when determining whether or not to issue an order of  
6 protection, shall not require physical manifestations of abuse  
7 on the person of the victim. Modification and extension of  
8 prior orders of protection shall be in accordance with this  
9 Act.

10 (b) Remedies and standards. The remedies to be included in  
11 an order of protection shall be determined in accordance with  
12 this Section and one of the following Sections, as appropriate:  
13 Section 217 on emergency orders, Section 218 on interim orders,  
14 and Section 219 on plenary orders. The remedies listed in this  
15 subsection shall be in addition to other civil or criminal  
16 remedies available to petitioner.

17 (1) Prohibition of abuse, neglect, or exploitation.  
18 Prohibit respondent's harassment, interference with  
19 personal liberty, intimidation of a dependent, physical  
20 abuse, or willful deprivation, neglect or exploitation, as  
21 defined in this Act, or stalking of the petitioner, as  
22 defined in Section 12-7.3 of the Criminal Code of 2012, if  
23 such abuse, neglect, exploitation, or stalking has  
24 occurred or otherwise appears likely to occur if not  
25 prohibited.

26 (2) Grant of exclusive possession of residence.

1 Prohibit respondent from entering or remaining in any  
2 residence, household, or premises of the petitioner,  
3 including one owned or leased by respondent, if petitioner  
4 has a right to occupancy thereof. The grant of exclusive  
5 possession of the residence, household, or premises shall  
6 not affect title to real property, nor shall the court be  
7 limited by the standard set forth in Section 701 of the  
8 Illinois Marriage and Dissolution of Marriage Act.

9 (A) Right to occupancy. A party has a right to  
10 occupancy of a residence or household if it is solely  
11 or jointly owned or leased by that party, that party's  
12 spouse, a person with a legal duty to support that  
13 party or a minor child in that party's care, or by any  
14 person or entity other than the opposing party that  
15 authorizes that party's occupancy (e.g., a domestic  
16 violence shelter). Standards set forth in subparagraph  
17 (B) shall not preclude equitable relief.

18 (B) Presumption of hardships. If petitioner and  
19 respondent each has the right to occupancy of a  
20 residence or household, the court shall balance (i) the  
21 hardships to respondent and any minor child or  
22 dependent adult in respondent's care resulting from  
23 entry of this remedy with (ii) the hardships to  
24 petitioner and any minor child or dependent adult in  
25 petitioner's care resulting from continued exposure to  
26 the risk of abuse (should petitioner remain at the

1 residence or household) or from loss of possession of  
2 the residence or household (should petitioner leave to  
3 avoid the risk of abuse). When determining the balance  
4 of hardships, the court shall also take into account  
5 the accessibility of the residence or household.  
6 Hardships need not be balanced if respondent does not  
7 have a right to occupancy.

8 The balance of hardships is presumed to favor  
9 possession by petitioner unless the presumption is  
10 rebutted by a preponderance of the evidence, showing  
11 that the hardships to respondent substantially  
12 outweigh the hardships to petitioner and any minor  
13 child or dependent adult in petitioner's care. The  
14 court, on the request of petitioner or on its own  
15 motion, may order respondent to provide suitable,  
16 accessible, alternate housing for petitioner instead  
17 of excluding respondent from a mutual residence or  
18 household.

19 (3) Stay away order and additional prohibitions. Order  
20 respondent to stay away from petitioner or any other person  
21 protected by the order of protection, or prohibit  
22 respondent from entering or remaining present at  
23 petitioner's school, place of employment, or other  
24 specified places at times when petitioner is present, or  
25 both, if reasonable, given the balance of hardships.  
26 Hardships need not be balanced for the court to enter a



1 stay away order or prohibit entry if respondent has no  
2 right to enter the premises.

3 (A) If an order of protection grants petitioner  
4 exclusive possession of the residence, or prohibits  
5 respondent from entering the residence, or orders  
6 respondent to stay away from petitioner or other  
7 protected persons, then the court may allow respondent  
8 access to the residence to remove items of clothing and  
9 personal adornment used exclusively by respondent,  
10 medications, and other items as the court directs. The  
11 right to access shall be exercised on only one occasion  
12 as the court directs and in the presence of an  
13 agreed-upon adult third party or law enforcement  
14 officer.

15 (B) When the petitioner and the respondent attend  
16 the same public, private, or non-public elementary,  
17 middle, or high school, the court when issuing an order  
18 of protection and providing relief shall consider the  
19 severity of the act, any continuing physical danger or  
20 emotional distress to the petitioner, the educational  
21 rights guaranteed to the petitioner and respondent  
22 under federal and State law, the availability of a  
23 transfer of the respondent to another school, a change  
24 of placement or a change of program of the respondent,  
25 the expense, difficulty, and educational disruption  
26 that would be caused by a transfer of the respondent to

1 another school, and any other relevant facts of the  
2 case. The court may order that the respondent not  
3 attend the public, private, or non-public elementary,  
4 middle, or high school attended by the petitioner,  
5 order that the respondent accept a change of placement  
6 or change of program, as determined by the school  
7 district or private or non-public school, or place  
8 restrictions on the respondent's movements within the  
9 school attended by the petitioner. The respondent  
10 bears the burden of proving by a preponderance of the  
11 evidence that a transfer, change of placement, or  
12 change of program of the respondent is not available.  
13 The respondent also bears the burden of production with  
14 respect to the expense, difficulty, and educational  
15 disruption that would be caused by a transfer of the  
16 respondent to another school. A transfer, change of  
17 placement, or change of program is not unavailable to  
18 the respondent solely on the ground that the respondent  
19 does not agree with the school district's or private or  
20 non-public school's transfer, change of placement, or  
21 change of program or solely on the ground that the  
22 respondent fails or refuses to consent or otherwise  
23 does not take an action required to effectuate a  
24 transfer, change of placement, or change of program.  
25 When a court orders a respondent to stay away from the  
26 public, private, or non-public school attended by the

1           petitioner and the respondent requests a transfer to  
2           another attendance center within the respondent's  
3           school district or private or non-public school, the  
4           school district or private or non-public school shall  
5           have sole discretion to determine the attendance  
6           center to which the respondent is transferred. In the  
7           event the court order results in a transfer of the  
8           minor respondent to another attendance center, a  
9           change in the respondent's placement, or a change of  
10          the respondent's program, the parents, guardian, or  
11          legal custodian of the respondent is responsible for  
12          transportation and other costs associated with the  
13          transfer or change.

14                (C) The court may order the parents, guardian, or  
15          legal custodian of a minor respondent to take certain  
16          actions or to refrain from taking certain actions to  
17          ensure that the respondent complies with the order. In  
18          the event the court orders a transfer of the respondent  
19          to another school, the parents, guardian, or legal  
20          custodian of the respondent is responsible for  
21          transportation and other costs associated with the  
22          change of school by the respondent.

23                (4) Counseling. Require or recommend the respondent to  
24          undergo counseling for a specified duration with a social  
25          worker, psychologist, clinical psychologist, psychiatrist,  
26          family service agency, alcohol or substance abuse program,

1 mental health center guidance counselor, agency providing  
2 services to elders, program designed for domestic violence  
3 abusers or any other guidance service the court deems  
4 appropriate. The Court may order the respondent in any  
5 intimate partner relationship to report to an Illinois  
6 Department of Human Services protocol approved partner  
7 abuse intervention program for an assessment and to follow  
8 all recommended treatment.

9 (5) Physical care and possession of the minor child. In  
10 order to protect the minor child from abuse, neglect, or  
11 unwarranted separation from the person who has been the  
12 minor child's primary caretaker, or to otherwise protect  
13 the well-being of the minor child, the court may do either  
14 or both of the following: (i) grant petitioner physical  
15 care or possession of the minor child, or both, or (ii)  
16 order respondent to return a minor child to, or not remove  
17 a minor child from, the physical care of a parent or person  
18 in loco parentis.

19 If a court finds, after a hearing, that respondent has  
20 committed abuse (as defined in Section 103) of a minor  
21 child, there shall be a rebuttable presumption that  
22 awarding physical care to respondent would not be in the  
23 minor child's best interest.

24 (6) Temporary legal custody. Award temporary legal  
25 custody to petitioner in accordance with this Section, the  
26 Illinois Marriage and Dissolution of Marriage Act, the

1 Illinois Parentage Act of 2013 ~~1984~~, and this State's  
2 Uniform Child-Custody Jurisdiction and Enforcement Act.

3 If a court finds, after a hearing, that respondent has  
4 committed abuse (as defined in Section 103) of a minor  
5 child, there shall be a rebuttable presumption that  
6 awarding temporary legal custody to respondent would not be  
7 in the child's best interest.

8 (7) Visitation. Determine the visitation rights, if  
9 any, of respondent in any case in which the court awards  
10 physical care or temporary legal custody of a minor child  
11 to petitioner. The court shall restrict or deny  
12 respondent's visitation with a minor child if the court  
13 finds that respondent has done or is likely to do any of  
14 the following: (i) abuse or endanger the minor child during  
15 visitation; (ii) use the visitation as an opportunity to  
16 abuse or harass petitioner or petitioner's family or  
17 household members; (iii) improperly conceal or detain the  
18 minor child; or (iv) otherwise act in a manner that is not  
19 in the best interests of the minor child. The court shall  
20 not be limited by the standards set forth in Section 607.1  
21 of the Illinois Marriage and Dissolution of Marriage Act.  
22 If the court grants visitation, the order shall specify  
23 dates and times for the visitation to take place or other  
24 specific parameters or conditions that are appropriate. No  
25 order for visitation shall refer merely to the term  
26 "reasonable visitation".

1           Petitioner may deny respondent access to the minor  
2 child if, when respondent arrives for visitation,  
3 respondent is under the influence of drugs or alcohol and  
4 constitutes a threat to the safety and well-being of  
5 petitioner or petitioner's minor children or is behaving in  
6 a violent or abusive manner.

7           If necessary to protect any member of petitioner's  
8 family or household from future abuse, respondent shall be  
9 prohibited from coming to petitioner's residence to meet  
10 the minor child for visitation, and the parties shall  
11 submit to the court their recommendations for reasonable  
12 alternative arrangements for visitation. A person may be  
13 approved to supervise visitation only after filing an  
14 affidavit accepting that responsibility and acknowledging  
15 accountability to the court.

16           (8) Removal or concealment of minor child. Prohibit  
17 respondent from removing a minor child from the State or  
18 concealing the child within the State.

19           (9) Order to appear. Order the respondent to appear in  
20 court, alone or with a minor child, to prevent abuse,  
21 neglect, removal or concealment of the child, to return the  
22 child to the custody or care of the petitioner or to permit  
23 any court-ordered interview or examination of the child or  
24 the respondent.

25           (10) Possession of personal property. Grant petitioner  
26 exclusive possession of personal property and, if

1           respondent has possession or control, direct respondent to  
2 promptly make it available to petitioner, if:

3           (i) petitioner, but not respondent, owns the  
4 property; or

5           (ii) the parties own the property jointly; sharing  
6 it would risk abuse of petitioner by respondent or is  
7 impracticable; and the balance of hardships favors  
8 temporary possession by petitioner.

9           If petitioner's sole claim to ownership of the property  
10 is that it is marital property, the court may award  
11 petitioner temporary possession thereof under the  
12 standards of subparagraph (ii) of this paragraph only if a  
13 proper proceeding has been filed under the Illinois  
14 Marriage and Dissolution of Marriage Act, as now or  
15 hereafter amended.

16           No order under this provision shall affect title to  
17 property.

18           (11) Protection of property. Forbid the respondent  
19 from taking, transferring, encumbering, concealing,  
20 damaging or otherwise disposing of any real or personal  
21 property, except as explicitly authorized by the court, if:

22           (i) petitioner, but not respondent, owns the  
23 property; or

24           (ii) the parties own the property jointly, and the  
25 balance of hardships favors granting this remedy.

26           If petitioner's sole claim to ownership of the property

1 is that it is marital property, the court may grant  
2 petitioner relief under subparagraph (ii) of this  
3 paragraph only if a proper proceeding has been filed under  
4 the Illinois Marriage and Dissolution of Marriage Act, as  
5 now or hereafter amended.

6 The court may further prohibit respondent from  
7 improperly using the financial or other resources of an  
8 aged member of the family or household for the profit or  
9 advantage of respondent or of any other person.

10 (11.5) Protection of animals. Grant the petitioner the  
11 exclusive care, custody, or control of any animal owned,  
12 possessed, leased, kept, or held by either the petitioner  
13 or the respondent or a minor child residing in the  
14 residence or household of either the petitioner or the  
15 respondent and order the respondent to stay away from the  
16 animal and forbid the respondent from taking,  
17 transferring, encumbering, concealing, harming, or  
18 otherwise disposing of the animal.

19 (12) Order for payment of support. Order respondent to  
20 pay temporary support for the petitioner or any child in  
21 the petitioner's care or custody, when the respondent has a  
22 legal obligation to support that person, in accordance with  
23 the Illinois Marriage and Dissolution of Marriage Act,  
24 which shall govern, among other matters, the amount of  
25 support, payment through the clerk and withholding of  
26 income to secure payment. An order for child support may be



1 granted to a petitioner with lawful physical care or  
2 custody of a child, or an order or agreement for physical  
3 care or custody, prior to entry of an order for legal  
4 custody. Such a support order shall expire upon entry of a  
5 valid order granting legal custody to another, unless  
6 otherwise provided in the custody order.

7 (13) Order for payment of losses. Order respondent to  
8 pay petitioner for losses suffered as a direct result of  
9 the abuse, neglect, or exploitation. Such losses shall  
10 include, but not be limited to, medical expenses, lost  
11 earnings or other support, repair or replacement of  
12 property damaged or taken, reasonable attorney's fees,  
13 court costs and moving or other travel expenses, including  
14 additional reasonable expenses for temporary shelter and  
15 restaurant meals.

16 (i) Losses affecting family needs. If a party is  
17 entitled to seek maintenance, child support or  
18 property distribution from the other party under the  
19 Illinois Marriage and Dissolution of Marriage Act, as  
20 now or hereafter amended, the court may order  
21 respondent to reimburse petitioner's actual losses, to  
22 the extent that such reimbursement would be  
23 "appropriate temporary relief", as authorized by  
24 subsection (a) (3) of Section 501 of that Act.

25 (ii) Recovery of expenses. In the case of an  
26 improper concealment or removal of a minor child, the

1 court may order respondent to pay the reasonable  
2 expenses incurred or to be incurred in the search for  
3 and recovery of the minor child, including but not  
4 limited to legal fees, court costs, private  
5 investigator fees, and travel costs.

6 (14) Prohibition of entry. Prohibit the respondent  
7 from entering or remaining in the residence or household  
8 while the respondent is under the influence of alcohol or  
9 drugs and constitutes a threat to the safety and well-being  
10 of the petitioner or the petitioner's children.

11 (14.5) Prohibition of firearm possession.

12 (a) Prohibit a respondent against whom an order of  
13 protection was issued from possessing any firearms  
14 during the duration of the order if the order:

15 (1) was issued after a hearing of which such  
16 person received actual notice, and at which such  
17 person had an opportunity to participate;

18 (2) restrains such person from harassing,  
19 stalking, or threatening an intimate partner of  
20 such person or child of such intimate partner or  
21 person, or engaging in other conduct that would  
22 place an intimate partner in reasonable fear of  
23 bodily injury to the partner or child; and

24 (3) (i) includes a finding that such person  
25 represents a credible threat to the physical  
26 safety of such intimate partner or child; or (ii)

1           by its terms explicitly prohibits the use,  
2           attempted use, or threatened use of physical force  
3           against such intimate partner or child that would  
4           reasonably be expected to cause bodily injury.

5           Any Firearm Owner's Identification Card in the  
6           possession of the respondent, except as provided in  
7           subsection (b), shall be ordered by the court to be  
8           turned over to the local law enforcement agency. The  
9           local law enforcement agency shall immediately mail  
10          the card to the Department of State Police Firearm  
11          Owner's Identification Card Office for safekeeping.  
12          The court shall issue a warrant for seizure of any  
13          firearm in the possession of the respondent, to be kept  
14          by the local law enforcement agency for safekeeping,  
15          except as provided in subsection (b). The period of  
16          safekeeping shall be for the duration of the order of  
17          protection. The firearm or firearms and Firearm  
18          Owner's Identification Card, if unexpired, shall at  
19          the respondent's request, be returned to the  
20          respondent at the end of the order of protection. It is  
21          the respondent's responsibility to notify the  
22          Department of State Police Firearm Owner's  
23          Identification Card Office.

24           (b) If the respondent is a peace officer as defined  
25          in Section 2-13 of the Criminal Code of 2012, the court  
26          shall order that any firearms used by the respondent in

1           the performance of his or her duties as a peace officer  
2           be surrendered to the chief law enforcement executive  
3           of the agency in which the respondent is employed, who  
4           shall retain the firearms for safekeeping for the  
5           duration of the order of protection.

6           (c) Upon expiration of the period of safekeeping,  
7           if the firearms or Firearm Owner's Identification Card  
8           cannot be returned to respondent because respondent  
9           cannot be located, fails to respond to requests to  
10          retrieve the firearms, or is not lawfully eligible to  
11          possess a firearm, upon petition from the local law  
12          enforcement agency, the court may order the local law  
13          enforcement agency to destroy the firearms, use the  
14          firearms for training purposes, or for any other  
15          application as deemed appropriate by the local law  
16          enforcement agency; or that the firearms be turned over  
17          to a third party who is lawfully eligible to possess  
18          firearms, and who does not reside with respondent.

19          (15) Prohibition of access to records. If an order of  
20          protection prohibits respondent from having contact with  
21          the minor child, or if petitioner's address is omitted  
22          under subsection (b) of Section 203, or if necessary to  
23          prevent abuse or wrongful removal or concealment of a minor  
24          child, the order shall deny respondent access to, and  
25          prohibit respondent from inspecting, obtaining, or  
26          attempting to inspect or obtain, school or any other

1 records of the minor child who is in the care of  
2 petitioner.

3 (16) Order for payment of shelter services. Order  
4 respondent to reimburse a shelter providing temporary  
5 housing and counseling services to the petitioner for the  
6 cost of the services, as certified by the shelter and  
7 deemed reasonable by the court.

8 (17) Order for injunctive relief. Enter injunctive  
9 relief necessary or appropriate to prevent further abuse of  
10 a family or household member or further abuse, neglect, or  
11 exploitation of a high-risk adult with disabilities or to  
12 effectuate one of the granted remedies, if supported by the  
13 balance of hardships. If the harm to be prevented by the  
14 injunction is abuse or any other harm that one of the  
15 remedies listed in paragraphs (1) through (16) of this  
16 subsection is designed to prevent, no further evidence is  
17 necessary that the harm is an irreparable injury.

18 (c) Relevant factors; findings.

19 (1) In determining whether to grant a specific remedy,  
20 other than payment of support, the court shall consider  
21 relevant factors, including but not limited to the  
22 following:

23 (i) the nature, frequency, severity, pattern and  
24 consequences of the respondent's past abuse, neglect  
25 or exploitation of the petitioner or any family or  
26 household member, including the concealment of his or

1 her location in order to evade service of process or  
2 notice, and the likelihood of danger of future abuse,  
3 neglect, or exploitation to petitioner or any member of  
4 petitioner's or respondent's family or household; and

5 (ii) the danger that any minor child will be abused  
6 or neglected or improperly removed from the  
7 jurisdiction, improperly concealed within the State or  
8 improperly separated from the child's primary  
9 caretaker.

10 (2) In comparing relative hardships resulting to the  
11 parties from loss of possession of the family home, the  
12 court shall consider relevant factors, including but not  
13 limited to the following:

14 (i) availability, accessibility, cost, safety,  
15 adequacy, location and other characteristics of  
16 alternate housing for each party and any minor child or  
17 dependent adult in the party's care;

18 (ii) the effect on the party's employment; and

19 (iii) the effect on the relationship of the party,  
20 and any minor child or dependent adult in the party's  
21 care, to family, school, church and community.

22 (3) Subject to the exceptions set forth in paragraph  
23 (4) of this subsection, the court shall make its findings  
24 in an official record or in writing, and shall at a minimum  
25 set forth the following:

26 (i) That the court has considered the applicable

1 relevant factors described in paragraphs (1) and (2) of  
2 this subsection.

3 (ii) Whether the conduct or actions of respondent,  
4 unless prohibited, will likely cause irreparable harm  
5 or continued abuse.

6 (iii) Whether it is necessary to grant the  
7 requested relief in order to protect petitioner or  
8 other alleged abused persons.

9 (4) For purposes of issuing an ex parte emergency order  
10 of protection, the court, as an alternative to or as a  
11 supplement to making the findings described in paragraphs  
12 (c) (3) (i) through (c) (3) (iii) of this subsection, may use  
13 the following procedure:

14 When a verified petition for an emergency order of  
15 protection in accordance with the requirements of Sections  
16 203 and 217 is presented to the court, the court shall  
17 examine petitioner on oath or affirmation. An emergency  
18 order of protection shall be issued by the court if it  
19 appears from the contents of the petition and the  
20 examination of petitioner that the averments are  
21 sufficient to indicate abuse by respondent and to support  
22 the granting of relief under the issuance of the emergency  
23 order of protection.

24 (5) Never married parties. No rights or  
25 responsibilities for a minor child born outside of marriage  
26 attach to a putative father until a father and child

1 relationship has been established under the Illinois  
2 Parentage Act of 1984, the Illinois Parentage Act of 2013,  
3 the Illinois Public Aid Code, Section 12 of the Vital  
4 Records Act, the Juvenile Court Act of 1987, the Probate  
5 Act of 1985, the Revised Uniform Reciprocal Enforcement of  
6 Support Act, the Uniform Interstate Family Support Act, the  
7 Expedited Child Support Act of 1990, any judicial,  
8 administrative, or other act of another state or territory,  
9 any other Illinois statute, or by any foreign nation  
10 establishing the father and child relationship, any other  
11 proceeding substantially in conformity with the Personal  
12 Responsibility and Work Opportunity Reconciliation Act of  
13 1996 (Pub. L. 104-193), or where both parties appeared in  
14 open court or at an administrative hearing acknowledging  
15 under oath or admitting by affirmation the existence of a  
16 father and child relationship. Absent such an  
17 adjudication, finding, or acknowledgement, no putative  
18 father shall be granted temporary custody of the minor  
19 child, visitation with the minor child, or physical care  
20 and possession of the minor child, nor shall an order of  
21 payment for support of the minor child be entered.

22 (d) Balance of hardships; findings. If the court finds that  
23 the balance of hardships does not support the granting of a  
24 remedy governed by paragraph (2), (3), (10), (11), or (16) of  
25 subsection (b) of this Section, which may require such  
26 balancing, the court's findings shall so indicate and shall



1 include a finding as to whether granting the remedy will result  
2 in hardship to respondent that would substantially outweigh the  
3 hardship to petitioner from denial of the remedy. The findings  
4 shall be an official record or in writing.

5 (e) Denial of remedies. Denial of any remedy shall not be  
6 based, in whole or in part, on evidence that:

7 (1) Respondent has cause for any use of force, unless  
8 that cause satisfies the standards for justifiable use of  
9 force provided by Article 7 of the Criminal Code of 2012;

10 (2) Respondent was voluntarily intoxicated;

11 (3) Petitioner acted in self-defense or defense of  
12 another, provided that, if petitioner utilized force, such  
13 force was justifiable under Article 7 of the Criminal Code  
14 of 2012;

15 (4) Petitioner did not act in self-defense or defense  
16 of another;

17 (5) Petitioner left the residence or household to avoid  
18 further abuse, neglect, or exploitation by respondent;

19 (6) Petitioner did not leave the residence or household  
20 to avoid further abuse, neglect, or exploitation by  
21 respondent;

22 (7) Conduct by any family or household member excused  
23 the abuse, neglect, or exploitation by respondent, unless  
24 that same conduct would have excused such abuse, neglect,  
25 or exploitation if the parties had not been family or  
26 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; 97-294, eff. 1-1-12; 97-813, eff. 7-13-12;  
3 97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13.)

4 Section 974. The Business Corporation Act of 1983 is  
5 amended by changing Section 1.25 as follows:

6 (805 ILCS 5/1.25) (from Ch. 32, par. 1.25)

7 Sec. 1.25. List of corporations; exchange of information.

8 (a) The Secretary of State shall publish each year a list  
9 of corporations filing an annual report for the preceding year  
10 in accordance with the provisions of this Act, which report  
11 shall state the name of the corporation and the respective  
12 names and addresses of the president, secretary, and registered  
13 agent thereof and the address of the registered office in this  
14 State of each such corporation. The Secretary of State shall  
15 furnish without charge a copy of such report to each recorder  
16 of this State, and to each member of the General Assembly and  
17 to each State agency or department requesting the same. The  
18 Secretary of State shall, upon receipt of a written request and  
19 a fee as determined by the Secretary, furnish such report to  
20 anyone else.

21 (b) (1) The Secretary of State shall publish daily a list  
22 of all newly formed corporations, business and not for profit,  
23 chartered by him on that day issued after receipt of the  
24 application. The daily list shall contain the same information

1 as to each corporation as is provided for the corporation list  
2 published under subsection (a) of this Section. The daily list  
3 may be obtained at the Secretary's office by any person,  
4 newspaper, State department or agency, or local government for  
5 a reasonable charge to be determined by the Secretary.  
6 Inspection of the daily list may be made at the Secretary's  
7 office during normal business hours without charge by any  
8 person, newspaper, State department or agency, or local  
9 government.

10 (2) The Secretary shall compile the daily list mentioned in  
11 paragraph (1) of subsection (b) of this Section monthly, or  
12 more often at the Secretary's discretion. The compilation shall  
13 be immediately mailed free of charge to all local governments  
14 requesting in writing receipt of such publication, or shall be  
15 automatically mailed by the Secretary without charge to local  
16 governments as determined by the Secretary. The Secretary shall  
17 mail a copy of the compilations free of charge to all State  
18 departments or agencies making a written request. A request for  
19 a compilation of the daily list once made by a local government  
20 or State department or agency need not be renewed. However, the  
21 Secretary may request from time to time whether the local  
22 governments or State departments or agencies desire to continue  
23 receiving the compilation.

24 (3) The compilations of the daily list mentioned in  
25 paragraph (2) of subsection (b) of this Section shall be mailed  
26 to newspapers, or any other person not included as a recipient

1 in paragraph (2) of subsection (b) of this Section, upon  
2 receipt of a written application signed by the applicant and  
3 accompanied by the payment of a fee as determined by the  
4 Secretary.

5 (c) If a domestic or foreign corporation has filed with the  
6 Secretary of State an annual report for the preceding year or  
7 has been newly formed or is otherwise and in any manner  
8 registered with the Secretary of State, the Secretary of State  
9 shall exchange with the Department of Healthcare and Family  
10 Services any information concerning that corporation that may  
11 be necessary for the enforcement of child support orders  
12 entered 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 Notwithstanding any provisions in this Act to the contrary,  
19 the Secretary of State shall not be liable to any person for  
20 any disclosure of information to the Department of Healthcare  
21 and Family Services (formerly Illinois Department of Public  
22 Aid) under this subsection or for any other action taken in  
23 good faith to comply with the requirements of this subsection.

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

25 Section 975. The Limited Liability Company Act is amended

1 by changing Section 50-5 as follows:

2 (805 ILCS 180/50-5)

3 Sec. 50-5. List of limited liability companies; exchange of  
4 information.

5 (a) The Secretary of State may publish a list or lists of  
6 limited liability companies and foreign limited liability  
7 companies, as often, in the format, and for the fees as the  
8 Secretary of State may in his or her discretion provide by  
9 rule. The Secretary of State may disseminate information  
10 concerning limited liability companies and foreign limited  
11 liability companies by computer network in the format and for  
12 the fees as may be determined by rule.

13 (b) Upon written request, any list published under  
14 subsection (a) shall be free to each member of the General  
15 Assembly, to each State agency or department, and to each  
16 recorder in this State. An appropriate fee established by rule  
17 to cover the cost of producing the list shall be charged to all  
18 others.

19 (c) If a domestic or foreign limited liability company has  
20 filed with the Secretary of State an annual report for the  
21 preceding year or has been newly formed or is otherwise and in  
22 any manner registered with the Secretary of State, the  
23 Secretary of State shall exchange with the Department of  
24 Healthcare and Family Services any information concerning that  
25 limited liability company 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 Dissolution  
3 of Marriage Act, the Non-Support of Spouse and Children Act,  
4 the Non-Support Punishment Act, the Revised Uniform Reciprocal  
5 Enforcement of Support Act, the Uniform Interstate Family  
6 Support Act, ~~or~~ the Illinois Parentage Act of 1984, or the  
7 Illinois Parentage Act of 2013.

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

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

15 (750 ILCS 40/Act rep.)

16 Section 976. The Illinois Parentage Act is repealed.

17 (750 ILCS 45/Act rep.)

18 Section 977. The Illinois Parentage Act of 1984 is  
19 repealed."